

case may be, justly, truly and impartially to value the damages which may be sustained by the owner or owners of said land, or materials acquired by said company; and the said jury, in estimating the damages aforesaid, supposed to be sustained by the owner or owners of the land required for the construction of said road, shall take into the estimate the benefits resulting to the said owner or owners for conducting this road through or along the land of such owner or owners, but only in extinguishment of the claim for damages, and the said jury shall reduce their verdict to writing in the shape of an inquisition, and sign and seal the same, and it shall then be returned by the said sheriff to the clerk of the Circuit court of Baltimore county, to be by him recorded, and either party shall have the right to appeal from the verdict of the said jury to the next Circuit court of the county, and the said damages shall be paid by said company into the hands of the sheriff, for the person or persons to whom the same is awarded, before said company shall proceed to make use of said land for the purposes of said road, or to remove said material, as the case may be; *Provided, however,* that said company shall have full power to enter upon and survey the land required, if necessary, as preliminary to such condemnation, and the justice, sheriff and clerk shall be entitled to receive the same fees for services under this act as they are allowed in similar cases, and the persons summoned as jurors shall receive one dollar per day during their attendance, which fees and allowance shall be paid by said company, and the said company or its agents shall have power to remove said materials required for the road as aforesaid across any lands not in grain, upon paying to the owner or owners thereof a reasonable compensation, to be ascertained as aforesaid by a jury, in case the privilege cannot be obtained by agreement.

CHAP. 113.

Verdict to be returned to clerk of Circuit court.

Proviso.

SEC. 11. *And be it enacted,* That when said road is finished and perfected as far as the Rolling road, or as far as the Sulpher Spring road, in the manner prescribed in the eighth section of this act, the said company shall be authorised to erect a toll gate thereon, and receive and demand for travel thereon, at the following rates per mile for every mile so finished and perfected, viz: for every wagon, or carriage of any description, and for every ani-

Toll-gates, rates, &c.