

the damages and benefits which the said Turnpike Road Company, or the owner or owners of said lands, will sustain by the use or occupation of the same by the company; if required by the company, party or parties whose lands are to be affected by their proceedings, or by the said railroad company, or their agent or agents, the jury shall cause to be summoned such witnesses as the parties may require, and shall examine them on oath or affirmation in relation to the value of property to be condemned, and they shall reduce the testimony, if any is taken by them, to writing; and after the testimony is closed, and without any unnecessary delay, and after having made a fair and just comparison of the advantages and disadvantages arising from the said railroad, they shall estimate and determine whether any, and if any, what amount of damages has been or may be sustained by the said Turnpike Company, owner or owners respectively, and make a report thereof accordingly; and the said jury shall reduce their inquiries to writing, shall 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, and by such Clerk filed in his Court, and shall be confirmed by said Court at its next session, if no sufficient cause to the contrary be shown, and when confirmed shall be recorded by said Clerk; but if set aside, the same Court may direct another inquiry, to take place in the manner before described, whose decision shall be returned as before directed; and such valuation, when paid or tendered to the said Turnpike Road Company, owner or owners of said property, or his or her legal representatives, shall entitle the said company to the estate and interest in the same thus valued as fully as if it had been conveyed by the owner or owners of the same, and the said valuation, if not received when tendered, may at any time thereafter be received from the said company by the said owner or owners, his, her or their legal representatives; *provided*, that no private property shall be taken by said company for the use of said road without just compensation, as agreed upon by the parties or awarded by the jury, being first paid or tendered to the party entitled to such compensation.

Proviso.