

and the remaining twelve shall act as the jury of inquest of damages, and before they act as such, the sheriff shall administer to each of them an oath or affirmation, as the case may be, that he will justly and impartially value the damages which the owners of said lot of land, which shall not exceed one acre, will sustain by the use or occupation of the same as a primary school lot, and in determining the amount of such compensation, the jury shall not make an allowance or deduction on account of any real or supposed benefits which the parties in interest, may derive from the occupancy of said lot as a primary school, and the commissioners, or any one of them, shall give written notice to the legal guardian of said heirs of the time and place of holding the inquisition, at least ten days prior to the holding such inquisition ; and the said jury shall reduce their inquisition to writing, shall sign and seal the same, and it shall then be returned, by the sheriff, to the clerk of the circuit court, of Howard 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 at the expense of the county, but if set aside the said court may direct another inquisition to take place in the mode before described, and such inquisition shall describe the property taken, or the bounds of the land condemned, and the value of the same, and such valuation shall be paid or tendered to the legal guardian of the said minors, and when so paid or tendered, shall entitle the commissioners of primary schools, for Howard county, for the use above specified, to the estate and interest in the same thus valued, as fully as if the said heirs had been of lawful age and had conveyed the same, and the said valuation, if not received when tendered, may at any time thereafter, be received from the said commissioners, without cost by the said heirs or their legal guardian ; *Provided*, that the said lot or acre of land shall not be taken by the said commissioners for the use of said school, without the compensation awarded by the jury being first paid or tendered to the person or persons authorised to receive the same ; *And provided, further*, that all cost and expenses that may accrue in consequence of the condemnation of said lot, shall be paid by said commissioners out of the monies levied by virtue of the act of eighteen hundred and fifty-two, chapter eighty-eight, for the purpose of dividing and building said school houses, and if the amount levied by virtue of said act, is insufficient to meet the expenses of said commissioners, then the commissioners for Howard county may

Provisoes.