

owner or owners of any real or leasehold estate, spring, brook, water or water course, earth, timber, stone or other materials, or with the owner or owners of any lands or leasehold estate through which they may find it necessary to have a right of entry or passage for the purpose of conveying water into said town, or if the owner of such real or leasehold estate, spring, brook, water or water course, earth, timber, stone or other material are under any disability or incapacity to contract, or absent from the county, or unknown, it shall be lawful for said commissioners, or a majority of them, to apply to any justice of the peace of Allegany county, who shall thereupon issue his summons under his hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not interested in the property to be valued, to meet on or near the land or other property to be valued, on a day named in said summons, not less than fifteen nor more than thirty days after the issuing of the same, for the purpose of condemning such property.

In case of disagreement.

Summon jury to condemn.

SEC. 8. *And be it enacted*, That if, at the time named in said summons, any of said jurors summoned do not attend the sheriff shall immediately summon as many jurors as may be necessary with the jurors in attendance to make up the full number of twenty jurors, and from them each party or his agent, or if either be not present in person or by agent, the sheriff, for him, may strike off four jurors, and the remaining twelve jurors shall act as the jury of inquest of damages; and the said sheriff shall, before the said jury shall proceed to act, administer to each of them an oath that they will justly and impartially value the damages which the owner will sustain by the use or occupation of the property required by said corporation.

Summon more jurors.

Administer oath.

SEC. 9. *And be it enacted*, That said jury shall have power to summon such witnesses as the parties may require, and examine them on oath in relation to the value of the property to be condemned, and having viewed the property to be condemned and heard said testimony they shall, without delay, ascertain and determine the compensation which ought to be made by said corporation to the party owning or being interested in said property to be condemned, and shall thereupon reduce their inquisition to writing, and sign and seal the same, and it shall then be returned by the sheriff to the clerk of the circuit court for Allegany

Examine in relation to value.