

is an infant, or is now *non compos mentis*, or lunatic, his or her legal guardian or committee may appear and represent the same. But if no legal guardian or committee appear the sheriff shall appoint a reputable citizen as guardian *ad litem* to the infant, and as committee *ad litem* to the *non compos mentis*, and he shall represent the infant and the *non compos mentis*, respectively, and they shall be bound by his acts. Such guardian *ad litem* and such committee shall be paid two dollars per day.

Owners of property may summon witnesses.

Sixth. The Commissioners and the parties or persons owning the property, or having an interest therein, may respectively leave the decision of the whole case to the jurors without witnesses, or they may ask that witnesses may be summoned and called to give evidence. If either party desires witnesses they shall be ordered and summoned before the day fixed for the meetings, but they may be ordered and summoned on the day thereof.

Examination of witnesses.

As soon as the jurors are sworn, the sheriff shall ask whether either party desires to order or examine witnesses, and unless one or both parties then ask therefor, they shall be considered as having waived the call thereof, and they shall not be allowed to call for the same afterwards. The sheriff, in his report to the Commissioners, shall state whether witnesses were called or not.

Provided, that if one party calls for and examines witnesses, the other party may on conclusion of evidence of such witnesses also examine witnesses in attendance or at hand in regard to any or all matters involved in his or her contention. If neither party orders the summoning of witnesses, no after objection shall be entertained to the proceedings, because no evidence was taken.

Jurors shall view property.

Upon the waiver of any call for witnesses, or if they be called and examined, then after such examinations the jurors shall proceed to the premises, and take a careful view and observation thereof, and of the property in the vicinity. They shall then return to the place of meeting and hear arguments, and afterwards proceed to consider the case and to render a decision.

Actual value considered.

They shall take into consideration the actual value of the property to be condemned, together with the injury that may be done to any other property of the owner, and they shall further take into consideration the benefits and advantages that may accrue to the owner from such condemnation.