

thereof, or if any of such owners be a *feme sole*, and without power to contract in that regard, under age, *non compos mentis*, or under any other legal disabilities, to contract or be out of the county in which the property wanted may lie at the time the same is wanted, then in all such cases application may be made by any such corporation to any Judge of the Circuit Court of the county in which said land or other materials may lie, or to any Judge of the Supreme Bench of Baltimore city, if the said land or materials lay in the city of Baltimore, and thereupon the said judge, upon its being made to appear satisfactorily to him that said land or materials are necessary and proper to be condemned for the use of such corporation, shall issue his warrant, directed to the Sheriff of said county or city as the case may be, requiring him to summon a jury of twenty inhabitants of said county or city, as the case may be, not related to said owner, or in anywise interested in said land, and not stockholders in said corporation, to meet on the lands or near the other property or materials, to be valued and condemned, on a day named in said warrant, not less than ten, nor more than twenty days after issuing the same.

Jury.

filled. Vacancy

Sec. 171. *And be it enacted*, That if at said time and place any jurors summoned do not attend, the Sheriff shall immediately summon as many jurors as may be necessary, with the jurors in attendance, to make twenty jurors, and from them each party or its, his or their agent, or if either party be not present in person or by agent, the Sheriff, for him, her, it or them may strike off four jurors, and from those remaining on the list the Sheriff shall select twelve to act as the jury of inquest of damages.

Oath.

Sec. 172. *And be it enacted*, That the Sheriff shall, before they proceed to act as such, administer to each of said jury, an oath that he will justly and impartially value the damages which the owner will sustain by reason of the occupation of the said land or materials required by the occupation, and find whether or no the condemnation of such land or materials are necessary and proper for the use of such corporation, for the due exercise and enjoyment of its corporate privileges.