

and may, with the consent of two-thirds of the owners of the property through which they may pass, open new streets, lanes and alleys.

75. They shall have power to provide for the payment of the damages and expenses of opening, widening, laying out and grading of streets, lanes and alleys in said town, by levying and assessing the same generally upon the whole of the assessable property of said town, or specially upon the assessable property of persons benefited thereby.

76. If on opening or laying out any new street, lane or alley, the said commissioners cannot agree with the owner of any land or property wanted for the purpose for the purchase, use or occupation of the same, or if the owner be a feme covert, under age, non compos mentis, or out of Cecil county, application may be made to any justice of the peace for said county, who shall thereupon issue his warrant, 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 related to the parties or in any wise interested, to meet on the land, or near to the property to be valued, on a day to be named in the warrant, not less than ten nor more than twenty days after the issuing of the same.

77. If, at the said time and place, any of the jurors summoned do not attend, the sheriff shall immediately summon as many jurors as shall be necessary, with the jurors in attendance, to furnish a panel 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 shall act as a jury of inquest of damages.

78. The sheriff shall, before the jury proceed to act, administer to each an oath that he will justly and impartially value the damages which the owner will sustain by the use or occupation of his property for the uses hereinbefore named.

79. The jury in estimating the damages shall take into estimate the benefit resulting to the owner from opening and laying out said streets, lanes or alleys through, along or near to the property of said owner, but only in the extinguishment of the claims for damages; and the jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the sheriff to the clerk of the Circuit Court for said