

to be specially fixed by the Court; and in case any question of fact is involved in the determination of that question, either party shall be entitled to a jury trial, upon so electing, and either party may take testimony in open Court, at such hearing, in the manner usual in law cases tried before a jury or before the Court without a jury; and the same procedure shall govern as to the conduct of such hearing and reserving exceptions as in ordinary law cases.

If any defendant is under legal disability the Court shall either authorize his duly constituted guardian or committee to appear and defend for him, or shall appoint some suitable person as guardian *ad litem* to appear and defend for such defendant. The Court shall have the same power to permit amendments as in other actions at law. If the Court shall decide at such hearing that the petitioner is entitled to have the said property condemned, the Court shall enter judgment that said property, or the interest of the party so answering therein, be condemned. If the Court shall decide at such hearing that the property or the interest of such defendant therein, is not liable to condemnation, the Court shall give judgment that the petition be dismissed as a whole, or as to the interest of such defendant, as the case may be.

5. Immediately upon the expiration of the time for appeal from any judgment that the property be condemned, or in case of such appeal upon such judgment being affirmed and remanded the lower Court shall appoint as appraisers three inhabitants of the city or county where such property is situated, not in any wise interested in the property to be condemned, nor related to the owner or owners thereof, each of whom shall, before acting, make oath before the clerk of said court, or before any officer duly authorized to take affidavits, that he will justly and impartially value the property described in the aforesaid petition, and the interests of the several owners thereof, and as soon as conveniently may be the said appraisers shall assess the value of the property, or the interest or estate therein sought to be condemned, and apportion the same among the various owners thereof, according to the values of their respective interests, and return to the said Court their award of the value of the said property and of the respective interests of the several owners thereof under their hands and seals, and shall give notice by advertisement twice a week for one week in two of the daily papers published in Baltimore City, or, where said property is situated in a county, by advertisement for one week in one paper published in said county, that such award has been returned, and that all persons having an interest therein may