

County, upon giving a bond to the State of Maryland in the penalty of five hundred dollars, with sureties, approved by the clerk of said court, conditioned for the prosecution of said appeal, with effect and for the payment of the costs of the appeal in case the court should adjudge the payment thereof by the appellants. Upon the taking of the appeal the Commissioners shall transmit all the papers in the case to the clerk of said court, and he shall docket a case in the civil appeal docket of the next term thereof, and the case shall stand for trial at the same, and shall be tried *de novo*. Under an agreement in writing, signed by the parties or their counsel, the case may be submitted to the court without the intervention of a jury, and the court shall have full power and authority to perform all the functions of a jury. In the absence of such agreement the court shall order the sheriff to summon twenty male residents of the said town, over twenty-five years old, and not interested directly or indirectly in the property to be condemned, and not related by blood or marriage to any of the parties or persons owning said property.

Either party to the appeal may challenge any of the twenty jurors as not qualified to act, as above mentioned; and if any juror challenged shall be held disqualified, another person shall be summoned in his place. If no challenge is made or any challenge made has been disposed of, a panel of twelve men shall be chosen therefrom in the usual manner and shall be sworn. Thereafter no objection shall be heard or allowed against the proceedings on account of the disqualification of any member of the jury. Upon the finding of the court, if the case is submitted to the court, without the intervention of a jury, or on the finding of the jury, the court shall by its order affirm the original inquisition or it shall modify the same, and shall decide which party shall pay the costs of the appeal, and the court shall also determine whether before issuing the warrant to the sheriff the Commissioners made such offer and tender for the purchase of the land as renders the owners thereof bound to pay the costs incurred by the Commissioners in the condemnation proceedings. The order and decision of the court, when an appeal is taken affirming or modifying the inquisition, shall also form a part of the record of proceedings, to be recorded among the land records in the clerk's office within three months after the time for taking an appeal has expired, or in the case of an appeal within three months after the decision thereof, the Commissioners shall determine whether they will accept and take the property under the condemnation. If within three months as, aforesaid, said Commissioners shall not pay or tender the amount required to be paid in the original inquisition or in the order of court on appeal, or shall not, as hereinbefore mentioned, pay the fund into said court of equity to be distributed, the condemnation shall lapse and be set aside.

The rights of the Commissioners under any inquisition shall not be deemed or held prejudiced or affected by reason of a failure to recover the proceedings of condemnation if the Commissioners have taken possession of the property condemned.

STATE OF MARYLAND
 OFFICE OF THE
 PROTECTOR