

CARROLL CREEK.

P. L. L., 1888, Art. 11, sec. 248. 1918 Code, sec. 302.

281. They shall have full power and authority to open, widen, deepen and straighten the channel of Carroll Creek whenever they may deem it advisable, expedient or necessary, within the police limits of Frederick City, so as to prevent any part of Frederick from being inundated by floods in said creek, and to purchase all such real estate as may be necessary for such purpose, and receive deeds for the same.

P. L. L., 1888, Art. 11, sec. 249. 1918 Code, sec. 303.

282. In case the Mayor and Aldermen and the owner of the real estate wanted for the purpose of opening, widening, deepening or straightening said creek, cannot agree upon the price of such real estate, or in case the owner of the same be a *feme covert*, under age, *non compos mentis*, or out of the county, the mayor of said city shall make application to any justice of the peace of the State of Maryland, in and for Frederick County, who shall thereupon issue his warrant, under his hand and seal, directed to the sheriff of said county, requiring him to summon twenty persons, who shall be freeholders, and otherwise qualified to act as jurors, not interested in the property to be valued, to meet at or near the property to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at the time and place named in said warrant, any of the jurors summoned do not attend, the sheriff shall immediately summon as many jurors as may be necessary, with the jurors in attendance, to furnish a panel of twenty jurors in attendance, and from them each party, or his agent, or if either be not present, in person or by agent, the sheriff may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the sheriff shall administer to each juror an oath or affirmation, as the case may be, that he will justly and impartially value damages which the owner will sustain by the condemnation of the property required by the corporation; and the jury, in estimating such damages, shall take into account the benefits resulting to the owner from the opening, widening, deepening or straightening said creek, through, along or near to the property of said owner, but only in extinguishment of the claim 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 county, and by such clerk filed in his court, and shall be confirmed by the court at its next session, if no sufficient cause to the contrary be shown, and when confirmed shall be recorded by the clerk at the expense of the corporation; but if set aside, the court may order another inquisition to be taken in the manner above prescribed; and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity or duration of the interest in the same, valued for the corporation of Frederick; and such valuation, when paid or tendered to the owner of the property, or his legal representatives, shall entitle the said mayor and aldermen to the estate and