

owner or owners thereof for the purchase, use, occupation or removal of the same, and if they cannot agree, and if the owner or owners or any of them be an infant *feme covert*, who is not possessed of the property to her sole and separate use, or authorized to contract with reference to the same, *non compos mentis*, or out of the town when such property may be wanted, or for any cause be legally incapable of contracting, application may be made by the Mayor to any justice of the peace of Talbot county, who shall thereupon issue his warrant under his hand and seal to the sheriff of the county, requiring him to summon a jury of twenty qualified voters of said town above the age of twenty-one years, and qualified to act as jurors under the laws of this State, not related to the parties nor in any wise interested, to meet on the lands or near the material or property wanted for the proposed improvement, on a day named in said warrants, not less than ten nor more than twenty days after issuing the same, and if at the same time and place any of the said jurors summoned do not attend, the said sheriff shall immediately summon as many persons similarly qualified as, together with those in attendance, shall make up twenty, and from the panel each party, his, her, its or their agent or attorney, or if either be not present in person or by agent, or being present in person or by agent, refuse to strike, the said sheriff, for him, her or them may strike off four persons, and the remaining twelve shall act as a jury of inquest of damages; and to each, before he acts as juror, the said sheriff shall administer an oath or affirmation that he will justly and impartially value the damage which the owner or owners will sustain by the use and occupation of the property required by the Mayor and Council, and assess the benefits to be derived by the owner thereof from the proposed improvement, and the said jury shall reduce their inquisition to writing and sign and seal the same, and it shall then be returned by the said sheriff to the clerk of the Circuit Court for Talbot county, to be filed by said clerk in his office, and shall be confirmed by said court if no sufficient cause to the contrary be shown within thirty days after the time of filing the same, and when confirmed shall be recorded by said clerk at the expense of the Mayor and Council of Easton; but if the same be set aside, the said Court shall direct another inquisition to be taken in the manner above described, and in case the second or any other inquisition which is confirmed by the court shall not award to the owner a larger amount of damages than was awarded by the first inquisition, the court may, in its discretion, order the costs of the second or other inquisition to be paid by the owner or owners of said land or materials condemned; and the inquisition shall in all cases describe the property taken or the bounds of the lands condemned, and the quantity or duration of interest in the same (and the valuation the jury have put upon it) and the valuation the jury have put upon the benefit which the owner of the condemned land will derive from the proposed improvement, and the valuation of the land less the valuation of the benefits when paid or tendered to the owner or owners of the property, his, her or their legal representatives shall entitle the Mayor and Council of Easton to the estate and interest in the same thus valued as if it had been legally conveyed by the owner or owners of the