

a day named in said warrant, not less than ten or more than twenty days after issuing the same; and if, at the said time and place, any of the said jurors summoned do not attend, the 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 party be not present in person or by agent, or being present in person or by agent, refuse to strike, the Sheriff, for him, her, it or them, may strike off four persons, and the remaining twelve shall act as the 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 then shall be returned by the said Sheriff to the Circuit Court for Worcester County, and shall be filed by the 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 the Clerk at the expense of the Mayor and Council of Berlin; 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 land owners 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 land condemned, and the quality or duration of the 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 property, his, her or their legal representatives, or when paid in Court under such condition as the Court may prescribe, shall entitle the Mayor and Council of Berlin to the estate and interest in the same thus valued as if it had been legally conveyed by the owners of the same; and the valuation, if not received when tendered or paid into Court, may at any time hereafter be received or recovered without costs from the Mayor and Council by the owner or owners, his, her or their legal representatives; and the said valuation and the costs and other expenses of said condemnation shall be paid out of the treasury of the town; and the said Sheriff shall keep said jury together for a reasonable time until they shall agree upon and sign and seal said inquisition; and in case it shall so happen that the jury cannot agree after being kept together as aforesaid, the said Sheriff may, in his discretion discharge the said jury, and without further warrant from the Court shall within five days thereafter summon another jury of twenty inhabitants,