

the application of any party to said suit, the Court shall forthwith set an early date to be especially fixed by it, not less than ten nor more than twenty days from the date of said application, for the trial of the issues of law and fact raised in said case, and the ascertainment of the compensation or damages to be awarded to the defendants in case it shall be determined that the land sought by the petitioner shall be condemned.

An. Code, 1924, sec. 6. 1912, sec. 6. 1912, ch. 117. 1914, ch. 463, sec. 7.

6. If the date so fixed by said Court shall occur during the regular sittings of any term of said Court, at which a regular jury is in attendance upon said Court, or can be procured to attend, the said case shall be heard before a jury selected from such regular panel, but if the date for said trial set by the Court shall occur at a time when the regular jury drawn for that term has been discharged and cannot be reassembled under the law, then in such case the Court shall forthwith select twenty (20) good and lawful men from the names upon the regular jury list of the last Jury Term of the Court, to be summoned by the sheriff, to attend as jurors in said Court at said time as fixed by the Court for the trial of said case, and the summoning of said jurors and the empanelling of a jury of twelve men from said regular panel or from said list of jurors so summoned by the Sheriff, shall proceed as far as practicable in accordance with the rules and practice obtaining in said Court for the selection and empanelling of jurors in other civil cases.

The method of condemnation provided under this section does not impair obligation of contract in B. & O. R. R. charter, this section merely changing the remedy to enforce right of condemnation. Metropolitan Branch built under act 1865, ch. 70. B. & O. R. R. Co. v. Maughlin, 153 Md. 375.

See notes to sec. 1.

An. Code, 1924, sec. 7. 1912, sec. 7. 1912, ch. 117. 1914, ch. 463, sec. 8.

7. As soon as said jury is selected as aforesaid, the Jurors shall be sworn by the Clerk in the usual manner in civil cases, and in addition to the usual oath in such cases, they shall be sworn to justly and impartially value the damages which the defendant owner or owners will sustain by the taking, use and occupation of the property described in the petition, by the petitioner, for the purposes therein set out, and after being so selected and sworn, the Court shall direct the sheriff to take the jury upon the ground and premises sought to be condemned, to view the same in the usual way in condemnation cases, upon which excursion to view said property and premises, the parties to the suit, their attorneys, engineer or other representative shall have the right to attend with said sheriff and jury. The engineer or other representative of either party shall upon said view, point out to the jury the property sought to be condemned, and the metes and bounds thereof, and shall show the jury any adjacent property of the owners; but upon said view no party to the proceedings, or his attorney, or any other party, except as aforesaid, shall be permitted to make any statement or remark to the jury or in their presence relative to said property.

Inquisition cannot be vacated for refusal to allow jury to view property of defendant on other side of street in absence of anything to indicate impairment of value or utility of such land by condemnation of land in question. Port Development Commission; harbor improvement. Public use. Evidence. Instructions. See notes to sec. 15. Marchant v. Baltimore, 146 Md. 524.