

it necessary to convey the said water, and they are hereby invested with all the rights and powers necessary for the introduction of water into said city; in the event of the death, resignation, removal or refusal to act of any or either of the said commissioners, the mayor and councilmen of said city are hereby authorized and required to fill such vacancy or vacancies.

Ibid s 7  
Authorized to  
purchase real  
estate, &c, for  
such purpose

36. The said commissioners, or a majority of them, are hereby authorized to agree with the owner or owners of any land, real estate, spring, brook, water or water course, as aforesaid, earth, timber, stone or other materials which the said commissioners may conceive expedient or necessary to purchase and hold for the purpose of introducing water into the said city.

Ibid s 8.  
In what cases  
jury to value  
land.

37. If they, or a majority of them, cannot agree, or if there be any incapacity or disability to contract with the owner or owners of such land or real estate, spring, brook, water or water course, as aforesaid, earth, timber, stone or other materials, or with the owner or owners of such lands through which the said commissioners or a majority of them, may find it necessary to have a right of entry and passage for the purpose of conveying the said water into the said city, or if such owner or owners shall be absent out of the state, or unknown, it shall be lawful for the said commissioners, or a majority of them, or the mayor and councilmen, to apply to any justice of the peace for Allegany county, who shall thereupon issue his summons, under his hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county not interested in the property to be valued, to meet on the land or near the other property to be valued, on a day named in said summons, not less nor more than twenty days after the issuing of the same.

Ibid s 9.  
Power of sheriff  
in summoning  
jury.

38. If at the time named in said summons any of said jurors summoned do not attend, the sheriff shall immediately summon as many jurors as may be