

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 the 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 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 interest in the same, thus valued, as fully as if it had been conveyed by the owner of the same; and the valuation, if not received when tendered, may at any time thereafter be recovered from the said corporation, without cost, by the said owner, or his legal representatives.

1870, ch. 814.

250. It shall and may be lawful for the mayor and aldermen to borrow, on the faith and credit of the corporation of Frederick, a sufficient amount of money to pay for the condemnation of all lands and property necessary for the opening, widening, deepening and straightening of said Carroll creek, for the funding of the debt already created, and for the cost of such opening, widening, deepening and straightening, as may be hereafter incurred,