

assessing the same generally upon the whole of the assessable property of said town, or specially upon the assessable property of persons benefited thereby.

1862, ch. 151.

293. If in the opening and laying out of any new street, lane or alley, they cannot agree with any owner of any land or property wanted for the purpose, for the purchase, use or occupation of the same, application may be made to any justice of the peace for the county, who shall thereupon issue his warrant under his hand and seal, directed to the sheriff of the county, requiring him to summon a jury of twenty inhabitants of the county, not related to the parties, or in anywise interested, to meet on the land or near to the property to be valued, on a day to be named in the warrant, not less than ten nor more than twenty days after the issuing of the warrant.

Ibid.

294. Before the jury proceed to act, the sheriff shall administer to each juror an oath that he will justly and impartially value the damages; and if any of the jurors summoned do not attend, the sheriff shall immediately summon as many jurors as shall be necessary with those in attendance to finish the panel of twenty, and from them each party, or his agent, or if either be not present in person or by agent, the sheriff, for him, may strike off four jurors, and the remaining twelve shall act as a jury of inquest of damages.

Ibid.

295. The jury, in estimating the damages, shall take into consideration the benefit resulting to the owner from the opening and laying out of said streets, lanes or alleys through, along or near to the property of said owner, but only in the extinguishment of the claims 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 shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shown, and when confirmed shall be recorded by said clerk, at the expense of the commissioners.