

## LAWS OF MARYLAND.

condemned or overflowed as aforesaid, shall be dissatisfied with the award of damages made and certified as aforesaid, the said company or said owner or owners may, by petition to the Circuit Court of said county, at the next term thereof, or within thirty days after the filing said award, setting forth the ground of dissatisfaction with said award, *caveat* the same, and thereupon the said court shall have jurisdiction of the matter, and the appearance of the defendant shall be compelled, and the cause stand for trial as in cases of appeal from the judgments of Justices of the Peace, and upon the appearance of the defendant or defendants, the matter in issue, if matter of law, shall be tried by the court, and if matter of fact, shall be tried by a jury under the direction of the court; and the said court may amend the said certificate, if the same shall be necessary, and if any increased damages shall be found by the jury, the judgment shall be rendered against the company for such additional sum, together with the amount of damages assessed by the Commissioners, if the sum has not been already paid or deposited as aforesaid, and unless the same is paid or deposited within sixty days from the rendition thereof, execution may issue thereof, and the said company shall have no right to enter or continue upon the said land, or to overflow the same, until it is paid, and if the damages shall be reduced, the original assessment shall be abated to the extent of said reduction, and if the sum assessed by the Commissioners has been paid by the company, the court shall render judgment to the owner or owners of said lands for the amount of said reduction, and the cost of the *caveats*, shall as in other cases, be adjudged to be paid by the unsuccessful party.

Notice to be given.

Sec. 18. *And be it further enacted*, That if any defendant in any *caveat* filed under this act, shall be a minor, or a person *non compos mentis*, the court may direct notice of the *caveats* to be given to the guardian, or committee, if any, and if none, the court shall appoint a guardian *ad libitum*, and upon notice being given, or appointments made, and the appearance of the guardian or committee, as it shall deem reasonable and just, the court may direct the trial to proceed; and if the defend-