

Section 341. Whenever the Mayor and City Council shall, by ordinance, order the opening of a new street or alley, or the construction of any park, public square, sewer, or system of sewers, water works, gas works, bridge, wharf or other public improvements, the Mayor shall, by and with the consent of the Council, appoint three of the legal voters and freeholders of the City, not office holders, who, together with the Mayor and City Attorney, shall constitute a commission to examine and report on the proposed improvement; and if the said commission, or a majority of them, shall certify to the Mayor and City Council that any land, building, stone, material or other property belonging to any person or corporation, or the removal thereof shall be necessary or convenient for the construction of the proposed improvement, the Mayor and City Council may acquire such property, or may agree with the owner or owners thereof for the purchase, use, occupation or removal of the same, and if they cannot agree, or if the owner or owners, or any of them, be an infant, feme covert, who is not possessed of the property to her sole and separate use, or authorized to contract with reference to the same, non compos mentis, or out of the City when such property may be wanted, or for any cause be legally incapable of contracting, application may be made by the Mayor to any Justice of the Peace of Harford County, who shall thereupon issue his warrant, under his hand and seal, to the Sheriff of the county, requiring him to summon a jury of twenty qualified voters of said city, above the age of twenty-one years, and qualified to act as jurors under the laws of this State, not related to the parties, nor in anywise interested, to meet on the lands, or near the materials or property wanted, for the proposed improvement on a day named in said warrant, not less than ten nor more than twenty days after issuing the same; and if at the same time and place any of the said jurors summoned do not attend, the said Sheriff shall immediately summon as many persons similarly qualified as, together with those in attendance, shall make up twenty, and from the panel each party, his, her, its or their agent or attorney, or if either party be not present in person or by agent, or being present in person or by agent, refuse to strike, the said Sheriff for him, her or them may strike off four persons, and the remaining twelve shall act as the jury of inquest of damages; and to each, before he acts as juror, the said Sheriff shall administer an oath or affirmation that he will justly and impartially value the damage which the owner or owners will sustain by the use and occupation of the property