

covert, under age, non compos mentis or under any other legal disability to contract for a sale of any said lands, or unwilling to make such sale, or cannot agree with the said corporation on the terms of sale, in either or any of said cases, any one of the judges of the fifth judicial district on the application of the said corporation shall pass an order directing the clerk of Frederick county court, to issue a commission to three disinterested persons, named in said order, to value such land or lands as shall be required for said purposes, and to make return thereof to Frederick county court at the term next ensuing the issuing of said commission; and before the said commissioners shall value such land, they shall take an oath to execute the trust reposed in them without favor, partiality or affection; and in making such valuation, they shall make a survey and plot of the land or lands so valued, and fix boundaries around the same, and shall in their return describe said land or lands, and the interest and estate in the same, and the valuation of the same.

SEC. 5. *And be it enacted*, That the return of said commissioners shall be confirmed by the said court at the term to which the same shall be made, unless cause be shown to the contrary, within the first six days of the said term, if the said return shall be made on or before the first day of said term, and if during said term after the first day of said term, then within six days from the filing thereof in the said court; and if any objection in writing shall be made to said return by the owner or owners of such land or lands, or by any person authorised in behalf of said owner or owners at any time before the same be confirmed by the court, the said court shall thereupon proceed to hear testimony, if any should be offered, and may increase or reduce the valuation of said commissioners if the testimony will so warrant; *provided*, that either party on motion to the court shall before the hearing of testimony by the court be entitled to trial by jury on an issue to be framed under the direction of the court, which issue shall be confined to the valuation of the said commissioners; and the court may amend said return, either on testimony before the court as aforesaid, or the verdict of the jury as the case may be, in reference to said valuation and confirm the same so amended, and upon the confirmation of said return as aforesaid, the same shall be conclusive on all persons; and upon payment or tender of payment of any sum or sums of money so as aforesaid ascertained as the value of said land or lands, such land or lands shall be vested in the said corporation forever; and the said return, plot and all the proceedings connected therewith, shall be recorded among the land re-

Return to be confirmed by the court in six days, &c.