

CHAP. 237.

Duties and powers of the commissioners.

SEC. 5. *And be it enacted*, That until the said road shall be completed, as aforesaid, and until the company shall be thereafter organised, as hereinbefore provided, that the commissioners named in the said original act of eighteen hundred and forty-six, chapter two hundred and forty-two, and their successors, shall be and they hereby are invested with all the powers, and subject to all the liabilities conferred and imposed by this act, upon the said corporation hereby created.

May condemn land—how proceedings are to be conducted

SEC. 6. *And be it enacted*, That the said commissioners be and they are hereby invested with full power and authority to agree with the owners of the lands through which the said road is to be made for the right of way, and the land actually necessary for said road, and in default of their being able to agree with all or any of the owners of said land, that the said commissioners be and they are hereby empowered to apply to any justice of the peace for Carroll or Frederick county, for the condemnation of such land as may be necessary for said road in said county, and for which they may be unable to agree with the owners thereof, and upon such application, that it shall be the duty of such justice of the peace to issue, forthwith, his warrant to the Sheriff of Carroll or Frederick counties, directing him, upon a day to be named in the said warrant, to summon a jury of twelve disinterested men, who would be legally competent to act as jurors in the county courts of said county, to meet upon the land designated as necessary for said road, and after making an affidavit before a justice of the peace of said county, that they will value the land so designated, and the damage to the owner of the same, consequent upon its being taken for said road, without favor or partiality, according to the best of their judgment, the said jurors shall decide and assess the value of said land so required for said road, and the damage to the owner thereof, consequent upon its being taken and used for said road, and that the said commissioners, before they shall make said road over the land so valued and assessed, shall pay to the owner thereof the full amount of such valuation and assessment; and that it shall be the duty of the sheriff, who shall summon such jury, to return their verdict in writing, designating and describing the land embraced in said verdict, to the office of the clerk of Carroll or Frederick county court, whose duty it shall be, at the expense of said commissioners, to record the same among the land records of said county; and