

logs or any lumber that may be boomed, or materials for the building or repair of said piers, piles or booms, for a longer time than five days at any one time without the consent of the owner or owners; and that such temporary use and occupation shall exist only when it shall be indispensably necessary, and in case the parties being unable to agree upon the price or sum to be paid for such temporary and necessary use and occupation, a Justice of the Peace in the county where the shore lies, shall have jurisdiction, and suit for damages may be maintained against said company, before said Justice, and either party shall have the right to appeal to the Circuit court of said county.

Which was read and adopted.

On motion of Mr. Turner,

The twenty-first section was stricken out.

Mr. Stephenson submitted the following amendment:

*And be it enacted*, That whenever the proprietor of any land, fishery or other property lying on either side of the Susquehannah river or Chesapeake bay, between Spaysutia Island and the line dividing Maryland and Pennsylvania, may believe that his or her property has been damaged in consequence of the construction and use of said boom or booms or any fixtures thereto belonging or appertaining, such proprietor may apply to any Justice of the Peace of the county in which such land, fishery or other property may lie, who shall thereupon issue his warrant under his hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty disinterested persons qualified to act as jurors in the Circuit court of such county, to meet on said land, fishery or other property, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if at the said time and place any of said jurors summoned do not attend, the said sheriff shall immediately summon as many jurors as may be necessary with the jurors in attendance to furnish a pannel of twenty jurors in attendance; and after four of the jurors so summoned are stricken off by the president of said company or his agent, and four others by the person or persons interested in said land, fishery or other property, or his or her agent, or in the absence or refusal to strike off by such persons or their agents, four to be stricken off by said sheriff, the remaining twelve shall act as the jury of inquest of damages, and before they act as such, the said sheriff shall administer to each of them an oath or affirmation as the case may be, that he will justly and impartially value the damages which the owner or owners