

Provisos.

Navigation
not to be ob-
structed.

May require
a Jury to be
summoned.

tion of said river, and the side or branch booms above mentioned may be constructed and located at any place between the point above designated for the main boom or booms and Principio and Swan creeks; *provided*, there shall be no boom constructed from Cooley's Point and Point Concord on the west side of the river across the Ferry channel between Port Deposit in Cecil county, and Lapidum in Harford county, and from the Maryland Canal to Pisee's or Deep Water Point on the east side of the river; *provided*, that no public landing, or any place used as such, shall be condemned for the use of said company, nor shall it be lawful for said company, by the erection or use of any boom or booms, or any works appurtenant thereto, or by the accumulation of logs, masts, spars or other lumber, to obstruct in any manner any channel by which ingress to, and egress from such landings are had; *and provided further*, that no boom or booms, pier or piers, or any fixtures appertaining thereto shall be so constructed or used as in any wise to impede or obstruct the navigation of the Susquehanna river, or any of its tributaries, nor to infringe or injure in any manner the rights and privileges of the owner or owners, or possessors of any fishery or shore property, either on the main land or islands, or any other property, real or personal; and that said company shall be liable for and pay all damages, direct or consequential, that may be done to private property by reason of the erection, maintainance or use of said boom or booms, pier or piers, or any works appurtenant thereto; said damages to be determined and ascertained by a jury of condemnation as provided in section four, which said jury shall be summoned to ascertain and assess the amount of damages, at the instance of either the boom company, or the owner of the property so claimed to be injured or depreciated in value, and in all cases where private owners of property feeling themselves aggrieved or injured in their property may demand and require a jury to be summoned to ascertain the damage or injury to property so claimed to be injured, and where the amount so assessed by the jury is in amount the same or less than that tendered by the corporators, then the Judge of the Circuit Court of the county within which