

annually, and to issue their bonds therefor in sums not less than one hundred dollars, and to secure the payment of said bonds and their interest by executing and delivering to such trustee or trustees as they may select, a mortgage of all or any part of the canal harbor property rights, liberties and franchises of said Company.

Condemn.

Sec. 12. *And be it enacted*, That the President and Directors of said Company may agree with the owner or owners of any real estate in the bed of said creek, or at its mouth or on its borders, for the use and occupation of the same in the making of said channel, canal or harbor, and protection of the same from injury by storms or otherwise, and in case they cannot agree or in case the owner or owners be *non compos mentis, feme covert* or under age or out of the county at the time the property may be needed, on application to a Justice of the Peace of Dorchester County he shall issue his warrant under his hand and seal directed to the Sheriff of said county, requiring him to summon twenty citizens of said county above the age of twenty-five years as jurors not interested in the matter or related to any of the parties, to meet on the land to be valued on a day to be specified in said warrant not less than ten nor more than twenty days from the date of said warrant, and in case any of the jurors do not attend the Sheriff shall instanter summon as many more jurors as shall be necessary with the jurors in attendance to make a panel of twenty; either party may strike off four and in case they refuse or neglect the Sheriff shall strike off all names but twelve, who, after having been duly sworn, shall constitute the jury to try the cause; either party may summon witnesses and examine them under oath, and after the evidence, if any, shall be offered and the parties heard, if they desire to be, the jury shall proceed to render their verdict and assess such damages as they may adjudge the party will sustain in consideration of all the circumstances, and the advantages and disadvantages of the use to be made of said land either party may appeal to the Circuit Court of Dorchester County at its next succeeding term, when the case shall be heard *de novo*, and the decision then rendered shall be final. The Justice before whom the

Jurors.

Keep record.