

of the owner being a feme covert, infant, non compos mentis or absent, or if the owner shall refuse to make a contract, then the said commissioners shall have the same right, power and authority to condemn as much lands as may be necessary to make said ditch or canal, as is conferred on the Chesapeake and Ohio Canal company, by the fifteenth section of the act of December session eighteen hundred and twenty-four, chapter seventy-nine, and the privileges shall be similar to those prescribed by said fifteenth section.

SEC. 3. *And be it enacted*, That if any of the commissioners herein named, shall die, resign, refuse to act or remove from Worcester county, the remaining commissioners shall appoint a commissioner in his place, so as to keep up the number of five commissioners, and the said commissioners so appointed, or their successors, shall have and exercise all the powers conferred by this and the original act and its supplements. Vacancy—
how filled.

SEC. 4 *And be it enacted*, That the said commissioners may expend for the purposes aforesaid any money they may be able to raise by voluntary contribution; *Provided*, that nothing contained in this act shall authorise private property to be taken for the purpose herein mentioned, without just compensation as agreed upon between the parties or awarded by a jury, being first paid or tendered to the party entitled to such compensation. Power to ex-
pend money.
Proviso.

SEC. 5, *And be it enacted*, That this act shall have effect from the date of its passage. In force.

CHAPTER 81.

AN ACT to regulate the sessions of the Orphans' Court of Baltimore County, to fix the pay of the Judges, and to authorise the appointment of a Bailiff to said Court and fix his compensation. Passed March
31, 1853.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the sessions of the Orphans' court of Baltimore county, recently established by the Constitution, shall be held on Tuesday of each week, from ten o'clock, A. M., till three o'clock, P. M., and may be continued in session on Wednesday of each week, if Sessions—
when to be
held.