

purchase thereof, to have the same condemned for the use of said company, for the purpose of erecting and making wharves, lumber yards, landings, dams and locks, so much land on or contiguous to said river, not exceeding the one-half of an acre at any one place, as may be necessary for said purposes or any of them, said condemnation to be made as hereinafter provided for.

Judge to appoint commissioners.

Sec. 15. *And be it further enacted*, That upon the application of the said company, the Judge of the Circuit Court for Worcester county shall appoint three discreet and sensible men citizens and residents of said county, to be Commissioners to assess damages of land owners, and upon the death, resignation, removal, neglect or dereliction of any such Commissioner, the said court upon like application shall fill his place; and the said application and appointment shall be returned and recorded by the Clerk of the Circuit Court for said county, and the said Commissioners before they act shall take an oath before some Justice of the Peace of said county, to be certified by said Justice and recorded as aforesaid, to view and examine the lands of owners bordering on said river, to consider all the benefits and advantages which said owners may derive from or in consequence of the opening of the navigation of said river, and all the disadvantages and injuries which he, she or they sustain thereby, by the overflowing of his, her or their lands, or by the condemnation of any portion of his, her or their lands for wharves, lumber yards, landings, dams or docks and locks, and fairly and impartially to assess the damages of such owner or owners, and in all things faithfully to execute the duties hereby imposed upon them, each of said Commissioners to be entitled to three dollars per day for every day shall be occupied in the duties hereby imposed to be paid by said company.

Mode of proceeding in a case of condemnation.

Sec. 16. *And be it enacted*, That whenever it shall be necessary for the said company in order to render said river navigable by damming to overflow the lands of any owner on said river, or to enter upon and occupy any parcel of land on or near said river for the purpose of a wharf, lumber yard, landing, dam or lock, if the owner or owners of said land shall refuse to permit such overflow