

or entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by each entry and occupation, or by such overflow, the said Commissioners, or a majority of them, on being notified by said company, shall go upon said lands and after viewing the same and due consideration of all the advantages and disadvantages of the opening of the navigation of said river to the owner or owners of said lands, shall assess damages to the said owner or owners, from either or all of said causes, and shall certify their finding and award in writing to the Clerk of the Circuit Court of said county, in which certificate they shall describe the lands condemned by metes and bounds, owners and distances, and the land overflowed by their estimate of the number of acres so overflowed, and the height of the dam next below said owner or owners lands, and the same shall be recorded among the land records of his office, and a copy thereof under seal, shall be legal evidence in any of the courts of this State, and the said company upon the payment of the damages so assessed shall be entitled to have, hold, use and enjoy the said lands so condemned forever for the purposes by them required, and to erect a dam of the height in the said award specified; and overflow the land of the said owner or owners to the extent the said dam will overflow the same and no further, and in case any owner or owners of the lands so condemned or overflowed shall be a minor or non-resident, or from any cause shall be incapable or unwilling to receive or shall refuse to receive the said damages so assessed, the said company may pay the same to the Clerk of the said court, subject to the order of said owner or owners, and the said Clerk shall endorse a receipt for said damages on said certificate of assessment to be recorded therewith, and thereupon the said company shall be entitled to have, use and enjoy the said lands forever in the manner and for the purpose aforesaid, and all expenses of making, filing and recording said assessments and receipts shall be paid by the said company.

Sec. 17. *And be it further enacted, That if the* Owner if dissatisfied.
 said company or the owner or owners of any land