

the said tolls may lawfully refuse passage to such vessels, and if any vessel shall pass without paying said tolls, such collector or collectors may seize such vessel or vessels wheresoever found, and sell the same at auction for ready money, and may apply such money towards paying said toll, and all expenses of seizure and sale, and the balance, if any, shall be paid to the owner, and the person having the direction of such vessel shall be liable for such toll, if the same be not paid by the sale of such vessel aforesaid.

CHAP. 218.

Seizure authorized

SEC. 13. *And be it enacted*, That the said president and directors of said company, or a majority of them or their agents, may agree with the owner or owners of any land, earth, timber, gravel, stone or other materials, or any improvements for the construction or repair of said canal and inlet and its works, or for the purchase or use, or occupation of the same, and in case they cannot agree, or if the owner or owners, or any of them, be a feme covert, under age, non compos mentis, or out of the county, in which the property wanted may lie, when such land or material may be wanted, on application to a justice of the peace of said county, he shall issue his warrant, under his hand and seal, directed to the sheriff of said county requiring him to summon a jury of twenty inhabitants of said county, to meet on the said land to be valued, on a day to be specified in said warrant, not less than five nor more than ten days after issuing the same, and if any of the jurors aforesaid do not attend, the said sheriff shall instantler summon as many jurors as may be necessary, with the jurors in attendance to furnish a pannel of twenty jurors in attendance, and from them each party his, her, or their agent, and if neither be present in person or by agent, the sheriff may strike off four jurors for each of the absent parties, and the remaining twelve shall act as the jury of inquest of damages, and before they act as such, the said sheriff shall administer to each of them an oath or affirmation as the case may be, that he will justly and impartially value the damages which the owner or owners of said land will sustain by the use or occupation of the same required by the company, and the jury in estimating such damages shall take into the estimate the benefit resulting to the said owner or owners from conducting

Right of way .

Inquisition directed