

CHAP. 180. Chesapeake and Delaware Canal Company, to make such alterations and improvements in the bed, courses and channel, of the said creeks, as they shall judge necessary, for the more convenient approach to the said canal, and that any and every encroachment upon the said water courses of the said creeks, or either of them, shall be, and the same is hereby declared to be, a public and common nuisance against the people of this state, and may lawfully be abated as such: *Provided*, that it shall still be lawful for the said canal company to erect and construct along the said creeks, such tow-paths, bridges or other improvements, so as not to obstruct the approach and departure of vessels to and from the mouth of the canal.

*Provide*

May agree with owners of land for the same

Sec. 5. *And* whereas, it may be necessary for the effectuation of the objects contemplated by this law, that provision should be made for the condemnation of a quantity of land for that purpose, *Be it enacted*, That it shall and may be lawful for the said president and directors, or a majority of them, to agree with the owners of any land within this state, which may be necessary for their purpose, for the purchase or use and occupation thereof, and in case of disagreement, or in case the owner thereof shall be a *feme covert*, under age, *non compos*, or out of the state or country, on application to a justice of the county in which such land shall be, the said justice of the peace shall issue his warrant, under his hand, to the sheriff of the county, to summon a jury of eighteen inhabitants of his county, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the sheriff, upon receiving the said warrant, shall forthwith summon the said jury, and when met, shall administer an oath, or affirmation, to every jurymen who shall appear, being not less than twelve in number, that he will faithfully, justly and impartially, value the land and all damages the owner thereof shall sustain, by cutting the canal through such land, on the partial or temporary appropriation, use or occupation, of such land, according to the best of his skill and judgment, and that in such valuation he will not spare any person for favour or affection, nor any person grieve for malice, hatred or ill-will, and the inquisition thereupon taken shall be signed by the sheriff, and some twelve or more of the jury, and returned by the sheriff to the clerk of his county court; and unless good cause be shewn against the said inquisition, it shall be affirmed by the court, and recorded; but if the said inquisition should be set aside, or if from any cause no inquisition shall be returned to such court within a reasonable time, the said court may, at its discretion, as often as may be necessary, direct another inquisition to be taken in the manner above prescribed; and upon every