

to lock and dam the Potomac river with a view to form a connection with the Baltimore and Ohio Rail Road or Chesapeake and Ohio Canal, they are hereby authorised to construct such locks and dams as may be found necessary for that purpose, and to charge such tolls thereon as are allowed to the Chesapeake and Ohio Canal company by its charter and the supplements thereto.

**Condemnation
of land, &c.**

SEC. 5. *And be it enacted,* That the president and directors of said company, or a majority of them or any person or persons, authorised by a majority of them, may agree with the owners of any land, earth, stone or other materials, which may be wanted for the construction or repair of said rail road or canal or lock and dam hereby authorised to be made as aforesaid, for the purchase or for the use and occupation of the same, and if 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 be, when such lands or materials shall be wanted, application may be made to any justice of the peace of such county, who shall thereupon issue his warrant under his hand and seal, directed to the sheriff of said county, requiring him to summons a jury of twenty inhabitants of said county, not related nor in anywise interested to meet on the land or near to the other property or materials to be valued on a day named in said warrant not less than ten nor more than twenty days after the issuing of the same, and if at said time and place any of said jurors summoned do not attend the sheriff shall immediately summon as many jurors as may be necessary with the jurors in attendance, and from them each party or its, his, her or their agents, the sheriff for him, her, it or them may strike off four jurors, 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 will sustain by the use or occupation of the same, required by the company, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by said sheriff to the clerk of the circuit court of his county, and by such clerk filed in his court, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shown, and when confirmed, shall be recorded by said clerk at the expense of said company, but if set aside the said court may direct