

are unable to agree with the owner or owners, or should he or she be a feme covert or non compos mentis, or under age, the said president may apply to a justice of the peace of the county, who shall thereupon issue his warrant to the sheriff of the county aforesaid, commanding him to summon twenty disinterested persons, qualified to act as jurors in the circuit court, to meet upon the land, after four are stricken off the panel by the president or his agent, and four by the persons interested, or in his, her or their absence or refusal, by the said sheriff, the sheriff shall qualify the remaining twelve persons, either by oath or affirmation, as the case may be, justly, truly and impartially, to value the damages which may be sustained by the owner or owners of such material or land required by such company, and the said jurors shall after valuing said damages, return the same under their hands and seals to the clerk of the circuit court of Worcester county, to be by him recorded, and the said damages shall be paid by the company into the hands of the sheriff of said county for the persons mentioned in the said return respectively, before the said company shall proceed to remove the said materials, or to use the said land, and the justice, sheriff and clerk, shall be entitled to receive the same fees for service under this act, as they are allowed in similar cases, and the persons summoned as jurors shall receive one dollar per day during their attendance, which fees and allowances shall be paid by the said company, and the said company or their agents shall have power to remove said materials across any lands, not in meadow or grain, upon paying a reasonable compensation to the owner or owners for any injury or damages to be ascertained by a jury as above, in case it cannot be obtained by agreement.

SEC. 10. *And be it enacted*, That the said company having perfected the said inlet aforesaid, and the said inlet shall have become sufficiently deep to admit of a safe and complete navigation for vessels drawing at least four feet water, it shall and may be lawful for the said president and directors to demand and receive tolls, at such place or places on the river St. Martins, or bay of Sinepuxent, as they may direct, not exceeding the following rates, that is to say, for every pipe or hogshead, thirty cents, barrel six cents, every bushel of wheat or corn two cents, every bushel of oats one cent, flax seed, peas, beans, or other grain, or salt, two cents per bushel, every cord of wood

Rates of toll.