tended by this act; and to make all such canals, feeders, dykes, locks, dams and other works and devices, as they may think proper for making said improvements, doing nevertheless no unnecessary damage; and that in case any lands, waters or streams taken and appropriated for any of the purposes aforesaid, shall not be given or granted to the city of Baltimore, it shall be the duty of the canal commissioners, from time to time, and as often as they may think reasonable and proper, to cause applications to be made to the judges of the sixth judicial district, or any two of them, for the appointment of appraisers, and the said judges shall thereupon, by writing, appoint not less than three nor more than five discreet, disinterested persons, as appraisers, who shall, before they enter upon the duties of their appointment severally take and subscribe an oath or affirmation, before some person authorised to administer oaths, faithfully and impartially to perform the trust and duties required of them by this act, which oath or affirmation, shall be filed with the other proceedings of the canal commissioners; and it shall be the duty of the said appraisers, or a majority of them, to make a just and equitable estimate and appraisal of the loss and damage, if any, over and above the benefit and advantage to the respective owners and proprietors, or parties interested in the premises, so required for the purposes aforesaid, by and in consequence of making and constructing any of the works aforesaid; and the said appraisers, or a majority of them, shall make regular entries of their determation and appraisal, with an apt and sufficient description of the several premises appropriated for the purposes aforesaid, in a book or books to be provided and kept by the said commissioners for that purpose, and certify and sign their names to such entries and appraisal, and in like manner certify their determination as to those several premises which will suffer no damages, or will be benefitted more than injured by or in consequence of the works aforesaid, and upon the payment of the damages so assessed and appraised, to the party to whom the same has been awarded, the fee simple of the premises, so appropriated, shall be vested in the city of Baltimore.

Authority to take materials, &c.

5. *And whereas*, it may happen, that the said canal or the works connected therewith may be injured by unforeseen accidents, whereby the navigation may be interrupted and the lands adjacent thereto exposed to damage; therefore, *be it enacted*, for the speedy reparation of such injury, that whenever and as often as such case shall happen it shall and may be lawful for the said commissioners and corporation, or either of them, or of their or either of their agents, or any other person employed by either of them, with carts, waggons, or other carriages, with their beasts of burthen or draft, and all necessary tolls and implements, to enter upon any lands contiguous to said canal, or the works connected therewith, and to dig for, work, to get and carry away and use, all such stone, gravel, clay, timber and other materials, as may be necessary or proper, in their opinion, for such reperation, doing as little damage thereby as the nature of the case will permit, and in case damages shall be claimed by the owner or owners of any land, entered upon for the purpose of obtaining materials as aforesaid, and the said commissioners and corporation, or either of them, or the agent of that part of the canal, where such injury shall occur, cannot agree with such owner or owners as to the amount of said damages, then for the ascertaining of that amount, it shall be lawful for said commissioners, corporation, or such agent, to select one discreet freeholder of the county where such damages

Damages.