

ties and produce whatever, on payment of the tolls to be imposed as provided by this act, and no other toll or tax whatever for the use of the said canal and the works thereon erected shall at any time hereafter be imposed unless under sanction of a law of this state.

13. *And be it enacted*, That it shall and may be lawful for the president and directors, or a majority of them to agree with the owners of any land through or on which it is intended that the said canal or any of the works thereunto appertaining, shall pass or be situated, 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 county, on application to a justice of the peace of the county in which such land shall be, the said justice of the peace shall issue his warrant under his hand and seal, 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 juryman 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, or the use or occupation for the purposes and period necessary, of such land, according to the best of his skill and judgment, and that in such valuation, he will not spare any person for favor or affection, nor any person grieve for malice, hatred or ill will; and in every such valuation and assessment of damages, the jury shall be, and they are hereby instructed to consider in determining and fixing the amount thereof, the actual benefit which will accrue to the owner, from conducting the said canal through, or erecting any of the said works upon his land, and to regulate their verdict thereby, except that no assessment shall require any such owner to pay or contribute any thing to the said company, where such benefit shall exceed in the estimate of the jury, the value and damages ascertained as aforesaid; 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, 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 such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and the quantity and duration of the interest and estate in the same, required by the said company for its use, and their valuation shall be conclusive upon all persons, and shall be paid by the said president and

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 Method of
 obtaining
 right to land,
 &c. requisite
 for canal.