

JOSEPH KENT, ESQUIRE, GOVERNOR.

directors to the owner of the land, or his legal representatives, and on payment thereof, the said company shall be seized of such land, as of an absolute estate in perpetuity, or with such less quantity and duration of interest in the same, or subject to such partial or temporary use or occupation as shall be required and described as aforesaid, as if conveyed by the owner of them, and whenever in the construction of the said canal or any of the works thereof, locks, dams, ponds, feeders, tunnels, aqueducts, bridges or works of any other description whatsoever appurtenant thereto, it shall be necessary to use earth, timber, stone or gravel or any other material to be found on any of the lands adjacent or near thereto, and the said president and directors, or their agent cannot procure the same for the works aforesaid, by private contract of the proprietor or owner, or in case the owner should be a feme covert, or non compos or under age, or out of the state or county, the same proceedings in all respects shall be had, as in the case before mentioned of the assessment and condemnation of the lands for the said canal or the works appurtenant thereto.

Dimensions,
&c. of canal
prescribed—
waste water;
towing path.

14. *And be it enacted*, That it shall be the duty of the company hereby incorporated, to cut, make and construct the said canal, with good and sufficient locks, on the most improved plan for expedition in the use thereof, and with a width of not less than forty feet at the surface of the water therein; or of twenty eight feet at the bottom thereof, unless the quality of the soil shall require a narrow base, to admit of a sufficient slope to preserve the banks from sliding down, and sufficient to admit at all seasons, the navigation of boats and rafts, with a depth of four feet water at the least; and wherever wastes shall be essential to the security of the said canal, and in no other situation whatever along the same, the waste water of the said canal may be from time to time sold or disposed of by the said company, for the purpose of supplying such works and machinery as require a water power; and along one side at least of the said canal and such aqueducts as it may render necessary, there shall be provided throughout its whole extent, a towing path of sufficient breadth to apply the power of horses to the navigation thereof.

Method of
transferring
stock.

15. *And be it enacted*, That it shall and may be lawful for any of the said stockholders to transfer his or her shares by deed executed before two witnesses, and registered after the proof of the execution thereof in the company's books, and not otherwise, unless by testament or last will; which testament or last will, shall also be exhibited to the president and directors, or a copy thereof authenticated according to law, and registered in the company's books, before the person or persons claiming under or by virtue thereof, shall be entitled to draw any part of the profits from the said tolls or dividends; *Provided*, That no transfer shall be made, except for one or more whole shares, and not for part of such share or shares, and that no share or shares shall at any time be sold, conveyed or held in

Proviso.