

his, her or their legal representatives, shall entitle the said company to the estate or interest in the same thus valued as if it had been legally conveyed by the owner or owners of the same; and the valuation, if not received when tendered, may at any time thereafter be recovered without costs from said company by the owner or owners, his, her or their legal representatives; and the said sheriff shall keep the said jury together for a reasonable time until they shall agree upon and sign and seal the said inquisition; and in case it shall so happen that the jury cannot agree after being together as aforesaid, the sheriff may, in his discretion, discharge the said jury, and without any further warrant from a justice of the peace shall, within five days thereafter, summon another jury of twenty inhabitants as aforesaid not upon the former jury, and the same proceedings shall be had in all respects as is hereinbefore provided; and in case of a second or other disagreement of the jury, the same proceedings shall be had until a verdict or inquisition shall be made and returned as aforesaid; and whenever the said canal shall cross or pass any road or roads of what kind soever, the said company shall build, or erect, and maintain in good order, proper swing or drawbridges or other bridges, such as are commonly used where a said road crosses a navigable stream, over and upon said canal, so that passage over the same may not be impeded or interrupted.

Entitle company to estate.

May discharge jury.

Proper drawbridges.

SEC. 8. *And be it enacted*, That nothing contained in this act shall authorize said company to take private property for their use without just compensation, as agreed upon between the parties, or ordered by a jury, being first paid or tendered to the party or parties entitled to such compensation.

How construed.

SEC. 9 *And be it further enacted*, That the said canal so constructed under this act shall be of the dimensions as follows: At least twenty-six feet deep and one hundred and seventy-five feet wide upon the surface, and one hundred feet wide at the bottom thereof, and not to exceed three hundred feet at the surface, and one hundred and fifty feet wide at the bottom.

Dimensions of canal.

SEC. 10. *And be it further enacted*, That the said company are hereby authorized to establish a tariff of tolls for the navigation or the use of said canal,

Tariff of tolls.