

Jury fail to agree.

shall agree upon and sign and seal the said inquisition ; and in case it shall 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 male 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 ; but 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.

Establish tariff of tolls.

SEC. 13. *And be it enacted*, That the said company is hereby authorized to establish a tariff of tolls not exceeding three cents per ton, for the navigation or the use of said inlet or canal, and the same to alter at their pleasure ; and may take all necessary measures for the protection of their inlet and all property connected with their business, provided that the right to charge and collect tolls shall not extend to a longer period than twenty years, after which time the said canal shall be free.

Pay damages sustained.

SEC. 14. *And be it enacted*, That if any person or persons shall injure the said inlet or canal, or any of the works connected therewith, or the oyster farms and oysters belonging to said company, they shall forfeit and pay the damages sustained therein, to be recovered with costs of suit in the name of said corporation, before the circuit court of Worcester county, or any justice of the peace therein, as the case may be.

Express condition of rights, etc.

SEC. 15. *And be it enacted*, That all the rights, powers, grants and privileges hereby conveyed, are upon the express condition that the above mentioned canal shall be completed in the space of five years.

Effective.

SEC. 16. *And be it enacted*, That this act take effect from the date of its passage.

Approved March 7, 1884.