

CHAP. 201. mon a jury of twelve persons, qualified as jurors of the county court, giving them and the owners or parties interested in the land, stream or streams of water to be assessed at least eight days previous notice of the time and place a jury being impannelled; *provided*, that the canal shall not pass through the dwelling house of any person.

Upon payment or tender of payment by said company. SEC. 7. *And be it enacted*, That whenever the said president and directors shall have paid or tendered payment to the owner or owners of any land, stream or streams of water, timber or other material, the sum of money so awarded by the jury aforesaid, they shall have full and ample power to cut, dig and make the said canal of such convenient width and depth through such land, stream or streams of water, in the same manner as if the consent of the owner or owners had been given thereto; and the said president and directors shall have full power and authority to make and dig such canal along, under or across any public highway for the purpose of conducting and conveying said water, and for such purpose to dig, break up and open at their own expense, all or any part of such highway, leaving at all times a sufficient passageway for carriages, horses and foot-passengers, and restoring forthwith all such highway to good, perfect, easy and safe passage for horses, carts, carriages and foot-passengers, by good, substantial and sufficient bridges over and across said canal, when it may intersect, cross or interfere with said highways.

Capital stock to be increased SEC. 8. *And be it enacted*, That if the capital stock of said company shall prove insufficient, it shall and may be lawful for the said company from time to time to increase the same by the said president and directors opening books of subscription at such time and place as they may deem expedient, first giving reasonable notice thereof, and the said books of subscription to keep open from day to day until a sufficient number of shares shall have been subscribed for, and during the first days subscription the stockholders of said company shall have preference over other subscribers; *provided*, the capital stock shall in no case exceed fifty thousand dollars.

To be deemed a public highway, upon the payment of the tolls provided for. SEC. 9. *And be it enacted*, That the said canal and the works to be erected thereon in virtue of this act when completed, shall forever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities and produce, on payment of the tolls to be imposed as provided for by the said president and directors aforesaid.