

C H A P.  
XVII.

and judgment, and that in such valuation he will not spare any person for favour or affection, nor any person grieve for hatred, malice or ill will; 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, to be by him recorded; and upon every such valuation the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by such president and directors to the owner of the land, or his legal representatives, and on payment thereof, the said company shall be seized in fee of such land, as if conveyed by the owner to them, and their successors, by legal conveyance; provided nevertheless, that if any further damage shall arise to any proprietor of land in consequence of opening such canal, or in erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as any such new damage shall happen, by application to, and warrant from, any two justices of the county where the lands lie, to have such further damage valued by a jury in like manner, and to receive and recover the same of the said president and directors; but nothing herein contained shall be taken or construed to entitle the proprietor of any such land to recover compensation for any damages which may happen to any mills, forges, or other works or improvements, which shall be begun or erected by such proprietor after such first valuation, unless the same damage is wilfully or maliciously done by the said president and directors, or some person by their authority.

And with the  
proprietors, &c.

X. AND BE IT ENACTED, That the said president and directors, or a majority of them, are hereby authorized to agree with the proprietors for the purchase of a quantity of land, not exceeding one acre, at or near the place or places of receipt of tolls, for the purpose of erecting necessary buildings, and in case of disagreement, or any of the disabilities aforesaid, or the proprietor being out of the state, then such land may be valued, condemned and paid for as aforesaid, for the purpose aforesaid; and the said company shall, upon payment of the valuation of the said land, be seized thereof in fee-simple as aforesaid.

Water not to  
be used, &c.

XI. AND, whereas some of the places through which it may be necessary to conduct the said canals may be convenient for erecting mills, forges or other water-works, and the persons, possessors of such situation, may design to improve the same, and it is the intention of this act, not to interfere with private property but for the purpose of improving and perfecting the said navigation, BE IT ENACTED, That the water, or any part thereof, conveyed through any canal or cut made by the said company, shall not be used for any purpose but navigation, unless the consent of the proprietors of the land through which the same shall be led be first had; and the said president and directors, or a majority of them, are hereby empowered and directed, if it can be conveniently done to answer both the purposes of navigation and water-works aforesaid, to enter into reasonable agreements with the proprietors of such situation, concerning the just proportion of the expences of making large canals or cuts, capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water-works as aforesaid.

Proprietors  
may transfer,  
&c.

XII. AND BE IT ENACTED, That it shall and may be lawful for every of the said proprietors to transfer his share or shares by deed executed before two witnesses, and registered, after proof of the execution thereof, in the said company's books, and not otherwise, except by devise, which devise shall also be exhibited to the president and directors, and registered in the company's books, before the devisee or devisees shall be entitled to draw any part of the profits from the said tolls; provided that no transfer whatever shall be made, except for one or more whole share or shares, and not for part of such shares, and that no share shall at any time be sold, conveyed, transferred, or held in trust, for the use and benefit, or in the name of another, whereby the said president and directors, or proprietors of the said company, or any of them, shall or may be challenged, or made to answer concerning any such trust, but that every person appearing as aforesaid to be a proprietor shall, as to the others of the said company, be to every intent taken absolutely as such, but as between any trustee and the person for whose benefit any trust shall be created, the common remedy may be pursued.

President, &c.  
to receive sub-  
scriptions, &c.

XIII. AND, whereas it hath been represented to this general assembly, that sundry persons are willing and desirous, on account of the great public advantages, and the improvements their estates may receive thereby, to promote and contribute towards so useful an undertaking, and to subscribe sums of money towards the completing the said works and carrying them into execution, but do not care to run any risk, or desire to have any property therein; therefore, BE IT ENACTED, That the said president and directors shall be and are hereby empowered to receive and take in subscriptions for the purposes aforesaid, and it is the true intent and meaning of this act, that it shall and may be lawful for the said president and directors, or a majority of them, in case of refusal or neglect of payment,