

C H A P.  
XXIII.

and all expences of seizure and sale, and the balance (if any) shall be paid to the owner, and the person having the direction of such vessel shall be liable for such toll, if the same is not paid by sale of such vessel as aforesaid; provided, that the said proprietors, or a majority of them, holding at least three hundred shares, shall have full power and authority, at any general meeting, to lessen the said tolls, or any of them, or to determine that any article may pass free of toll.

River to be  
esteemed pub-  
lic, &c.

X. **And be it enacted,** That the said river, and the works to be erected thereon in virtue of this act, when completed, shall for ever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities, or produce, whatsoever, on payment of the tolls imposed by this act; and no other toll or tax whatever, for the use of the water of the said river, and the works thereon erected, shall at any time hereafter be imposed by both or either of the said states, subject nevertheless to such regulations as the legislatures of the said states may concur in, to prevent the importation of prohibited goods, or to prevent fraud in evading the payment of duties imposed in both or either of the said states on goods imported into either of them.

Directors may  
purchase land,  
&c.

XI. **And whereas** it is necessary for the making the said canal, locks, and other works, that a provision should be made for condemning a quantity of land for the purpose; **Be it enacted,** That it shall and may be lawful for the said president and directors, or a majority of them, to agree with the owners of any land through which the said canal is intended to pass, for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a feme-covert, under age, non compos, or out of the state, on application to any two justices of the county in which such land shall lie, the said justices shall issue their warrant, under their hands, to the sheriff of their county, to summon a jury of twenty-four inhabitants of his county, of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter, and the sheriff, upon receiving the said warrant, shall forthwith summon the said jury, and when met, shall administer an oath, or affirmation, to every jurymen that shall appear, "that he will faithfully, justly and impartially, value the land (not exceeding in any case the width of two hundred feet), and all damages the owner thereof shall sustain by the cutting the canal through such land, according to the best of his skill 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 the said president and directors to the owner of the land or his legal representative, 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 a 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 shall be taken or construed to entitle the proprietor of any such land to recover compensation for any damages which may happen to  
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