

Dec. Ses. 1823.

Proceedings directed.

signed by the sheriff and some twelve or more of the jury, and returned by the sheriff to the clerk or prothonotary of his county, and unless good cause be shown against the said inquisition it shall be affirmed by the court and recorded, but if the said inquisition should be set aside, or if from any cause no inquisition shall be returned to such court within a reasonable time, the said court may at its discretion as often as may be necessary, direct another inquisition to be taken in the manner above prescribed; and upon every such valuation the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and the quality and duration of the interest and estate in the same required by the said company, for its use, and their valuation shall be conclusive on all persons, and shall be paid for by the president and directors, to the owner of the land or his legal representatives, and on payment thereof the said company shall be seized of such land as of an absolute estate in perpetuity, or with such less quantity and duration of interest or estate in the same, or subject to such partial or temporary appropriation, use or occupation, as shall be required and described as aforesaid, as if conveyed by the owner to them; and whenever in the construction of the said canal, or any of the works thereof, locks, dams, ponds, feeders, tunnels, aqueducts, culverts, bridges, or works of any other description whatsoever appurtenant thereto, it shall be necessary to use earth, timber, gravel or stone, or any other material to be found on any of the lands adjacent or near thereto, and the said president and directors or their agent cannot procure the same for the works aforesaid by private contract of the proprietor or owner on reasonable terms, or in case the owner should be feme-covert, or non compos, or under age, or out of the state or county, the same proceedings in all respects shall be had as in the case before mentioned of the assessment and condemnation of the land required for the said canal, or the works appurtenant thereto.

16. *And be it enacted,* That it shall be the duty of the company hereby incorporated, to cut, make and construct the said canal with good and sufficient locks on the most improved plan for expedition in the use thereof, and with a width of not less than forty feet at the surface of the water therein, or of twenty-eight feet at the bottom thereof, unless the quality of the soil shall require a narrower base to admit of a sufficient slope to preserve the banks from sliding down, and sufficient to admit, at all seasons the navigation of boats and rafts with a depth of four feet water at the least; and whenever wasters shall be essential to the security of the said canal, and in no other situation whatever along the same, the waste water of the said canal may be from time to time sold or disposed of by the said company for the purpose of supplying such works and machinery as require a water power, and along one side at least of the said canal, and such aqueducts as it may render necessary, there shall be provided throughout its whole extent a towing path of sufficient breadth to apply the power of horses to the navigation thereof.

Dimensions of the Canal.

Waste water.

Towing path.

17. *And be it enacted,* That it shall and may be lawful for any of the said stockholders to transfer her or his shares by deed executed before two witnesses, and registered after the proof of the execution thereof on the 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 or

Transfer of stock.