

5 venient point on the Niagara river above the falls, and terminating at  
 6 some convenient point below upon the same stream, and for that pur-  
 7 pose shall have power and authority by their engineers and agents to  
 8 enter upon any lands or streams of water for the purpose of making  
 9 the necessary preliminary examinations and surveys, and to enter upon  
 10 and appropriate to its own use, for the purpose aforesaid, any lands or  
 11 streams of water for the construction of the said canal with such dams,  
 12 guard-gates, waste-weirs, locks, lock-houses, basins, bridges, toll houses  
 13 and other erections and fixtures as may be necessary for the safe and  
 14 convenient navigation of the said canal and its preservation, and the  
 15 preservation of the works connected therewith.

1     § 11. Before taking possession of any lands or streams of water for the  
 2 purpose of constructing the said canal and the works connected therewith,  
 3 it shall be the duty of the said corporation to acquire the title to such  
 4 by purchase or voluntary cession from the owners if it can be done on  
 5 reasonable terms, but if that shall be found impracticable the said cor-  
 6 poration may apply to the supreme court, at any general or special term  
 7 to be held in the county of Erie or the county of Niagara, for the appoint-  
 8 ment of commissioners to fix the compensation to be paid by the said  
 9 corporation for any such lands to the owners thereof.

1     § 12. Such application shall be made on due notice to the parties  
 2 interested by petition, describing with reasonable certainty the lands  
 3 designed to be taken; and before proceeding to the hearing the court  
 4 shall appoint guardians for such of the parties interested as are minors,  
 5 and some suitable person or persons to represent the interests of such  
 [Assembly, No 363.]