

23. In all cases where there is a fraction of a mile in the distance which vessels, ratts, goods, wares, merchandise or other commodities or passengers shall be conveyed or transported on the canal, such fraction shall, in ascertaining the rate of charge be deemed and considered as a whole mile; and in all cases where there is a fraction of a ton in the weight of any such goods, wares, merchandise and other commodities, a proportion of the said rate shall be demanded and taken by the Company, calculated upon the number of quarters of a ton contained therein; and in all cases where there is a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Rates of charge.

24. Every owner or master of a vessel navigating the canal shall permit it to be gauged and measured, and every such owner or master who refuses to permit the same shall forfeit and pay the sum of two hundred dollars; and the proper officer of the Company may gauge and measure all vessels using the canal, and he may mark the tonnage or measurement on every vessel using the canal.

Measurement of vessels.

25. The Company shall, within six months after any land shall be taken for the use of the canal, divide and separate, and shall keep constantly divided and separated, the land so taken, from the lands and grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank or other kind of fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds purchased by, conveyed to, or vested in the Company, as aforesaid, and shall, at its own cost and charges, from time to time maintain, support and keep in sufficient repair the said posts, fences, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid.

Lands taken for use of canal to be separated by fence, etc.

26. So soon as possible after the canal is completed, the Company shall cause it to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distances, shall be erected and maintained at convenient distances from each other.

Canal to be measured.

27. If any vessel is sunk or grounded in any part of the canal or in any approach thereto, and if the owner or master thereof neglects or refuses to remove it forthwith, the Company may forthwith proceed to have it raised or removed, and may retain possession of it until the charges and expenses necessarily incurred by the Company in so raising and removing it are paid and satisfied; and the Company may sue for and recover in any court of competent jurisdiction such charges and expenses from the owner or master of such vessel.

Sunken vessels.

28. Her Majesty may at any time assume the possession and property of the canal and works, and all the rights, privileges and advantages of the Company, all of which shall, after such assumption, be vested in Her Majesty, on giving to the Company one month's notice thereof, and on paying to the Company the value of the same, to be fixed by three arbitra-

Crown may take over canal.

Notice to Company.