

tion for the same or for any damages thereto; shall be binding as between the remaining proprietor or proprietors *par indivis* and the Company; and the proprietor or proprietors who have so agreed may deliver possession of 5 such land or property to the Company, or empower them to enter upon the same, as the case may be.

XV. And be it enacted, That it shall be lawful for the said Company to apply to the several owners of or parties hereby empowered to convey the lands through 10 which their Road or other work is intended to be carried, or which may suffer damage from the making or constructing of such Road or work, or the exercise of any of the powers granted to such Company by this Act, and to agree with such owners or parties, respectively, touching 15 the compensation to be paid to them by such Company for the purchase thereof, and for the respective damages, and to make such agreements and contracts with the said parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode 20 in which the said compensation shall be ascertained as to such parties and the Company shall seem expedient; and in case of disagreement between the Company and the said owners or parties or any of them, then all questions which shall arise between them and the said Company 25 shall be settled as follows, that is to say:—

The Company shall serve a notice upon the opposite party, containing—a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them)—a declaration that the Com- 30 pany are ready to pay some certain sum (or rent as the case may be) as compensation for such lands or for the damages arising from the exercise of such powers—and the name of a person whom they appoint as their Arbitrator if their offer be not accepted; and such notice shall 35 be accompanied by the certificate of a sworn Surveyor disinterested in the matter and not being the Arbitrator named in the notice, that the land (if the notice relate to the taking of land) is required for the Road or other work for making or constructing which the Company is incor- 40 porated, that he knows such land or the amount of damages likely to arise from the exercise of such powers, and that the sum so offered is in his opinion a fair compensation for such land and for such damages as aforesaid; and in making the estimate for such compensation, such 45 Surveyor shall, as shall also the Arbitrators hereinafter mentioned, take into consideration and allow for the benefit to accrue to the party to whom compensation is to be made from the Road or work to be constructed by the Company; and in any case wherein the Company shall have 50 given and served the notice aforesaid, it shall be lawful for the Company to desist from such notice and afterwards to give new notice with regard to the same or other lands, to

Company to settle with the owners of lands taken, &c.

Arbitration if the parties and the Company do not agree.