

and workmen, are hereby authorised and empowered to enter into and upon the lands and grounds of any person or persons, body or bodies corporate or politic; and the said Company is also authorized to make ditches, drains, plats, bridges and other works on the line of the said
 5 Boulevards, or on the sides thereof; and to include in the same any portion of any existing highway, which they may deem expedient to adopt as part thereof: Provided always, that in the event of the said
 Company adopting any portion of any existing highway, on which
 10 make to the Trustees or Managers of such highway, such reasonable compensation for the use thereof, as may be agreed upon between the parties interested, or decided by the award of arbitrators, as hereinafter provided: Provided always, however, that no compensation shall be
 paid or exacted for merely crossing any such highway or public road.

Proviso.

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15 XX. If the owner or owners, occupier or occupiers of any lands which the Company may be desirous of acquiring for the purposes
 aforesaid, or from which materials are to be taken, shall, upon demand made by the Directors of the said Company, or the Board of management for the time being, neglect or refuse to agree upon the price or
 20 amount of damages to be paid for such land, and the appropriation thereof to the use of the said Company, or for the exercise of any such powers as aforesaid, it shall and may be lawful for the said Company to name one arbitrator, and for the owner or occupier of such land so
 required, or with regard to which such power is intended to be exercised as aforesaid, to name another arbitrator, and for the said two
 25 arbitrators to name a third to arbitrate upon, adjudge, and determine the amount which the said Company shall pay before taking possession of such land, or exercising such power as aforesaid; and upon such sum being ascertained, due attention being had by the arbitrators in ascer-
 30 taining the same to the benefits to accrue to the party or parties receiving compensation, it shall be lawful to the said Company to tender such sum to the said party or parties claiming compensation, who shall thereupon execute a conveyance to the said Company, or such other document as may be necessary and requisite, and the said Company
 35 shall after such tender, whether such conveyance or document be executed or not, be fully authorized to enter upon and take possession of such land to and for the uses of the said Company, and to hold the same, or to exercise such powers as aforesaid, in such and the like manner as if such conveyance thereof or other document had been
 40 executed as aforesaid; and in the event of the arbitrators or a majority of them, in any case to be so submitted to them, being of opinion that any proprietor where land is required for the said Boulevard, is benefited to an extent equivalent or more than equivalent to the value of the land taken, then they shall award such proprietor only a nominal
 45 amount as compensation for the land taken: Provided always, That
 if such person or occupier shall neglect to name an arbitrator for the space of twenty days after having been notified so to do by the said Company, or if the said two arbitrators do not agree upon such third
 arbitrator within twenty days after the appointment of the second
 50 arbitrator, then upon the application of the said Company, or of the other party, a Judge of the Superior Court shall nominate the second or third arbitrator, in lieu of the one so to be appointed or named, but not appointed or agreed upon by the party or the two first named arbitrators as aforesaid, and any award made by the majority of the said arbitra-

Price of land to be ascertained by arbitration in certain cases.

Appointment of arbitrators.

Proviso.