

repair any piers, bridges or other works, in, upon and across any rivers, brooks or lakes; And also to construct, make and do all other works, matters and things whatsoever, which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Drain in pursuance of and within the true meaning of this Act, they, the said Council, doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of such lands, hereditaments, and tenements. 5

Council may settle with owners of land taken or injuriously affected by the said works.

II. The said Council may contract, compound, compromise, settle and agree with the owners or occupiers respectively, of any land through or upon which they may determine to cut and construct the said drain or other works hereby authorised, or the owners or occupiers of any land contiguous to the said works and injuriously affected by said works, either for the purchase of so much of the land as they shall require, or for damages which he, she or they shall or may be entitled to recover, in consequence of any of the works hereby authorised being constructed in or upon his or their respective lands or of any damage which such person or persons may suffer from or by occasion of such works; and in case of any disagreement between the said Council and the owner or owners, occupier or occupiers aforesaid, the amount of the purchase moneys for the land and tenements purposed to be purchased, or the amount of damages to be paid to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned. 10 15 20

Provision for arbitration in case the Council and any party are unable to agree as to the compensation to be paid.

III. In each and every case where any dispute shall arise between the said Council and any other person or persons whomsoever, touching any purchase, sale or damage, or the money to be paid in respect thereof, under the provisions of this Act, the same shall be referred to, ascertained, and determined by three indifferent persons, one of whom shall be chosen by the owner or occupier of the land, or other person or persons interested, who shall disagree with the said Council in respect to the compensation or purchase money to be paid him, her or them respectively, pursuant to the provisions of this Act; one other of the arbitrators shall be chosen by the said Council, and the third shall be chosen by the two persons to be so named as aforesaid; and such three persons shall be the arbitrators to award, determine, adjudge, and order the respective sums of money which the said Council shall pay to the respective persons entitled to receive the same, and the award of such three persons, or any two of them shall be final; and the said arbitrators so appointed are hereby required to attend at some convenient place on or near the line of the said Drain, to be appointed by the said Council, within eight days after notice in writing shall be given them by the said Council for that purpose, then and there to arbitrate, award and determine such matters as shall be submitted to their consideration by the parties interested; and each of the said arbitrators shall be sworn before whom may be required to attend the said meeting for that purpose, one of Her Majesty's Justices of the Peace for the said district, any of whom may be required to attend the said meeting, for that purpose, well and truly to assess the damages between the parties according to the best of his judgment; Provided that no arbitrator shall be compellable to attend such meeting who ordinarily resides more than twenty-five miles from the place of meeting: Provided also, that if the owner or owners, or other person or persons interested in any of the land required for carrying out the purposes of this Act, shall neglect or refuse to appoint 25 30 35 40 45 50

Proviso.

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