

and grounds of and belonging to Her Majesty the Queen, her Heirs or Successors, or to any other person or persons, bodies politic or corporate, on the consent of Her said Majesty, her Heirs or Successors, and of such other person or persons, bodies politic or corporate, first being obtained, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall deem necessary and proper for making the said Railway and Canal, or either of them, and to take and appropriate, have and hold, to and for the use of the said Company and their successors, lands sufficient for the construction of the said Railway and Canal, or either of them, with all necessary locks, tow-paths, basins, stations, warehouses and other erections, as may be required by the said Company for the purposes aforesaid; and to purchase the same to and for the use of the said Company; and with full power under this Act to lay out and construct, make and finish, a double or single iron or wooden Railway; and also to make and construct a Canal, of such dimensions as they may think proper; and with full power to intersect or cross any road or highway lying in the route of the said Railway or Canal, and to construct their Railway or Canal across, upon or along the same: Provided that the Company shall restore the said road or highway so as not to impair its usefulness; and also with full power and authority to carry for hire and reward, in steam or other vessels, goods, wares, merchandise and passengers, from the City of Kingston, through the said Canal, to Cape Vincent, in the State of New York: Provided always, that nothing hereinbefore contained shall extend or be construed to extend to compel the owner or owners of any lands, to sell, convey, or otherwise depart with the same to the said Company, without his or their consent.

Power to do certain things and construct certain works.

Proviso.

Proviso.

And may agree with owners of lands, &c.

Arbitration in case of disagreement.

III. And be it enacted, That the Directors of said Company shall be and the same are hereby empowered to contract, compound, compromise, and agree with the owners and occupiers of any land through or upon which they may determine to cut and construct the said intended Railway and Canal, or either of them, either for the absolute purchase of so much of the land as they shall require for the purposes of the said Company, or for the damages which he, she, or they may be entitled to recover in consequence of the said intended Railway and Canal or either of them, and other constructions, or buildings upon his, her or their respective lands; and in case of any disagreement between the Company and the owner or owners, occupier or occupiers of such land as aforesaid, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid, as aforesaid, it shall and may be lawful for the Directors of the said Company to nominate and appoint an indifferent person, who, together with one other per-