

either direct the parties Appraisers again to view, estimate and decide, upon the injuries and damages complained of, or otherwise if the Court shall think it expedient, the said Court shall and may nominate other Appraisers, and make an order for their making a new appraisement and valuation of the damages arising from the injury complained of; and the Appraisers so nominated shall be sworn as aforesaid, and the award and appraisement so by them, or the major part of them, made and returned in writing, when confirmed and approved by the Court, shall be final between the parties, and may be carried into effect as aforesaid.

XXXIX. *Provided always, and be it further enacted,* That the award made on the second appraisement shall be final and conclusive to all intents whatsoever.

XL. *And be it further enacted,* That when and so often for the purposes of making or constructing the said intended Canal or Navigation, or any the Reservoirs, Feeders, Aqueducts or other works or erections, which by this present Act or their Letters Patent of Incorporation, the said Corporation are empowered to erect or make, or for the more convenient or beneficial use of the said Canal or works aforesaid, or for Roads and Ways thereto, before or after the construction of the said Canal or Works, the said Corporation shall deem it necessary or expedient to obtain and be invested with the title or possession of or in any Lots or Parcels of Land or Premises whatsoever, lying in the vicinity of, or contiguous to, or near to the course or line by the said Corporation to be at any time determined upon, or adopted for the said Canal or Navigation, or in the vicinity of or near to any the Works, Constructions or Erections aforesaid, then, and in every such case, it shall be lawful for the Board of Directors, by their Order, to authorize and empower any person or persons to enter into and upon the required Lands, and to survey, mark out and admeasure, so much and such parts thereof as the Board of Directors shall deem necessary, for all or any of the purposes aforesaid, and to make and return a correct Plan, Admeasurement and Description of each Lot or Parcel of Land, so required for the purposes of the Corporation, with the lines, courses and boundaries thereof; and also, on account of the person or persons in whom, by the Registry of Deeds or otherwise, the title and possession thereof may appear to be, together with an estimate of the fair and reasonable value of the same in money to a purchaser; and thereupon the said Corporation is hereby authorized to treat and agree with the Owner or Owners of such Lot or Parcel of Land for the absolute purchase of the fee simple or inheritance thereof, or for a demise thereof for such term of years, and under such rent or other conditions as may be deemed reasonable.

XLI. *And be it further enacted,* That it shall be lawful for all Persons, Bodies, Politic or Corporate, and all Feoffees or Trustees for any purpose public or private, Mortgagees, Tenants for life or in tail, and for the Husbands, Guardians, Trustees, Committees, Curators or Attornies, of such of the Owners or Proprietors of, or persons interested in, any such Lands or Premises required for the purposes aforesaid, as shall be Females Covert, Infants, Lunatics, Idiots or Persons beyond the Seas, or otherwise incapable of acting for themselves, to contract and agree with the said Corporation, either for the absolute purchase of the fee simple, or inheritance, of and in such respective Lots or Parcels of Land required as aforesaid, or for demise thereof, for any term of years at, under and subject to such price, rents and conditions, as may be ascertained and settled by Appraisers, in the mode hereinafter provided; and to fulfil and carry into effect such Contracts and Agreements, by granting, selling and conveying, absolutely in fee simple, or leasing and demising for a term of years, as the case may be, such Lots and Parcels of Land with their Appurtenances unto the said Corporation, or in trust therefor, as may be deemed fit, and all such Grants, Deeds, Conveyances and Leases, shall be valid and effectual in law to all intents and purposes whatsoever.

XLII. *And be it further enacted,* That in case any such Bodies or other Persons hereby authorized to contract and convey on behalf of themselves or others as aforesaid, or any other person or persons interested in any such Lots or Parcels of Land so required for the purposes aforesaid, shall refuse or decline to treat or agree, or by reason of absence shall be prevented from treating or agreeing with the Corporation as aforesaid, or shall refuse to accept such price or consideration money for the absolute purchase thereof, or such annual rent or sum for the Lease thereof, as shall be offered by the Corporation, then and in every such case it shall and may be lawful for the Corporation to apply either in Term time or

Proviso—second appraisement conclusive

Lands required by Company

Conveyances and Leases of Lands

Refusal to dispose of Lands to Company