

said 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 in which the said compensation shall be ascertained as to such parties and the said Company shall seem expedient; and in case of disagreement between the said Company and the said owners or parties, or any of them, then all questions which shall arise between them and the said Company, shall be settled as follows, that is to say :

10 The deposit of the map or plan and the notice of such deposit given as aforesaid, shall be deemed a general notice to all parties of the lands which will be required for the said Roads. Legal effect of map and book of reference.

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 Company 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 in making the estimate for such compensation to be awarded for such lands or the damages arising from the exercise of such powers, the arbitrator of the Company as also the arbitrators hereinafter mentioned, shall take into consideration and allow for the benefit to accrue to the party to whom compensation is to be made, from the said roads, and in any case wherein the said Company shall have given and served the notice aforesaid, it shall be lawful for the said Company to desist from such notice, and afterwards to give new notice with regard to the same or other lands, to the same or any other party; but the said Company shall in any such case be liable to the party first noticed for all damages or costs by him incurred in consequence of such first notice and desistment; and no change of ownership after the said Company shall have given and served the notice aforesaid shall affect the proceedings, but the party notified shall be still deemed the owner, except as to the payment of the sum awarded;

35 If the opposite party be absent from the district in which the land is situate, (if the notice relate to the taking of land) or from the district in which the power sought to be exercised, is to be exercised, or to be unknown to the said Company, then upon a petition addressed to any one of the Judges in the said district, accompanied by an affidavit of some officer of the said Company that such opposite party is so absent, and that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such Judge shall order a notice as aforesaid (but without the certificate) to be inserted at least three times during one calendar month in such newspaper as may be named by such Judge, and in either or both languages in the discretion of such Judge; As to absence of opposite party.

If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the said Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as arbitrator, then any such Judge may, on the application of the said Company, appoint an arbitrator for determining, with the arbitrator named in the notice aforesaid, the compensation to be paid by the said Company. As to non-acceptance by party of company's offer, &c.