

III. And be it enacted, That the said Company are hereby empowered to contract, compound, compromise and agree with the owners or occupiers on any land, upon which they may determine to construct the said Rail Road, either by purchase of so much of the said land and privileges as they shall require, for the purposes of the said Company, or for the damages, which he, she, or they shall and may be entitled to receive of the said Company, in consequence of the said intended Rail Road being made and constructed in and upon his, her, or their respective lands; and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers, as aforesaid, it shall and may be lawful from time to time, for each owner or occupier so disagreeing with the said Company, either upon the value of the lands and tenements of private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent persons, who, together with one other person, to be elected by ballot, by the persons so named, shall be arbitrators, to award, determine, adjudge and order the respective sums of money, which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall be and are hereby required to attend at some convenient place in the vicinity of the said intended Rail Road, to be appointed by the said Company after eight days notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and that each arbitrator shall be sworn before some one of His Majesty's Justices of the Peace, in and for either of the said Districts of London or Gore, 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 always, that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner, and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration, as hereinbefore provided. *[This section is modified in regard to reference to arbitration by 9 Vic., Chap. 81, Section 26, and 16 Vic., Chap. 99, Sec. 5.]*

May contract for lands or for damage done.
See 9 Vict., Chap 81, Sec. 26.

Arbitrators appointed;

Their duties &c.

Award subject to jurisdiction of King's Bench