

II. And be it enacted, That it shall and may be lawful to and for the said Commissioners, their agents, servants, workmen and assistants, and they are hereby authorized and empowered, to design, erect, order, dig, excavate, and build, and to complete, maintain and keep in repair a Canal across the isthmus or neck of land commonly called Grimross Neck, in Queen's County, at such place as they may deem most advisable and fit for such Canal, whether on private property or on a public highway, and to dig and make proper foundations in the River Saint John and Gagetown Creek, and on the lands and grounds lying on each side of said Canal, and to cut and level the banks of the said River and Creek in such manner as may be necessary and proper for making the said Canal, and to cut, remove, take and carry away all and every impediment whatever, which may in any wise tend to hinder or impede the erecting and completing the said Canal, and to execute all other things requisite and necessary, useful or convenient, for erecting, digging, maintaining and supporting the said Canal according to the true intent and meaning of this Act; and further, that they may from time to time enter and go in and upon the lands and grounds adjacent to the said Canal for the purpose of making surveys, examinations, or other necessary arrangements for fixing the site of the said Canal; and further that for the purpose of erecting, digging, building, maintaining, repairing and supporting the said Canal, the Commissioners shall from time to time have full power and authority to land and place on either side of said Canal, within twenty yards of the same, all materials and other things to be used in and about the same, and there to work and use such materials and things according as they the said Commissioners, and the persons to be by them appointed, shall think proper, without any previous agreement with the owner or owners of the land, doing as little damage as may be, and making such satisfaction as hereinafter mentioned to the respective owners and occupiers of all lands and grounds, tenements and hereditaments which shall be used and occupied, altered, damaged, spoiled, taken or made use of by means or for the purposes of this Act.

Power given to make the Canal, enter on and occupy the adjacent ground.

III. And be it enacted, That the said Commissioners shall make, allow and pay reasonable and proper compensation and satisfaction for all lands, tenements and hereditaments taken, used and occupied, altered, damaged or spoiled by means of and for the uses and purposes of this Act, to be agreed upon by the said Commissioners and the respective owners and occupiers of such lands, tenements and hereditaments; and in case of disagreement between them or any of them, then such compensation and satisfaction shall be determined by three arbitrators, one to be chosen by the said Commissioners and one by the owner or owners, occupier or occupiers of the private property in question; which two arbitrators so chosen shall choose the third arbitrator, and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, upon application of the said Commissioners to appoint the third arbitrator; the award of the said arbitrators or any two of them shall be final and conclusive in the matters referred to them; and the amount adjudged and awarded to them respectively shall be paid by the said Commissioners within thirty days after such award shall be duly made and delivered; and in case any of the said owners or occupiers of such property shall decline or refuse to make such agreement or appoint such arbitrator, then and in such case it is hereby declared that such person or persons so declining or refusing shall have no other remedy, either at law or in equity against the said Commissioners for any loss or damage which he, she or they may sustain by reason of making, erecting, digging, building, finishing and maintaining such Canal.

Compensation for all land, &c. used for the purposes of this Act to be made.

In case of disagreement, compensation to be settled by arbitrators.