

The Company shall serve 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  
 5 certain sum (or rent, as the case may be) as compensation for such lands or for the damages arising from the exercise of such power, and the name of a person whom they appoint as their Arbitrator if their offer be not accepted; and such notice shall be accompanied by the certificate of some sworn Surveyor for Lower  
 10 Canada, disinterested in the matter, and not being the Arbitrator named in the notice, that the land (if the notice relate to the taking of land) is shewn on the map or plan deposited as aforesaid, as being required for the said Branch or continuation, and works, or as being within the limits of deviation hereby allowed, that he  
 15 knows such land, or the amount of damages likely to arise from the exercise of such powers, and that the sum so offered is, in his opinion, a fair compensation for such land or for such damages as aforesaid.

If the opposite party be absent from the District of Montreal,  
 20 or be unknown to the said Company, then, upon application to any Judge of the Superior Court residing in the said District, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company, that such opposite party is so absent, or that, after diligent inquiry, the party on whom the  
 25 notice ought to be served, cannot be ascertained, such Justice shall order a notice as aforesaid (but without the certificate) to be inserted three times, in the course of one calendar month, in some newspaper published in the City of Montreal in the English language, and in some newspaper there published in the French  
 30 language.

If within three 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 Company that he accepts the sum offered by the said Company, or notify to them the name  
 35 of a person whom he appoints as Arbitrator, then any Judge of the said Court, resident in the District of Montreal, may, on the application of the said Company, appoint some sworn Surveyor for Lower Canada, resident in the said District, to be sole Arbitrator for determining the compensation to be paid by the  
 40 Company.

If the opposite party shall, within the time aforesaid, notify to the said Company the name of the person such party shall appoint as Arbitrator, then the said two Arbitrators shall jointly appoint a  
 45 third, or if they cannot agree upon a third, then any such judge as aforesaid, shall on the application of the said party or of the Company, (previous notice of at least one clear day having been given to the other party,) appoint a third Arbitrator:—

The said Arbitrators or any two of them, or the sole Arbitrator, being sworn before some Commissioner for receiving affidavits to  
 50 be used in the Superior Court, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company in such way as they or he, or a majority of them shall deem best, and the award of such Arbitrators, or of any two of them, or of the sole Arbitrator, shall  
 55 be final and conclusive; Provided that no such award shall be made or any official act done by such majority, except at a meeting held at a time and place of which the other Arbitrator shall have at least one clear day's notice, or to which some meeting at