

ments in Big  
Otter Creek.

nel of the same from, to and into any part or parts thereof, and in such manner to improve the navigation thereof, as to the said Company shall seem proper, and so as to allow of boats and vessels navigating the same; and also to make, erect and build all such locks, docks, moles, piers, wharves, buildings, and erections whatsoever, as shall be necessary for the protection of the said part of the said Creek, and for the accommodation of boats, vessels, logs, timber, spars and masts, entering, passing up and down, lying, loading and unloading within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary, and the said company shall have to their own proper use and benefit all water powers that may be created in erecting dams, piers, locks, moles, and other works required for the improvement of the said Otter Creek.

Company may  
contract for  
purchase of  
lands.

III. The Directors of the said Company shall be and they are hereby empowered to contract, compound, compromise and agree with the owners and occupiers of any land that may be required for the purposes of the Company, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damage which he, she, or they shall and may be entitled to recover from the said Company, in consequence of said improvement of the navigation of the said part of said Creek, being made, or of any road, street, or approach thereto, being made, cut or constructed in and upon his, her, or their respective lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, it shall and may be lawful from time to time, as often as the said Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the lands and tenements 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 Directors 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 a majority of whom shall be final; and the said arbitrators shall, and they are hereby required to attend at some convenient place in the vicinity of the said intended improvement, to be appointed by the said Directors after eight days notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and such arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the said County of Elgin, any one 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 Queen's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to arbitrators as herein before provided.

In case of dis-  
agreement, ar-  
bitrators to be  
appointed.

Proviso.

Company em-  
powered to re-  
ceive tolls for  
use of said  
improvements.

IV. As soon as the said improvements shall have so advanced as to allow of vessels, boats, logs, timbers, spars or mass passing through any part of said part of said creek, the said Company shall have full power and authority to ask for, demand, receive and take as tolls and for their own proper use and benefit and behoof, on all goods, wares and merchandize shipped or landed on board or out of any vessel or boat