

on behalf of such Corporation, and to give notice thereof to the person or persons owning the said property, and such person or persons shall within *seven* days after such notice name an Arbitrator on his or their behalf, and upon such two Arbitrators **5** being so named as aforesaid, they shall within *seven* days thereafter appoint a third Arbitrator, and the said three Arbitrators, or the majority of them, shall have power to determine upon and award the amount of damages, if any, to be paid to such person or persons as aforesaid, and their award shall be **10** binding on such person or persons and on the said Corporation respectively, so as such award be made in writing within thirty days after the appointment of the third Arbitrator as aforesaid: Provided always, That if any such owner or occupier shall neglect to name an Arbitrator for the space of **15** seven days, after having been notified so to do, or if the said two Arbitrators do not within the space of *seven* days after their appointment, agree upon such third Arbitrator, or if any one of the said Arbitrators shall refuse or neglect within the space of *seven* days after his appointment, to take upon **20** him the duties thereby imposed, then upon the application of the Head of the Corporation or of the other party, it shall be lawful for the Judge of the County Court to nominate any disinterested competent person or persons, from any Township other than the Township in which such land shall **25** be situate, to act in the place of such Arbitrator or Arbitrators so refusing or neglecting as aforesaid, and that every Arbitrator so appointed by the Judge of the County Court, as aforesaid, shall and he is hereby required to hear and determine the matter to be submitted to him, with all convenient speed, after he **30** shall have been so nominated as aforesaid, and any award made by a majority of the said Arbitrators, shall be as binding as if the three Arbitrators had concurred in and made the same: And provided also, secondly, That every such submission and award shall be subject to the jurisdiction of Her Majesty's **35** Superior Courts of Common Law for Upper Canada, in the same manner and to the same extent for all purposes whatsoever, as if there had been a submission of the matters in difference by Bond between the parties containing an agreement that such submission should be made a rule of either of such Courts."

Third Arbitrator.

Proviso: If any party neglect to appoint an Arbitrator.

Proviso: Awards to be subject to Superior courts of Law for U. C.

**40** XXII. And be it enacted, That the following clause shall be substituted for the repealed one hundred and twenty-eighth section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That the Head of every Municipal Corporation, erected or to be erected, under the **45** authority of this Act, shall be sworn or affirmed into office by the Highest Court of Law or Equity, whether of general or only of local jurisdiction, which shall at the time be sitting within the limits of such Corporation, or by the Chief Justice or other Justice or Judge of such Court at his Chambers, or if **50** there be no such Court, Justice or Judge within the limits or at the place of meeting of such Corporation at the time, then before

New section substituted for s. 128 of 12 V. c 81.

As to the swearing (or affirming) in of the Head of any Municipal Corporation.