

compensation shall be ascertained as to such parties and the said Company shall seem expedient, and in case of disagreement between the said Company and the owners or parties or any of them, then all questions which shall
5 arise between them and the said Company shall be settled as follows, that is to say:—

The Company shall serve a 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
10 any lands (describing them)—a declaration that the Company are ready to pay some certain sum (or rent as the case may be) as compensation for such lands or for the damages arising from the exercise of such powers—and the name of a person whom they appoint as their Arbitrator if their offer be not accepted, and such notice shall
15 be accompanied by the certificate of a sworn Surveyor 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 required for the said Railroad and
20 works, that he 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 and for such damages as aforesaid; and in any case wherein the said Company shall have given and
25 served the notice aforesaid, it shall be lawful for the said Company to desist from such notice and afterwards give new notice with regard to the same or other lands, to the same or any other party, but the Company shall in any such case be liable to the party first notified for all
30 damages or costs by him incurred in consequence of such first notice and desistment; and no change of ownership after the Company shall have given and served the notice aforesaid, shall affect the proceedings, but the party notified shall be still deemed the owner except as to the
35 payment of the sum awarded.

Arbitration if
the Company
and party do
not agree.

If the opposite party be absent from the District in which the land is situate (if the notice relate to the taking
of land) or from the District in which the power sought to be exercised, is to be exercised, or be unknown to the
40 said Company, then upon application either to any Justice of the Court of Queen's Bench in Upper Canada or of the Superior Court in Lower Canada having jurisdiction in such District, or in Upper Canada to the Judge of the District Court of such District, or in Lower Canada to
45 any Circuit Judge, 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 notice ought to be served, cannot be ascertained, such Justice or Judge shall
50 order a notice as aforesaid (but without the certificate) to be inserted during one calendar month in the *Canada Gazette* and in some other newspaper to be named by such Justice or Judge.

Arbitration,
&c.