

- any lands (describing them—a declaration that the Com- Offer.
pany 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 power—and
5 the name of a person whom they may appoint as their
Arbitrator if their offer be not accepted—and such notice
shall be accompanied by the certificate of some sworn
Surveyor for Upper Canada, disinterested in the matter,
and not being the Arbitrator named in the notice, that the
10 land (if the notice relate to the taking of land) is shown
on the map or plan deposited as aforesaid, as being re-
quired for the said Railroad and works, or as being within
the limits of deviation hereby allowed from the line of the
said Railroad, that he knows such land, or the amount of
15 damages likely to arise from the exercise of such powers.
and that the sum so offered is in his opinion a fair com-
pensation for such land and for such damages as aforesaid.

Name of Arbi-
trator.

Certificate of a
Surveyor that
the offer is a
fair one, &c.

- If the opposite party be absent from the County in
which the lands lie or be unknown to the said Company,
20 then upon application to the County Judge for such
County, 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
25 be ascertained, such Judge shall order a notice as afore-
said (but without the certificate) to be inserted three
times in the course of one calendar month in some news-
paper published in the said County.

If the party be
absent or
unknown.

- If within ten days after the service of such notice, or
30 within one month after the first publication thereof as
aforesaid, the opposite party shall not notify to the Com-
pany, that he accepts the sum offered by the said Com-
pany, or notify to them the name of a person whom he
appoints as Arbitrator, then such County Judge as afore-
35 said shall, on the application of the said Company, appoint
some sworn Surveyor for Upper Canada, to be sole
Arbitrator for determining the compensation to be paid
by the Company.

Party not ac-
cepting the
Company's of-
fer, and not
appointing an
Arbitrator.

- If the opposite party shall, within the time aforesaid,
40 notify to the said Company the name of the person such
party shall appoint as Arbitrator, then the said two Arbi-
trators shall jointly appoint a third, or if they cannot agree
upon a third, then the County Judge of the County in
which the lands lie, shall, on the application of the said
45 party or of the Company, (previous notice of at least one
clear day having been given to the other party,) appoint
a third Arbitrator.

Opposite party
appointing an
Arbitrator.

Third Arbi-
trator.

- The said Arbitrators or any two of them or the sole
Arbitrator, being sworn before some Justice of the Peace
50 for the County in which the lands lie as aforesaid, faith-

Duties of Arbi-
trators after
being sworn.