

Valuation
by Judge.

4. The official arbitrator for the City of Toronto shall act as arbitrator and determine the value of such part of mining location or lot No. 10 X as aforesaid, subject to the provisions of this Act, and the damages, if any, which ought to be paid by the said Edward Spencer Jenison as compensation to the owners of the said land in the next preceding section mentioned, for any injury or damage done to them by the taking of such portion thereof as the arbitrator may determine, in case the said arbitrator shall determine that the said Jenison is entitled to expropriate any portion of said lot No. 10 X and upon payment of the amount so to be assessed, either to the owners of the said land or into the High Court of Justice for Ontario to their credit, the said lands which he may so expropriate shall become and be thenceforward vested in fee simple in the said Edward Spencer Jenison, his heirs and assigns forever.

Authority to
expropriate
highways.

5. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered, to enter upon, take possession of, acquire, hold and use such portions of the highway or road allowance between the said Township of Oliver and the said Township of Paipouge, commencing at the distance of 300 feet west from the southeast angle of the said mining location or lot No. 10 X and extending in a westerly direction 400 feet therefrom, as he may require or deem expedient for the purposes of his said undertaking; provided, however, that should the said highway or road allowance be at any time hereafter required for use as a public highway or road the said Edward Spencer Jenison shall, upon demand of the Municipal Council of the said Townships or of either of them, at his own expense erect and maintain a proper bridge on the said highway or road allowance across and over the trench or canal, pipes or conduits mentioned in section 7 of this Act.

Authority to
expropriate
highways.

6. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to enter upon, take possession of, acquire, hold and use such other portion of the public highways or road allowances, if any, in either the said Township of Oliver or the said Township of Paipouge or the Township of Neebing, as may be required for the purposes of the said undertaking; provided, however, that should such highways or road allowances be at any time hereafter required for use as public highways or roads the said Edward Spencer Jenison shall, upon demand of the Municipal Council of the Township in which any such highway or road allowance is situate, at his own expense erect and maintain proper bridges on the said highways or road allowances across and over the trench or canal, pipes or conduits mentioned in section 7 of this Act.

Authority to
convey water
across road
allowances
and over
certain lands.

7. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to convey and conduct the water which may from time to time be diverted as aforesaid from the Kaministiquia River through, over and across the road allowance or reserve of one chain in width along the easterly bank of the said river at the point of diversion of the said water, and through, over and across the westerly twelve and a half acres of lot No. 19 in the second concession of the said Township of Oliver and those parts of lot No. 18 and of lot No. 19 in the first concession of the said Township of Oliver now owned by the said Edward Spencer Jenison; and through, over and across that part of mining location or lot No. 10 X in the Township of Oliver, which he shall be entitled to expropriate (if any) and across the 400 feet of inclosed highway or road allowance between the said Townships of Oliver and Paipouge, described in section 5 of this Act; and through, over and across the westerly ten acres of that part of lot No. 20 in concession D of the said Township of Paipouge lying east of the Kaministiquia River; and through, over and across the said allowance or reserve of one chain in width along the easterly bank of the said river, between the last mentioned lot and the said river and to the channel of the said Kaministiquia River by means of a trench or canal and of pipes, conduits, development plant and tail races. Provided, always, that the said Edward Spencer Jenison shall at all times hereafter permit and allow at least four thousand cubic feet of water per minute to flow over the present natural channel of the said Kaministiquia River past any point in the said river between the point at which part of the waters thereof may be diverted therefrom as by this Act permitted.