

and to possess fully his rights and privileges in respect thereof, free from any claim or interference from the said Company.

Expenses of the award to be defrayed by Company in certain cases, and *vice versa*.

5. And be it enacted, That where an award shall be made for more money as an indemnification or satisfaction for any lands, grounds, hereditaments or property, or for any damages done to any lands, tenements, hereditaments or property of any person or persons whomsoever, than had previously been offered by or on behalf of the said company, then all the expenses of holding the said arbitration (which shall be settled by the arbitrators), shall be defrayed by the said company; but if any award shall be given for the same or a less sum than had been previously offered by and on behalf of the said company, or in case no damage shall be awarded (when the dispute is for damages only) then and in every such case the costs and expenses shall be settled in like manner by the arbitrators, and paid by the party or parties with whom the said company shall have had dispute, which said costs and expenses having been so settled, shall and may be deducted out of the money so awarded, when the same shall exceed such costs and expenses, as so much money advanced to and for the use of such person or persons, and the payment or tender of the remainder of such money shall be deemed and taken, to all intents and purposes, to be a payment or tender of the whole sum so awarded to be paid by the said company to such person or persons as aforesaid.

And if payable by the opposite party, may be deducted by the Company from the compensation.

Proceedings when lands required by Company may belong to parties not residing in the Province, refusing to appoint Arbitrators, &c.

6. And be it enacted, That whenever any lands or grounds required by the said company for the purposes of the said railroad are held or owned by any person or persons, bodies politic, corporate or collegiate, whose residence may not be within this Province, or unknown to the said company, or where the titles to any such lands or grounds may be in dispute, or when the owner or owners of such lands or grounds are unwilling or unable to treat with the said company for the sale thereof, or to appoint arbitrators as aforesaid, or refuse or neglect so to do for the space of one calendar month after having been thereunto required by the said company, it shall and may be lawful for the said company to nominate one indifferent person and for the judge of the District Court for the district in which the lands are situate, on the application of the said company, to nominate and appoint one other indifferent person, who, together with one other person to be chosen by the persons so named before proceeding to business, or, in the event of their disagreeing as to the choice of such other person, to be appointed by the said Judge before the others proceed to business, shall be arbitrators, to award, determine and adjudge and order the respective sums of money which the said company shall pay to the respective persons entitled to receive the same for the said lands or grounds or damages as aforesaid, and the decision of the majority of such arbitrators shall be final; which said amount so awarded the said company are to pay or cause to be paid to the several parties entitled to the same when demanded: and also, that a record of such award or arbitration shall be made

Award to be registered.