

Arbitrators to be appointed in case of dispute.

or water privilege may be mortgaged or pledged to any person or persons, it shall and may be lawful for the judge of the County Court of the County of Lincoln, on application being made to him, to nominate and appoint three indifferent persons as arbitrators, to award, determine, adjudge, and order the respective sums of money which the said Commissioners shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final ; and the said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said Town, to be appointed by the said Commissioners after eight days notice given for that purpose by the said Commissioners, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested ; and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace, in and for the said County of Lincoln, or the said Town, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties to the best of his judgment : Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided ; and that any sum so awarded shall be paid within three months from the date of award or determination of any motion to annul the same, and in default of such payment the proprietor may resume the possession of his property, and all his rights shall thereupon revive ; and the award of a majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

Proviso.

Lands, &c., appropriated by Commissioners vested in Mayor and Corporation.

V. The lands and water, or easements, right of way, or passage, which shall be ascertained, set out or appropriated by the said Commissioners for the purposes thereof as aforesaid, shall thereupon and for ever thereafter be vested in the Mayor and Corporation of the Town of St. Catharines, and their successors, and it shall and may be lawful for the said commissioners, and their successors, to construct, erect and maintain upon the said lands all such reservoirs, water works, and machinery requisite for the said undertaking, and to convey the waters thereto, and therefrom, in, upon, or through, any of the grounds and lands lying intermediate between the said reservoirs and water works, and the springs, streams, rivers, or lakes, from which the same are procured, and the said Town of St. Catharines, by one or more lines of pipes, as may from time to time be found necessary ; and for the better effecting the purposes aforesaid, the said Commissioners, their successors and servants, are hereby empowered to enter and pass upon and over the said grounds and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and upon, over, under, and through the highways, railroads, and roads of and in the Townships of the County of Lincoln, and through the public ways, streets, lanes, or other passages of the said Town of St. Catharines, and in, upon, through, or under the lands, grounds and premises of any person or persons, bodies corporate, politic or collegiate whatsoever, and to set out, ascertain, use and occupy such part or parts thereof as they the said Commissioners or their successors shall think necessary and proper, for the making and maintaining of the said works, or for taking up removing, altering, or repairing the same, and for distributing water to the inhabitants of the Town of St. Catharines, or for the uses of the Corporation of the said Town, or of the proprietors or occupiers of the lands through or near which the same may pass, and for this purpose to

Commissioners empowered to lay pipes, construct reservoirs, &c.