

tended railroad being made and constructed in and upon his, her or their respective lands; and in case of any disagreement (a) between the said company and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful from time to time for such owner or occupier, so disagreeing with the said company, either upon the value of the lands and tenements, or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one indifferent person, and for the said company to nominate 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 Judge of the District Court (b) for the district in which the lands are situate before the others proceed to business, shall be arbitrators to award, determine, order and adjudge the respective sums of money which the said company 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 are hereby required to attend at some convenient place in the vicinity of the said intended railroad to be appointed by the said company, after eight days' notice given for that purpose by the said company, 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 (c); and that each arbitrator shall be sworn (before some one of Her Majesty's Justices of the Peace, in and for the district in which the subject matters of the said disagreement shall originate, any of whom may be required to attend the said meeting for that purpose,) well and truly to assess the damages between the parties according to the best of his judgment; (d) Provided always, that any award made under this Act shall be subject to be set aside on application to the court of Queen's Bench, (e) in the same manner, and on the same grounds as in ordinary cases of submission by the parties; in which case a reference may be again made to arbitration as hereinbefore provided.

Arbitrators to be appointed if the company and the parties cannot agree.

Third arbitrator.

Meetings of arbitrators.

Arbitrators to be sworn.

Proviso : Awards may be set aside in certain cases.

4. (f) And be it enacted, That whatever sum of money may be finally awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said company with his or their rights or privileges, shall be paid within three months from the time of the same being awarded; and in case the said company shall fail to pay the same within that period, then their right to assume any such property or commit any act in respect of which such sum of money was awarded, shall wholly cease, and it shall be lawful for the proprietor to resume his occupation of such property,

Sum of money awarded to be paid within three months, on pain of forfeiture of the right to take the land.

(a) See C. S. C. c. 66, s. 11, sub-s. 9 *et seq.* p. 83.

(b) When the Judge is interested in the lands, a Superior Court Judge shall exercise his powers. 23 Vict., c. 29, s. 10, p. 126; 24 Vict., c. 17, s. 3, p. 128.

(c) Compelling attendance of witnesses, &c. See 38 Vict., c. 15, p. 137.

(d) As to mode of determining value. See C. S. C. c. 66, s. 11, p. 80; 35 Vict., c. 25, s. 5 (Ont.), p. 136.

(e) Appealing from award. See 38 Vict., c. 15, ss. 4, 5 & 6, p. 138.

(f) Repealed by 18 Vict., cap. 36, s. 2, p. 21.