

trators as aforesaid; and the said arbitrators, or any two of them, shall and are hereby authorised and empowered, by such means as they shall think proper, to settle the amount of compensation, if any, to which the tenant or lessee shall be entitled under the provisions of this Act, and to make their award thereon in writing under their hands and seals, or under the hands and seals of any two of them, and such arbitrators shall, within 20 days after the making of such award, forward to each of the parties a copy thereof, and the expenses of such arbitration shall be paid by such party or parties, or in such proportion as the said arbitrators shall direct.

Arbitrators, or any two of them, empowered to settle amount of compensation, and give award in writing, &c.

A copy of award to be forwarded to each party.

III. If any landlord, against whom any such claim of compensation as aforesaid shall be made, shall proceed further, by any process of law, against the tenant or lessee making such claim for the purpose of recovering the possession of the lands or tenements, in respect whereof such claim shall have been made, it shall be lawful for such tenant or lessee to prove, by evidence at the trial of such ejectment, or other action for the recovery of lands, that such claim had been made, on his part, in conformity with the provisions of this Act; and either that compensation has been awarded to him, which compensation has not been paid or tendered to be paid by said landlord, or that such landlord has neglected or refused to appoint an arbitrator, having been duly required to do so, according to this Act, and that therefore such claims remain, by the default of the landlord, pending and undetermined; and on proof thereof, unless the amount of the award, if any award has been made, be forthwith lodged in court, or the claim of the tenant or lessee be otherwise settled, or appeal made against the award, as hereinafter in certain cases permitted, such tenant or lessee shall be entitled to a judgment or decree, as the case may be, in his favour, in the matter of such ejectment or other action as aforesaid; but if it shall appear that the claim of the tenant or lessee for compensation remains undetermined, by reason of any default of the arbitrators appointed as aforesaid, in not having made an award, or by reason of any informality in the service of the notices, or any part of the proceedings, it shall be lawful for such court, on the application of such tenant or lessee or landlord, and such court is hereby required to appoint an arbitrator or valuator, being a fit and proper person, resident in Prince Edward Island, who shall have full power to determine the amount of compensation, if any, due to such tenant or lessee, and such court shall withhold the issuing of any *habere* or writ of eviction, to which such landlord might be otherwise entitled, until the amount of compensation, if any, determined by the award of such arbitrator or valuator, shall have been paid to such tenant or lessee, or lodged in such court, to the credit of such suit; and if any such amount shall not be so paid or lodged within a time named, such court shall then give judgment or decree, as the case may be, in favour of the tenant or lessee.

If landlord proceed with ejectment, tenant, at trial, may prove that award was made and remains unpaid, or else that no arbitrator has been appointed by the landlord, although duly notified, whereupon judgment shall be given for tenant.

But if, by reason of default of the arbitrators, no award has been made, or any informality in the proceedings, the Court, if required by either party, shall appoint an arbitrator to determine the amount of compensation.

*Habere* or writ of eviction to be withheld until amount of the award shall be paid or lodged in court.

If not paid within a time named, judgment may be given for tenant.

Landlord or tenant may appeal to the Court where the award has not been made according to the rules of this Act.

IV. If, in any case, wherein an award shall have been made under this Act by arbitrators, any landlord, tenant or lessee shall think himself aggrieved by such arbitrators having failed to observe the rules herein provided for the regulation of their proceedings, and for determining the amount of compensation to be awarded, or with regard to the qualifications of the tenant or lessee, to make claim for compensation, under the rules and limitations with reference thereto in this Act enacted, it shall be lawful for such landlord, tenant or lessee to appeal against such award to the court in which any such ejectment case or other action for the recovery of land as aforesaid shall be tried; and if it shall appear to such court that the objections so made to the proceedings of the arbitrators in the matter of any award made by them were valid against the same, it shall thereupon be lawful for such court to cancel, alter or amend any such award; and if necessary to appoint an arbitrator or valuator to make a new award in the matter of such claim, as hereinbefore provided in the case of default in the arbitrator making award.

Court may cancel, alter, or amend award, or appoint an arbitrator, as if no award had been made.

V. The arbitrators who may be appointed to decide any case of dispute between landlord and tenant or lessee under this Act shall proceed in manner following: they shall first inquire whether the tenant or lessee claiming is in all respects entitled to make claims, according to the rules herein provided; and if the arbitrators find the claimant so qualified, they shall proceed to ascertain the improvements of all kinds for which the tenant or lessee is entitled to compensation, according to the terms and meaning of these provisions, whether the same be in the form of clearing and reducing the land into cultivation, of buildings, or of works to increase the productive power of the soil, by draining, or by any other productive expenditure of labour, and the expense of such improvements, and the amount of increased value created by the same; and they shall award to the tenant or lessee the full costs of all improvements so made, by which the value of the premises may be increased, or such amount thereon as they shall think fair and just, according to the circumstances of the tenancy, and according to the rules herein provided; making their award in such manner as best to carry out the principles upon which the provisions of this Act are founded.

Mode of proceeding by the arbitrators in determining their award.

VI. In any estimate of the amount of compensation to be allowed for buildings under this Act, the arbitrators aforesaid shall first estimate the cost at which new buildings might be erected, of the quality and extent of those for which compensation may be claimed, and afterwards they shall estimate whether any and what deduction should be made for deterioration from age or other causes; and having deducted such amount, if any, from the sum first ascertained, the remainder shall in all cases be deemed and taken to be the amount of compensation to be awarded to the tenant or lessee for such buildings: Provided always, that in case it shall appear that any building or buildings for which compensation shall be demanded are of greater extent, or erected at a higher cost, or for purposes other than what are suitable

Mode of determining the value of buildings.

No buildings to be allowed for, which do not increase the rent for which the premises would let.