

4. If the engineer of the railway company and the engineer of the municipality or of the landowner agree upon any portion of, or the whole of, the said work objected to by the manager of the company, then such report, amended, if need be, as agreed upon, shall be made out in duplicate and signed by both engineers, one copy to be retained by the engineer of the railway company and one by the engineer of the municipality or landowner; and the said report shall be binding upon all parties concerned, as set forth in subsection two of this section, and shall be filed as provided in the said sub-section.

When engineers agree, report to be binding

5. If the engineer of the railway company and the engineer of the municipality or land owner fail to agree upon the matters in dispute, as mentioned in subsection three of this section, then the said matters in dispute shall be referred to the decision of an engineer to be appointed by the Minister of Railways and Canals, whose report and decision shall be final and binding upon all parties interested, as set forth in subsection two of this section, and shall be filed as provided in the said subsection.

When engineers disagree, dispute to be referred to engineer appointed by Minister.

6. When the said disagreement takes place, the engineer of either of the parties represented may, within four days thereafter, by registered letter, request the Minister of Railways and Canals to appoint an engineer as provided in the next preceding subsection, and shall in such letter give the name and post-office address of the engineer representing the other party, and also his own post-office address, and state the locality where the proposed work is to be done.

Minister may be requested to appoint engineer as a referee.

7. The Minister of Railways and Canals shall, within six days after receiving the said request, appoint a competent engineer to settle the matters in dispute. The engineer so appointed shall, within six days after his appointment, notify, by registered letter, the engineer of the railway company and the engineer of the municipality or landowner, of the day on which he will attend at the place of the proposed work, which day shall not be earlier than ten, nor later than twenty days from the date of such notification; and the said engineers shall attend at the time and place mentioned in such notice, and shall give all necessary information to the engineer appointed by the Minister of Railways and Canals, and the said last-named engineer shall carefully inquire and examine into all the objections made, and differences of opinion existing between the engineer of the railway company and the engineer of the municipality or landowner, with reference to the proposed work upon the lands of the railway company, and the cost thereof.

Minister to appoint engineer who shall inquire into matters in dispute.

8. Or the engineers of the parties interested may, after the said disagreement takes place, agree upon a third engineer to act in the place of the engineer directed to be appointed by the Minister of Railways and Canals in the next preceding subsection, and such third engineer shall proceed in all respects as provided in this Act with regard to notice, attendance, inquiry and report as in the case of an engineer appointed by the Minister of Railways and Canals.

Engineers may agree upon third engineer.

9. If the engineer of either of the parties interested fails to attend, or to act as provided by this Act, the Minister of Railways and Canals may appoint a competent engineer to act in place of such engineer, who shall have the same powers and

Where engineer fails to act.