

Canada, on the application of the Company, may name another such person, from any Township or Local Municipality adjoining that in which such land lies, which persons, together with one other such person to be chosen by them, before proceeding to arbitrate, or, (in the event of their disagreeing as to the choice of such other person) to be chosen by such Judge, shall be arbitrators to determine what amount the Company shall pay for such land or for damages, and what amount either party or both shall pay for the costs of the arbitration, and the decision of a majority of such arbitrators shall be binding; and a record shall be made and signed by the said arbitrators, or a majority of them, specifying the amounts so awarded, which record shall be deposited in the Registry Office of the County in which such land lies, and the Company may thereupon enter upon and take possession of such land for the use of the Company, and hold the same, or exercise such power as aforesaid.

In any case of arbitration under this Act, if the Company, before the appointment of their arbitrator, tendered a sum equal to or greater than that awarded by the arbitrators, the costs of arbitration shall be paid by the opposite party.

All land in Upper Canada so taken, purchased and paid for by the Company, shall become and thenceforward shall continue to be the property of such Company, free from all mortgages, incumbrances and other charges.

XXII. The Company shall not be held entitled to exercise any of the rights or powers in the preceding three sections set forth, in respect of any land whatever which may be *bonâ fide* in occupation of any other party for any such use as that for which the Company might otherwise under this Act acquire the same.

XXIII. All land in Upper Canada so taken, purchased and paid for by the Company, as hereinbefore is provided, shall thereupon become the property of the Company, for such use as aforesaid, free from all mortgages, incumbrances and other charges.

XXIV. In every case where any land in Lower Canada is by the Company so acquired (whether by voluntary purchase or otherwise) or taken possession of as hereinbefore is provided, if the Company have reason to fear any claim, hypothec or incumbrance, or if any party to be paid or compensated therefor refuses to execute the proper conveyance and guarantee, or cannot be found, or is unknown to the Company or if for any other cause the Company deem it advisable, the Company may pay such price or compensation (including any costs awarded if the case be one of award) into the hands of the Prothonotary of the Superior Court for the District in which the land is situate, with interest thereon for six months, and may deliver to such Prothonotary an authentic copy of the conveyance or of the award, as the case may be, forming the title of the Company; and proceeding shall thereupon be had for the confirmation of such title, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company (that is, the conveyance or award, as may be) is under this Act, and shall call upon all persons entitled to such land or any part thereof, or representing or being the husband of any party so entitled, or having any other