

7. So much of the Act thirdly cited in the preamble to this Act, as requires any Sheriff to summon a Jury to enquire of and determine, or as authorizes any jury to enquire of and determine the price or compensation to be paid by the said Principal Secretary of State, for the absolute purchase or for the possession or use of any lands or real estate, of which such Sheriff has put or shall put the said Principal Secretary of State into possession, is hereby repealed as to any case in which a verdict has not been given; and such price or compensation shall be enquired of and determined by the Official Arbitrators *aforsaid*, (whose award shall stand in the place of the verdict of a Jury for all the purposes of the said Act,) in the manner prescribed by and subject to the provisions of the Acts firstly and secondly cited in the preamble to this Act, except that the testimony of witnesses shall not be taken down in writing; And the Sheriff who has given or shall give possession of any lands or real property to the said Principal Secretary of State shall certify to the Official Arbitrators his doings in that behalf when by them required so to do; And in any case where an appeal from a verdict heretofore rendered has been or shall be granted, and no second verdict has been rendered, the Court shall refer the case to the said Official Arbitrators for determination.

Compensation for lands taken under Con. Stat. Can. cap. 36, to be determined by Official Arbitrators.

8. And inasmuch as the twenty-first section of the Act thirdly cited in the Preamble to this Act applies only to the case where the party conveying any property to the said Principal Secretary of State could not have legally conveyed the same without the said Act, or has not the absolute interest therein, and not to the case where there are merely hypothecs or incumbrances on such property, and the ordinary proceedings for confirmation of title cannot be applied in such case: therefore the said section is hereby repealed, and the following section shall be substituted therefor and shall be read as part of the said Act as hereby amended:

Con. Stat. Can. cap. 36, see 21, repealed.

“21. In Lower Canada the sum of money determined by the verdict of a Jury or by the award of the Official Arbitrators, or agreed upon by the said Principal Secretary of State and any party who could under this Act validly convey any real estate, or lawfully in possession, as owner of any real estate, which could be lawfully taken under this Act without the consent of the owner thereof, as the price or compensation to be paid for such real estate, shall stand in the stead of such real estate, and any claim to, or hypothec or incumbrance upon such real estate shall be converted into a claim to or upon the said price or compensation:”

Price of land taken to stand instead of the land, in respect of incumbrances.

“2. If the said Principal Secretary of State believes that any such claim to, or hypothec or incumbrance upon such real estate exists, or if any party to whom such price or compensation or any part thereof is payable refuses to execute the proper

Proceedings when party refuses to execute conveyance, &c.