

certificate), to be inserted three times in the course of one month in some newspaper published at Gananoque, to be named by the judge.

Party not
accepting
offer, and not
appointing an
arbitrator.

12. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the judge shall, on the application of the company, appoint a sworn surveyor for the Province of Ontario, to be sole arbitrator for determining the compensation to be paid as aforesaid ;

If he appoints
one. Third
arbitrator.

13. If the opposite party within the time aforesaid, notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence) then the Minister of Public Works shall, on the application of the party or of the company (previous notice of it at least two clear days having been given to the other party), appoint one of the official arbitrators to be a third arbitrator ;

Duties of
arbitrators.

14. The arbitrators, or two of them, or the sole arbitrator, beingsworn before some Justice of the Peace for the county, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best, and the award of such arbitrators, or any two of them, or of the sole arbitrator, shall be final and conclusive ; but no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least two clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned ; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required.

Award by
majority.

Increased
value by works
to be con-
sidered.

15. The arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the works of the company will pass, by reason of the passage through or over the same, or by reason of the construction of the said works, and to set off the increased value that will attach to the said lands or grounds against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid ; but they shall not award damages for the overflowing of any lands below the usual high water mark, as it has stood for the last ten years ;

Amount of
award.
Costs how
paid.

16. The award given by any sole arbitrator shall never be for a less sum than that offered by the company, as aforesaid, and if in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the cost of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the judge ;

Power to ex-
amine parties
or witnesses on
oath.

17. The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation ; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly ;

Time for
making award.

18. The judge by whom any third arbitrator or sole arbitrator is appointed, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by order of the judge, as it may be for reasonable cause shown on the application of the sole arbitrator or of one of the arbitrators, after one clear day's notice to the others, then, the sum offered by the company as aforesaid, shall be the compensation to be paid by them ;

Arbitrator

19. If the sole arbitrator appointed by the judge, or the official arbi-