

V. In case the Municipality or body corporate shall notify the Company as aforesaid within the time aforesaid, and the said parties cannot come to an agreement together on the subject of the said proposed deviation or deviations, it shall be lawful for the Company to deposit copies of the plan and explanation aforesaid and of the notices and objections aforesaid with the Assistant Commissioner of Public Works, and thereupon to give notice in writing to the said Municipality or body corporate, that the same have been so deposited and that an application will be made to the said Assistant Commissioner on a day to be named in said notice, and not being less than fifteen days after the service of such notice, to take the matter into consideration; and the said Assistant Commissioner may, and he is hereby required to, take the said matter into consideration on the day named in said notice, or such time as he shall then appoint; and his determination and decision thereon, signified in writing to the said parties, shall be final and conclusive: Provided always, that it shall be lawful for the said Assistant Commissioner to vary or alter any such plan, and that all parties shall be bound and concluded by his so doing; and the expenses of such reference shall be paid by such of the said parties as the said Assistant Commissioner shall in his discretion condemn to pay the same.

If the Municipality object, the assistant Commissioner of Public Works to decide.

VI. It shall be lawful for the Company immediately after the receipt of such signification in writing of the determination and decision of the said Assistant Commissioner, to proceed with and make such deviation or deviations as may be sanctioned by such determination and decision.

Company may act on such decision.

VII. In every such case the Railway Company shall have the same powers and privileges for the purpose of acquiring and taking the land or ground necessary for the making of any such deviation or deviations and the material therefor, as are conferred by the laws in force in that part of Canada in which it may require to exercise the same, upon Joint Stock Companies for the construction of roads and other works, for the purpose of acquiring and taking land and materials required for the construction of their roads and other works, and shall be subject to the formalities and to the observance of the proceedings thereby required in that behalf.

How the Company may acquire the requisite land and materials.

VIII. It shall be lawful for any Railway Company, for the purpose of carrying their Railway across a highway without passing over it by a bridge or under it by a tunnel, and without any part of the Railway rising above or sinking below the level of the highway more than one inch, to elevate or depress the level of such highway throughout the requisite extent, but so as no part of such elevation or depression be made with a greater descent from or to the rails than one foot in twenty.

Company may raise or lower a Road in order to pass it on a level.