

to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

How such arbitration shall be had.

Appointment of arbitrators.

Meeting.

They shall be sworn.

Proviso.

Proviso: if the owner fails to appoint an arbitrator.

Proviso: appeal to set aside the award.

Proviso: as to mode of estimating damages.

VI. In each and every case where any dispute shall arise between the said Directors and any other person or persons whomsoever, touching any purchase, sale or damage, or the money to be paid in respect thereof, and in each and every case where, under the provisions of this Act, any purchase, sale or damage, or the money to be paid in respect of the same are directed to be ascertained and determined by arbitration, the same shall be referred to, ascertained and determined by three indifferent persons, one of whom shall be chosen by the owner or occupier of the land, or other person or persons interested, who shall disagree with the said Directors in respect to the compensation or purchase money to be paid him, her or them respectively, pursuant to the provisions of this Act; one other of the arbitrators shall be chosen by the said Directors, and the third shall be chosen by the two persons to be so named as aforesaid, and such three persons shall be the arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, and the award of such three persons, or any two of them, shall be final; and the said arbitrators so appointed are hereby required to attend at some convenient place on or near the line of the said Canal, to be appointed by the said Directors, within eight days after notice in writing shall be given them by the said Directors for that purpose, then and there to arbitrate, award and determine such matters as shall be submitted to their consideration by the parties interested; and each of the said arbitrators shall be sworn before one of Her Majesty's Justices of the Peace for the said district, for that purpose, any of whom may be required to attend the said meeting, for that purpose, well and truly to assess the damages between the parties according to the best of his judgment; Provided that no arbitrator shall be compellable to attend such meeting who originally resides more than twenty-five miles from the place of meeting; Provided also, that if the owner or owners, or other person or persons interested in any of the land required for carrying out the purposes of this Act, shall neglect or refuse to appoint an arbitrator, upon being notified to do so by the Directors aforesaid, by writing a letter to that effect, addressed to him, her or them, at his or their last, or then present residence, and by publication of such notice for one month in one or more local newspapers of the District in which the land is situated, then and in that case, after the expiration of thirty days from the time of such notice being fully completed, the Judge of the County Court within which the lands are situate shall act as arbitrator for such party or parties so refusing or neglecting, and the said Judge shall, with the other two arbitrators, as hereinbefore provided, proceed to adjudge and determine the damages or purchase money, or other matter or thing submitted to their judgment, according to the provisions of this Act; And provided further, that either party dissatisfied with the said award may apply to any of the Superior Courts of Law or Equity during the Term next after the publication of such award, to set it aside, for any cause for which an award would be set aside as between party and party; and any of the said Courts shall have cognizance thereof, although the submission do not provide for its being made a Rule of Court; And provided further, that in all arbitrations under this Act, the arbitrators shall take into consideration the benefit conferred on the property on which they are arbitrating, as well as the damage done to any particular portion thereof.