

such land to the state in which it was after the performance of the work mentioned in the first notice ; and the compensation agreed upon, or awarded by the said Arbitrators, shall include the exercise of the power last mentioned, and if the renewal of any such obstruction has been caused by the fault of the owner of the lands, or of those through whom he claims, the cost of removing it may be recovered from him by the said Commissioner. 5

Limitation of right of entry.

3. The right of entry given by the next preceding section shall be exercised within six months from the giving of the notice thereof, and not afterwards, except after new notice. 10

Similar powers conferred on the War Department.

4. Her Majesty's Principal Secretary of State for the War Department shall have the same powers and rights with regard to the taking or taking possession of lands or materials required for any work connected with the military defence of the Province, and with regard to lands required to be cleared and kept clear of obstructions as aforesaid, as are vested by the preceding sections of this Act and the Acts therein cited, in the Commissioner of Public Works ; and the price to be paid for such lands or the compensation to be paid for the exercise of such powers and rights, if not agreed upon by the parties, shall be determined by the said Official Arbitrators. 15 20

Powers only to be exercised with respect to lands duly certified to be required for defence.

5. The powers vested by this Act in the Commissioner of Public Works and in the said Principal Secretary of State, respectively, shall be exercised only in respect of lands, the necessity of acquiring or taking which for the defence of the Province has been or shall be certified by the Commander of Her Majesty's Forces in this Province, under his hand and seal, or with respect to which he shall have certified in like manner that the exercise of any other of such powers is necessary for such defence, unless the consent of the owner of the lands has been obtained or an enemy has actually invaded this Province ; nor shall any such power be exercised by the Commissioner of Public Works, except with respect to such works as shall be designated for the purpose, by the Governor in Council. 25 30 35

Proceedings in case of resistance to the taking possession.

6. If, in any case where the said Principal Secretary of State has given the requisite notice, any resistance be offered or feared to his taking possession of the lands mentioned in such notice, or to his entering thereon and performing the work mentioned in such notice, then on application on behalf of the said Principal Secretary of State, any Judge of the Superior Court in Lower Canada, or any Judge of the County Court in Upper Canada, may command the Sheriff of the district, county, or place, where the lands lie, to put the said Secretary of State in possession thereof, or to enforce such right of entry, which such Sheriff, taking with him sufficient assistance, shall accordingly do. 40 45