

the parties, or by arbitration, or if either of the parties shall not be inclined to make an agreement, or to appoint arbitrators, or by reason of absence shall be prevented from treating, or through disability by non-age, coverture or other impediment cannot treat or make such agreement or enter into such arbitration, or shall not produce a clear title to the premises which they claim an interest in, then and in every such case, the said Company of Proprietors may make application to the Court of King's Bench for the District of Montreal, stating the grounds of such application; and such Court is hereby empowered and required from time to time upon such application, to issue a Warrant directed to the Sheriff of the District of Montreal, for the time being, commanding such Sheriff to impanel, summon and return a Jury, qualified according to the laws of this Province to be returned for trials of issues joined in civil cases in the said Court of King's Bench to appear before the said Court at such time and place as in such Warrant shall be appointed, and all parties concerned may have their lawful challenge against any of the said Jurymen, but shall not challenge the array; and the said Court is hereby empowered to summon and call before them, all and every such person or persons as it shall be thought necessary to examine as witnesses touching the matters in question, and the said Court may authorize and order the said Jury or any six or more of them to view the place or places, or matter in controversy, which Jury upon their oaths (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence, the said Court is hereby empowered to administer) shall enquire of, assess and ascertain the distinct sum or sums of money, or annual rent to be paid for the purchase of such lands or grounds, or the indemnification to be made for the damage that may or shall be sustained as aforesaid, and in so doing the said Jury shall take into consideration the damage or inconvenience which may arise by means of any bridges, roads or other communication made necessary by reason of the said Rail-road, and may assess separate damage for the same,—and the said Jury shall distinguish the value set upon the lands, and the money assessed or adjudged for damages, separate and apart from each other. And the said Court shall give judgment for such sum, rent or indemnification so to be assessed by such Juries, which said verdict and the judgment so thereupon pronounced shall be binding and conclusive to all intents and purposes against the King's Majesty, His Heirs and Successors, and against all bodies politic, corporate or collegiate, or communities, and all persons whomsoever.

How disputes,
where a
verdict is
given for more
money as
indemnifica-

XIII. And be it further enacted by the authority aforesaid, That in all cases where a verdict shall be given for more money as an indemnification or satisfaction for any lands, grounds, or hereditaments, or property, or for any damage done to any lands, grounds, hereditaments or property, or for any annual