

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 days' 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; (31 V. Can., c. 68, s. 9, sub. 17.)

Award of two to be sufficient.

18. 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 railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, 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; (31 V. Can. c. 68, s. 9, sub. 18.)

Arbitrators to consider increased value of remaining lands.

19. 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; (31 V. Can. c. 68, s. 9, sub. 19.)

Costs, how paid.

20. 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; (31 V. Can. c. 68, s. 9, sub. 20.)

Arbitrators may examine on oath.

21. Any party to an arbitration under *this* Act, may, without leave or order, obtain and issue out of any one of the Superior Courts, upon præcipe, setting forth the names of the witnesses to be subpoenaed, the names of the Arbitrators and the place and time of meeting, a subpoena commanding the attendance for examination of any witness, and also the production of any document to or before the Arbitrator or Arbitrators, and at the time and place mentioned in such subpoena; and the disobedience of such subpoena shall be deemed a contempt of Court, and shall be punishable in the same manner and to the like extent as in the case of subpoenas issued out of such Court in a civil case; (38 V. Ont. c. 15, s. 1.)

Parties to Railway Arbitrations may obtain subpoenas.

Disobedience thereto to be deemed contempt of Court.

22. The same fee shall be payable for such subpoenas as in the case of subpoenas issued out of such Superior Court in civil cases, and the witness shall be entitled to the like conduct money; (38 V. Ont. c. 15, s. 2.)

Fees and conduct money.