

fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award ;

6. All corporations or parties who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and for every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the works of the said company and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the registry office of the county.

Fixed annual rent to be paid in certain cases.

7. Whenever there is more than one party proprietor of any land as joint tenant or tenants in common, any contract or agreement made in good faith with any party or parties proprietor or being together proprietors of one-third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenant or tenants in common, and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be ;

As to joint tenants or tenants in common.

8. After the deposit of the map or plan and book of reference, and after notice thereof given for one month in at least one newspaper published at Gananoque, the company may apply to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for their said works ; and in the case of Indian lands application shall be made to the Secretary of State for the Provinces ; and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them, shall be settled as follows, that is to say :

Application to owners, after deposit of map.

Indian lands.

9. The deposit of a map or plan and book of reference, and the notice of such deposit, shall be deemed a general notice to all the parties of the lands which will be required for the said works ;

Deposit to be general notice.

10. The notice served upon the party shall contain :

Notice to party, what to contain.

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them ;
b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages ; and,
c. The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted ; and such notice shall be accompanied by the certificate of a sworn surveyor for the Province of Ontario, disinterested in the matter, and not being the arbitrator named in the notice ;

That the land, if the notice relate to the taking of land, shewn on the said map or plan, is required for the works of the company, or is within the limits of deviation hereby allowed ;

That he knows the land, or the amount of damage likely to arise from the exercise of the powers ; and,

That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

11. If the opposite party is absent from the county, or is unknown, then, upon application to the judge of the county court, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid, (but without a

If the owner be absent or unknown.