

Certain parties otherwise unable to convey property may convey to the Board.

behalf of themselves, their heirs, successors and assigns, but also for and on behalf of those whom they shall represent, whether infants, (*Minor Children*) absentees, lunatics, idiots, femmes covert, or other persons otherwise incapable of contracting, who are or shall be possessed of or interested in such property, and all such contracts and agreements, and all conveyances or other instruments made in pursuance thereof, shall be valid and effectual in Law, to all intents and purposes whatsoever.

When the Board and the party interested cannot agree on the compensation for the property or damages, such compensation may be ascertained by arbitration.

But the Board may enter on such property after making a reasonable tender.

Mode of appointing arbitrators.

Award to be made within a certain time.

Board must tender the sum awarded.

Costs of arbitration.

Awards made in Canada west how liable to be set aside.

And if made Canada east.

XX. And be it enacted, that whenever the owner, or person so representing, as aforesaid, the owner of any such land or real property, shall refuse to agree for the sale and conveyance thereof, it shall be lawful for the said Board of Works to make a legal Tender to him or her of the probable and reasonable value of such land or real property, with a notification that the said Board of Works will submit the settlement of the value thereof to arbitration; and upon such tender and notification having been so made, it shall be lawful for the said Board of Works to enter upon and take possession of the land and real property to which such tender shall relate: Provided always, that the said Boards of Works, shall, within three days after so taking possession, name an Arbitrator, and the owner, or person representing the owner of the land or real property so taken possession of shall, within three days from such nomination also name an Arbitrator, and the two Arbitrators so named shall before proceeding name a third Arbitrator; and the said three Arbitrators shall inquire of, and they or any two of them shall award and adjudge upon the value of such lands and real property, and shall signify their award and judgment to the parties interested, within a period not exceeding ten days next after the appointment of the said third Arbitrator; and the said Board of Works shall upon the signification of any such award and judgment, forthwith tender to the owner, or person representing the owner of such land or real property, the sum so demanded and adjudged; and if the same exceed the sum originally tendered, the Board of Works shall pay the costs of Arbitration, but if not the costs shall be paid by the person so refusing the tender made by the said Board, as aforesaid.

XXI. And be it enacted, that any award made under this Act, concerning land or real property situate in that part of this Province, formerly called Upper Canada, shall be subject to be set aside on application to the Court of Queen's Bench, in the same manner and on the same grounds, as in ordinary cases of submission to arbitration by the parties; in which case a reference may be again had to arbitrators as hereinbefore provided: and any award made under this Act, concerning land or real property situate in that part of the Province formerly called Lower Canada, shall be liable to be set aside at the instance of any party interested by the judgment of any Court of competent jurisdiction, in that part of the