

shall, in case the same cannot be mutually agreed upon within three months from the passing of the said Act, be settled and determined by the President of the Pennsylvania Central Railroad Company for the time being, and in the event of his refusing to act in the settlement thereof, then such payment or compensation shall be settled and determined by some other person to be mutually agreed upon by the said Companies respectively, and if the said Companies cannot agree upon such arbitrator, then upon application of any of the parties hereto, it shall be lawful for any one of the Judges of the Supreme Court at Toronto to nominate and appoint an arbitrator to determine such compensation : provided always, that any award to be made by the arbitrator under this agreement, so far as the same shall determine any charge (not being a payment for past capital expenditure) to be paid by any of the said companies to the others or other, shall be open to reconsideration and redetermination at the expiration of five years, and at the expiration of every succeeding five years, the arbitrator to be mutually agreed upon or appointed by Judge as hereinbefore determined.

Thirteenthly. It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that all legal proceedings at law or in equity now pending between the said Companies or any of them, in relation to the said Esplanade, or the rights of the said Companies or any of them, to lay down tracks upon, or otherwise use the said Esplanade or any part thereof, or in any manner relating to the matters in this agreement provided for, shall for the present be suspended, and upon the passing of the said Act, shall be absolutely abandoned ; and in case the said Act shall not be obtained, all such legal proceedings whether at Law or in Equity, shall or may be taken up and continued, as if this agreement had never been made ; provided always, that the party who had to take the next step on the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty-four, shall have two weeks next after the end of the session of Parliament in which the said Act shall be rejected, to take such step.

Fourteenthly. It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that it shall and may be lawful for the said Great Western Railway Company to make the connection of their line with the Grand Trunk line at Peter Street at once ; provided always, that their present line shall remain as it is until the said Act is obtained, or if the said Act be obtained before the fifteenth day of May, one thousand eight hundred and sixty-five, then until the said fifteenth day of May, one thousand eight hundred and sixty-five.