

Arbitrators to  
fix a day for  
hearing par-  
ties.

V. And be it enacted, That the Arbitrators so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days notice at least of the day and place, and having heard the parties or otherwise examined into the merits of the matters so brought before them, the said Arbitrators or a majority of them shall make their award or arbitration thereupon in writing, which award or arbitrament shall be final as to the value so in dispute as aforesaid. 5 10

If party refuse  
to accept value  
ascertained by  
Arbitrators,  
Directors may  
occupy land  
valued.

VI. And be it enacted, That if the party so disagreeing refuse to accept the value of land or damage so ascertained by the Arbitrators aforesaid, till the end of the next ensuing Term in Her Majesty's Court of Queen's Bench in that part of the Province formerly Upper Canada, next after making the award and tender of the value thereby ascertained, then and in such case, the Directors for the time being shall be at liberty and shall have full power to occupy the piece of land so valued by the said Arbitrators, in the same manner as other portions of the said road. 15 20

Award may be  
pleaded in bar  
in actions  
against the  
Company.

VII. And be it enacted, That in any action of ejectment or other action, real, personal or mixed, for or on account of such occupation by the said Company, their servants or agents or other person or persons using the said road, the said award shall and may be pleaded in bar of such action at any time after the said Term of the said Court of Queen's Bench, notwithstanding any defect in form or substance in the said award: Provided always, that it shall and may be lawful to and for the party or parties interested in the land mentioned in the award or their agent by counsel, at any time before the last day of the said Term next ensuing after the same hath been made, and the amount of the value awarded tendered, to move the said Court of Queen's Bench to set aside such award for corruption, or any other matter or thing for which awards are now subject to be impug- 25 30 35 40