

and they are hereby empowered to contract, compound, compromise, settle and agree with such bodies, guardians, trustees, owners or occupiers respectively of any land through or upon which they may determine to cut or construct the said intended canal and the appurtenances thereof, or any constructions contemplated by this Act to be cut, erected, constructed or built, either for the absolute purchase of so much of the said land as they may require for the purposes of the said Company, or for the damages which he, she or they shall or may be entitled to recover from the said Company in consequence of the said intended canal, with its appurtenances or other constructions or erections being cut or constructed in, upon or adjacent to his, her or their respective lands, and in case of any disagreement between the said Directors and any such bodies, guardians, trustees or occupiers respectively as aforesaid, the amount of the purchase moneys for the lands and tenements proposed to be purchased, or the amount of damages to be paid to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

In case of disagreement arbitrators may be appointed.

Three arbitrators to be named.

By whom arbitrators to be appointed.

Award of Arbitrators to be final.

Arbitrators to be sworn before a Justice of the Peace.

XIII. In each and every case where any dispute shall arise between the said Directors and any other person or persons whomsoever touching any purchase, sale or damages, or the money to be paid in respect thereof, and in each and every case where, under the provisions of this Act, any purchase, sale or damages, or the money to be paid in respect thereof, are directed to be ascertained and determined by arbitration, the same shall be referred to and ascertained and determined by three indifferent persons, to be chosen as herein is mentioned, that is to say: one of such persons by any such bodies, guardians, trustees, owners or occupiers respectively of the lands, or other the person or persons interested who shall disagree with the said Directors in respect of the purchase money or compensation to be paid to him, her or them respectively, pursuant to the provisions of this Act; one other of such persons by the said Directors, and the other of such persons shall be chosen by the said two persons to be so named as aforesaid, and in case the said two persons shall not agree within ten days after their appointment in the choice of such third person, then such third person as arbitrator shall be named by the Judge of the County Court of the County of Welland, upon the application of either of the said two persons so named as aforesaid, and such three persons shall be the arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, and the award of such three persons or any two of them shall be final, and the said arbitrators shall and they are hereby required to attend at some convenient place in the vicinity of the route of the said intended canal, to be appointed by the said Directors, within eight days after notice in writing shall be given them by the said Directors for that purpose, then and there to arbitrate, award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and each of the said arbitrators shall be sworn by some one of Her Majesty's Justices of the Peace in and for the said County, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment; and any award made under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitrators as hereinbefore provided.