

arbitrators to
be sworn.

award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before one of Her Majesty's Justices of the Peace, in and for either of the Counties of

or any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damage between the parties, according to the best of his judgment: Provided always, that any such award 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 by the parties, in which case a reference may be again made to arbitration as herein provided.

Proviso: as to
setting aside
awards.

Provision if the
lands belong
to absentees
or parties not
known, &c.

XI. Provided always, and be it declared and enacted, That whenever any lands or grounds required by the said Company, for the purpose of the said Main or any Branch Railroad, are held or owned by any person or persons, bodies corporate, politic or collegiate, whose residence may not be within this Province, or unknown to the said Company, or when the title to any such lands or grounds may be in dispute, or when the owner or owners of such lands or grounds are unwilling or unable to treat with the said Company for the sale thereof, or to appoint arbitrators, it is, shall and may be lawful for the said Company, after having first given thirty days' notice of such intention in some newspaper published in the County where such lands are situate, to nominate and appoint one or more indifferent person or persons, and for the Judge of the County Court for the County in which such lands or grounds are situate, on the application of the said Company, to nominate and appoint an equal number of indifferent persons, who, together with one or other person to be elected by ballot by the persons so named, shall be 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, for the said lands or grounds, or damages as aforesaid, and the decision of the majority of such arbitrators shall be final, and a record of such award or arbitration shall be made up and signed by the said arbitrators, or a majority of them, specifying the amount of such award, and the costs of such arbitration, which may be settled by the said arbitrators, or a majority of them, which record shall be deposited in the Registry Office of the County in which such lands or grounds are situated; and also that the expenses of the said arbitration shall be paid by the said Company: Provided always, that in all arbitrations under this Act the arbitrators shall take into consideration the benefit conferred on the property on which they are arbitrating, as well as the damage done to any particular portion thereof.

Proviso.