

XI. And be it enacted, That whenever any lands or grounds, required by any such Company for the purpose of any road or other such work, or with regard to which any such power is to be exercised as aforesaid, are held or owned by any person or persons, bodies politic, corporate or collegiate, whose residence may not be within this Province or unknown to the said Company, or where the titles to any such lands or grounds may be in dispute, or where such lands may be mortgaged, or when the owner or owners of such lands or grounds are unable to treat with the said Company for the sale thereof, or the exercise of any such power as aforesaid by the Company, or to appoint Arbitrators as aforesaid, it shall and may be lawful for the said Company to nominate one indifferent person, and for the Judge of the County Court where such lands are situate, on the application of the said Company, to nominate and appoint one other disinterested competent person, from any Township adjoining the Township in which such lands are situate, who, together with one other person to be chosen by the persons so named before proceeding to business, or, in the event of their disagreeing as to the choice of such other person, to be appointed by any such Judge as aforesaid, before the others proceed to business, shall be Arbitrators to award, determine, adjudge and order, the respective sums of money which the said Company shall pay to the respective parties entitled to receive the same, for the said lands or grounds, or damages, as aforesaid, and the decision of a majority of such Arbitrators shall be binding; which said amount so awarded the said Company shall pay or cause to be paid to the several parties entitled to the same, when demanded; and also that 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 awarded 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 or along which such lands or grounds are situated, and that the expenses of any Arbitration under this Act shall be paid by the said Company, and by them deducted from the amount of such award on payment thereof to the parties entitled to receive the same, if the Company shall, before the appointment of their Arbitrator, have tendered an equal or greater sum than that awarded by the Arbitrators, and otherwise by the opposite party; and the Arbitrators shall specify in their award by which of the parties the said costs are to be paid: And provided also, that all lands or grounds which shall hereafter be taken by any such Company, for the purpose of any road or other such work, and which shall have been purchased and paid for by any such Company, in the manner hereinbefore provided, shall become and thenceforward shall continue to be the property of such Company, free from all mortgages, incumbrances and other charges.

How Arbitrators shall be appointed when the owners of the lands are absent or unable to sell, or the lands are mortgaged, &c.

Award to be paid forthwith.

Award to be registered.

By whom the costs shall be paid.

Lands taken to be free of incumbrances.