

through disability, by non-age, coverture or other impediment, cannot treat or make such agreement, or enter into such arbitration, or shall not produce a clear title to the premises, which they claim an interest in, then, and in every such case, the said Company of Proprietors may make application to the Superior Court stating the grounds of such application, and such Court is hereby empowered and required from time to time, upon such application, to issue a Warrant, directed to the Sheriff of the District for the time being, commanding such Sheriff to impanel summon and return a jury, qualified according to the Laws of Lower Canada to be returned for trials of issues joined in civil cases in the said Court, to be and appear before the said Court at such time and place as in such Warrant shall be appointed, and all parties concerned may have their lawful challenge against any of the said jurymen, but shall not challenge the array; and the said Court is hereby empowered to summon and call before them, all and every such person or persons as it shall be thought necessary to examine as witnesses touching the matters in question, and the said Court may authorize and order the said jury, or any six or more of them, to view the place or places, or matter in controversy, which Jury upon their oaths (all which oaths, as the oaths to be taken by any person or persons who shall be called upon to give evidence, the said Court is hereby authorized to administer), shall enquire of, assess, and ascertain the distinct sum or sums of money, or annual rent to be paid for the purchase of such lands or grounds, or the indemnification to be made for the damage that may or shall be sustained as aforesaid, and in so doing the said Jury shall take into consideration the damage or inconvenience which may arise by means of any bridges, roads or other communication made necessary by reason of the said Rail-road, and may assess separate damage for the same; Provided always, that the said Jury are hereby required, authorized and empowered to take into consideration the increased value that would be given to any lands or grounds

Proviso: certain rules established as to mode of calculating compensation.

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