

1. The Chief Commissioner of Public Works, and his agents, or any contractor for any public work in this Province, carried on by contract with or under the direction of the Chief Commissioner of Public Works in this Province, or any of his agents and workmen, may at any time enter upon any licenced Crown Land and take therefrom all timber, stone, or other material which he or they may find necessary for the construction, maintenance and repair of any public works, or may lay any materials or things upon any such lands; and the said Chief Commissioner and his agents, or any such contractor, his agents and workmen, may make and use all such temporary roads to and from such timber, stone or other material required by him or any of them, for the convenient passing to and from the works during their construction and repair, for which compensation shall be made at the rate agreed upon, or appraised and awarded as herein provided.

2. The compensation agreed upon between the parties, or appraised and awarded in the manner hereinafter set forth, shall be paid for such timber, stone or other material, or for the damage caused by the taking or removal thereof, to the licensee of such land, within three months after the amount of such compensation has been agreed upon, or appraised and awarded.

3. The Governor in Council may from time to time, on the application of the Chief Commissioner or of any such contractor as aforesaid, or of any licensee of any Crown Land who may have suffered any damage as aforesaid, appoint three persons, who shall be arbitrators and appraisers between the said parties, and who shall arbitrate on, appraise, determine and award the sum or sums which shall be paid to any person for any property taken for any public work, or for loss or damage caused by such taking, and with whom the Chief Commissioner or contractor has not agreed or cannot agree, and every arbitrator shall receive the remuneration fixed in the Schedule to this Act.

4. The said arbitrators shall take before some one of Her Majesty's Justices of the Peace, the following oath:—"I, A. B., do swear that I will well and truly hear, try, and examine into such claim as shall be submitted to me for property taken for the use and purposes of [as the case may be], or for any loss or damage caused by such taking, and I will give a true judgment and just award thereon, to the best of my knowledge and ability.—So help me God."

5. If any person or body corporate has any claim for property taken, or for alleged direct or consequent damage arising from such taking for any public work as aforesaid, such person or body corporate shall give notice in writing of such claim to the Chief Commissioner or contractor, stating the particulars thereof, and how the same has arisen; and thereupon the Chief Commissioner or contractor may at any time within thirty days after such notice, tender what he considers a just satisfaction for the same, with notice that the said claim will be submitted to the decision of arbitrators to be appointed under this Act, unless the sum so tendered is accepted within ten days after such tender, which shall be deemed to be legally made by any written authority for the payment of such sum, given under the hand of the Chief Commissioner, or in any current money of the Dominion.

6. Before any claim under this Act shall be arbitrated

upon, the claimant shall give security to the satisfaction of the arbitrators to be appointed as aforesaid, for the payment of the costs and expenses incurred by the arbitration, in the event of the award being against such claimant, or of its not exceeding the sum so tendered as aforesaid.

7. No claim for any property alleged to have been taken for any public work, or for any damage occasioned directly or indirectly by such taking, shall be submitted to arbitration under this Act, unless such claim and the particulars thereof be delivered to the Chief Commissioner or contractor within six calendar months next after the loss or injury complained of, or within six months after the passing of this Act.

8. No action or suit at law or in equity shall be brought by any person against the Chief Commissioner or any contractor for any public work for any property taken from any licenced Crown land, or for any loss or damage sustained thereby.

9. The arbitrators may, by summons or order in writing signed by them or any one of them, fix the time and place for the attendance of the parties interested, and may in like manner command the attendance of all witnesses or the production of any document required by any of the parties, and may swear the witnesses to testify truly respecting the matters on which they are to be interrogated; and the disobedience of any such summons or order or neglect to attend and produce such document, shall subject the party disobeying, neglecting, or refusing, to a penalty of not less than four dollars nor more than twenty dollars, to be recovered before any Justice of the Peace, and levied under the warrant of such Justice by distress and sale of the goods and chattels of the offender, unless he shew reasonable cause for such disobedience, neglect, or refusal.

10. The arbitrators shall deliver to the Chief Commissioner or contractor, and to the claimant, a copy of their award within one month after they have agreed to the same.

11. If the sum awarded in any case is greater than the sum tendered, the Chief Commissioner or contractor shall pay the costs of arbitration, but if less, the costs shall be paid by the person who refused the tender; and in case no tender shall be made, and the award is in favour of the claimant, then the costs shall be paid by the Chief Commissioner or contractor, which costs shall be agreeable to the scale in the Schedule to this Act.

12. This Act shall apply to all cases where lumber has been heretofore cut, or stone or material heretofore taken, for the purposes aforesaid, from any licenced Crown Lands, except where any suit may have been commenced or instituted respecting such taking or removal.

13. The term "Contractor" in this Act shall include any "sub-Contractor," and the term "Chief Commissioner" shall include any "Supervisor" or "Bye Road Commissioner."

#### SCHEDULE A.

##### *Scale of Fees on Arbitrations under this Act.*

For the arbitrators each per diem, ... ..	\$4 00
For the witnesses, the same for travel and attendance as in civil causes before Justices of the Peace.	
For the Sheriff, the same fees as for the constable, and for the constable the same fees as in civil causes before Justices of the Peace.	