

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 160

An. Act to amend the Laws relating to Public Works. Assented to 14th June, 1853.

Whereas it is expedient to make certain alterations in the provisions of the Acts regulating the Public Works of this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That notwithstanding the provisions contained in the Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to amend the Law constituting the Board of Works*, and in another Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to amend the Act, intituled, 'An Act to amend the Law constituting the Board of Works,'* it shall be lawful for the Commissioners of Public Works, if they shall deem it expedient, and when thereunto required by the parties bringing claims in any of the cases mentioned in the said Acts, to refer the said claims or any of them to Arbitrators other than the Provincial Arbitrators appointed under the said Acts, which said Arbitrators shall be appointed in the manner following, that is to say:

The claimant or claimants shall appoint one Arbitrator, the Chief Commissioner or Assistant Commissioner of Public Works shall appoint another Arbitrator, and the said two Arbitrators so appointed shall appoint a third Arbitrator, and in case of disagreement the said third Arbitrator shall be appointed by a Judge of any Court of Record upon the request of the said two Arbitrators, and the said three Arbitrators so appointed shall have the same powers and authority, for the examination and decision of the said claim or claims, and for the commanding the attendance of and summoning before them, hearing, swearing and examining of witnesses, and requiring the production of all papers and documents, as the said Provincial Arbitrators appointed by virtue of the Act first above cited, have or might have.

II. And be it enacted, That every witness summoned by the said Arbitrators to be appointed under this Act, who shall neglect or refuse to appear before the said Arbitrators, or to be sworn or to answer to the interrogatories put to him, or who shall refuse to produce the documents required of him, shall be liable to the penalty prescribed by the twenty-eighth Section of the said first cited Act, in the same manner, in the same cases, and subject to the same exemptions and limitations, as in the said Section provided, and the said penalty shall be recovered in the manner therein provided; and the said witnesses shall be entitled to be taxed in the manner therein also provided.

III. And be it enacted, That the claimant or claimants shall be bound to give security to the satisfaction of the Arbitrators appointed under this Act, in the cases provided, and in the manner and for the purposes mentioned in the third Section of the Act hereinbefore secondly cited.

IV. And be it enacted, That the award of the Arbitrators appointed under this Act, or a majority of them, shall be final and without appeal, in all cases in which the claim submitted to them shall not exceed Fifty Pounds; and in any case in which such claim shall exceed the said sum of Fifty Pounds, the award of the Arbitrators or the majority of them shall be subject to and governed by all the provisions contained in the said hereinabove first cited Act, with respect to the setting aside or confirming of the awards of Arbitrators, as therein provided for.

V. And be it enacted, That the costs incurred for any arbitration made by Arbitrators appointed under this Act, shall be borne and paid in the manner provided by the third Section of the said hereinabove secondly cited Act, and taxed in the manner provided by the said Section, or by any other Act of the Legislature made in that behalf, and the remuneration of the said Arbitrators shall be the same as that fixed in the said Section for the said Provincial Arbitrators.