

name of *expert*.

claim for indemnification to the said local Municipality, if the said claim be not then accepted, give notice to the said local Municipality of the name of the person whom he shall have appointed as *expert*, and it shall be the duty of the said local Municipality to proceed to the appointment of their *expert* within the ten days after the said notice; and in case the said Municipality shall fail to appoint an *expert* or neglect to give the name of such *expert* to the party claiming the said compensation for loss or damage, it shall be lawful for the Judge of the Superior Court, upon the requisition of the party claiming the said compensation, to appoint an *expert* to determine the amount of compensation to be granted to the party who shall have sustained the said loss or damage. 5 10

In case of *experts* not agreeing a to choice of third *expert*, Judge may appoint.

XVII. In any case in which the *expert* appointed by the Municipality or in default of their having so done, by the Judge of the Superior Court, and the *expert* appointed by the party claiming compensation do not agree as to the choice of a third *expert*, it shall be lawful for any Judge of the Superior Court at the request of one of the parties interested, to appoint the said third *expert*. 15

Duties of *experts*.

XVIII. It shall be the duty of the said *experts* or any two of them, after having taken an oath before a Justice of the Peace, in the local Municipality, to faithfully and impartially fulfil the duties of their charge, to proceed to determine the amount of compensation the said local Municipality shall pay, and this in such manner as the *experts* or any two of them shall decide upon; and the judgment of the said *experts*, or of any two of them shall be final and conclusive: Provided, however, that no judgment shall be rendered, nor any official act passed by the majority of them, unless at a meeting held at a time and place of which the third *expert* shall have received at least one entire day's previous notice, or to which the meeting at which the third *expert* was present shall have adjourned; and it shall not be necessary to serve any notice thereof upon the party claiming the said compensation, as he shall be held to have been sufficiently notified through the intervention of the *expert* whom he shall have appointed: Provided always that the judgment of the *experts* shall in no case be for any sum less than that offered by the local Municipality, and if, in any case in which *experts* shall have been named, the amount adjudged as compensation shall not exceed the amount tendered by the local Municipality, if any such tender have been made, then the party claiming the said compensation shall pay the costs of the *expertise*, and such costs shall be deducted from the amount of the compensation; otherwise the costs shall be paid by the local Municipality, and in either case if the parties do not agree, the said costs may be taxed on any Judge of the Superior Court. 20 25 30

Proviso.

Proviso: judgment of *experts* not to be for sum less than that offered by Municipality.

35 40

*experts* may examine witnesses on oath.

XIX. Said Experts, or any one of them, may examine upon oath or solemn affirmation the parties or witnesses who shall appear before them, and may administer such oath or affirmation, and any false statement which shall voluntarily be made by any witness under the said oath or affirmation, shall be deemed wilful perjury, and shall be punishable as such. 45

In case of death of one of *experts*, Judge may appoint another.

XX. In case the person appointed by any Judge as *expert*, or third *expert*, shall die before judgment shall have been rendered, or shall refuse or neglect to act within a reasonable time, then upon the requisition of one or other of the parties, it shall be lawful for any Judge of the Superior 50