

8. If the opposite party is absent from the District or County in which the lands lie or is unknown, then upon application to a Judge of the Superior Court, or of the County Court, as the case may be, accompanied by an affidavit of some officer of the Company that the opposite party is so absent, or that after diligent enquiry the party on whom the notice ought to have been served cannot be ascertained, the Judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the said District or County. In case party be absent.

10 9. If within ten days after the service of such notice, or within one month after the first publication thereof, as aforesaid, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a sworn Surveyor for Upper or Lower Canada, as the case may be, to be sole Arbitrator for determining the compensation to be paid as aforesaid. Sole arbitrator.

10. If the opposite party, within the time aforesaid, notifies to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Judge shall, on the application of the party or of the Company (previous notice of at least one clear day having been given to the other party) appoint a third Arbitrator. Third arbitrator.

11. The Arbitrators, or any two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the District or County in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such a way as they or he or a majority of them deem best, and the award of such Arbitrators or any two of them, or of the sole Arbitrator, shall be final and conclusive; but no such award shall be made or any official Act be done by such majority, except at a meeting held at a time and place, of which the other Arbitrator has at least one clear day's notice, or to which some meeting at which the third Arbitrator was present, had been adjourned, and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the Arbitrator appointed by him or whose appointment he required. Duties of arbitrators.

12. If in any case where three Arbitrators have been appointed, the sum awarded is not greater than that offered, the cost of the Arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the Judge aforesaid. Costs.

13. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation the parties or such witnesses as voluntarily appear before him or them, and may administer such oath or affirmation, and any wilful false statement made by any witness under such oath or affirmation shall be deemed wilful and corrupt perjury, and punishable accordingly. Witnesses before arbitrators.

14. The Judge by whom any third Arbitrator or sole Arbitrator is appointed shall, at the same time, fix a day on or before which the award shall be made, at the same time fix a day on or before such day. Day for award.