

- trator appointed by the Minister of Public Works, or any arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole arbitrator the judge, upon the application of either party, and in the case of the official arbitrator, the Minister of Public Works, upon a like application, the judge or Minister being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and in the case of any arbitrator appointed by the parties, the company or party respectively may appoint an arbitrator in the place of his or their arbitrator so deceased or not acting, notifying the other party or his or their arbitrator of such appointment, but no recommencement or repetition of prior proceedings shall be required in any case;
20. Any such notice for lands, as aforesaid, may be desisted from and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist;
21. The surveyor or other person offered or appointed as Valuator or as sole arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the Judge, after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge;
22. No cause of disqualification shall be urged against any arbitrator appointed by the company or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the Judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator;
23. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award;
24. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition be made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the county, or to a bailiff, as he may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do;
25. Such warrant may also be granted by the judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the said works with which the company are ready forthwith to proceed; and upon the company giving security to his satisfaction and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the
- dying or refusing to act.
- Desisting from notice and giving a new one.
- Certain persons not disqualified as arbitrators.
- Time for objecting.
- No objection allowed after a certain time.
- Awards not avoidable for want of form.
- Possession or payment or tender of compensation.
- Warrant of possession.
- Warrant may issue in certain cases before award.
- Security in such cases.