

V. And be it further ordained and enacted, that in all cases where the Commissioners to be appointed as aforesaid, and the persons seized, or possessed of or interested in the said pieces or parcels of ground, or any of them, or any part thereof, shall not, by voluntary agreement, settle and determine the price and prices, compensation and compensations to be paid for the said premises, or any part thereof, such price and prices, compensation and compensations shall be ascertained, fixed and determined by the award of arbitrators, in manner following, that is to say: the said commissioners, or any two of them, shall and may nominate and appoint one arbitrator, being an indifferent and disinterested person, and the said persons seized, possessed or interested as aforesaid, shall and may nominate and appoint one other arbitrator, being also an indifferent and disinterested person: and the said two arbitrators, before proceeding as such arbitrators, shall and may appoint a third arbitrator, being likewise an indifferent and disinterested person, which said three arbitrators, after being previously sworn before one of the Justices of the Court of King's Bench for the district in which such pieces or parcels of ground, respectively, shall be situated, or before one of the Justices of the Court of Common Pleas for this Province, well, truly, and honestly to execute the trust and duty of arbitrators as aforesaid, and after notice to the parties respectively, of the time and place of their meeting, shall proceed to ascertain, fix and determine the price or prices, compensation or compensations to be paid by the said commissioners, for such pieces or parcels of ground, respectively; and the award of any two of the said arbitrators, to be named and appointed as aforesaid, in and respecting the premises, aforesaid, shall be final and conclusive.

VI. And be it further ordained and enacted, that in case the said persons seized or possessed of, or interested in the said pieces or parcels of ground, or any of them, or any part thereof, after due notice in this behalf, from the said commissioners, or any two of them, shall refuse or neglect to name and appoint an arbitrator as aforesaid, being an indifferent and disinterested person as aforesaid, or if the said two arbitrators named and appointed as aforesaid, shall refuse or neglect to name and appoint a third arbitrator as aforesaid, it shall be lawful, in such cases respectively, for one of the Justices of the Court of King's Bench for the district in which such pieces or parcels of ground, respectively, shall be situated, or for any one of the Justices of the Court of Common Pleas for this Province, on application in this behalf, by the said commissioners, or any two of them, to name and appoint, instead of such person or persons, seized, possessed or interested as aforesaid, so refusing or neglecting, a fit and proper person to be an arbitrator, on his or their behalf, and also to appoint such third arbitrator, to supply the place of the third arbitrator, which the said two arbitrators shall refuse or neglect to appoint; and in like manner if the arbitrator named by the person or persons seized, possessed or interested as aforesaid, and the arbitrator named by one of the Justices aforesaid, shall refuse or neglect to name a third arbitrator, for the purpose aforesaid, it shall be lawful for any such Justice as aforesaid, to name a third arbitrator, to supply the place of such nomination, by and on the part of the said two last mentioned arbitrators: and the arbitrator and third arbitrator so as aforesaid, in the cases aforesaid, to be appointed by such Justice as aforesaid, after having been respectively sworn by such Justice well, truly and honestly to execute the trust and duty of arbitrator and third arbitrator as aforesaid, shall have the same power and authority, in the premises, and their award shall have the same force and