

Opposite party appointing an arbitrator.

If the opposite party shall within the time aforesaid notify to the said Comprny the name of the person such party shall appoint as arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence) then any such Judge or any Justice of the Peace shall on the application of the said party or of the said Company (previous notice of at least one clear day having been given to the arbitrator of the other party) appoint a third arbitrator; 5

Duties of arbitrators.

The said arbitrators being sworn before a Justice of the Peace, who is hereby empowered and required to administer such oath faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company, in such way as they or a majority of them shall deem best, and the award of such arbitrators or any two of them shall be final and conclusive; provided that no such award shall be made, or any official act done by such majority, except at a meeting held at a time and place of which the other arbitrator shall have had at least one clear day's notice, or to which some meeting at which the third arbitrator was present shall have been adjourned; but no notice to the Company or opposite party shall be necessary, but they shall be held sufficiently notified through the arbitrator they shall have appointed or whose appointment they shall have required. 10 15 20

Costs, how paid.

Provided always, that the award given by the said arbitrators shall never be for a less sum than that offered by the Company as aforesaid; and if in any one case where the three arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the cost of the arbitration shall be borne by the opposite party and deducted from the compensation, otherwise they shall be borne by the Company; and in either case they may, if not agreed upon, be taxed by any such Justice of the Peace; 25 30

Arbitrators to have power to examine witnesses on oath.

The arbitrators or a majority of them may, in their discretion, examine on oath or solemn affirmation, the parties or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation, but this shall not prevent the arbitrators from acting and deciding upon their personal knowledge of the merits of the case, or from using such knowledge as they shall think just and right; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly; 35

Time within which award must be made.

The Judge or Justice of the Peace by whom any third arbitrator shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day or some other day to which the time for making it shall have been prolonged, either by the consent of the parties or by the order of any such Justice of the Peace or Judge, (as it may be for reasonable cause shown, on the application of one of the arbitrators, after one clear day's notice to the others) then the sum offered by the Company as aforesaid shall be the compensation to be paid by them; 40 45

Arbitrator dying, &c.

If the arbitrator appointed by the said Company, or by the opposite party, or any third arbitrator, whether appointed by the two arbitrators or by any such Judge or Justice of the Peace, shall die, or be or 50