

may, in his discretion, appoint another in his stead; and, if the Arbitrator appointed by the said Company or by the opposite party shall die before the award shall be made, or shall leave the Province or become unable to act
 5 within a reasonable time, (such fact being ascertained to the satisfaction of the Judge as attested by his Certificate to that effect,) the said Company or the opposite party (as the case may be) may appoint another in his stead, notifying the other Arbitrators of such appointment; but
 10 no recommencement or repetition of prior proceedings shall be required in any case.

The Company may desist from any such notice as aforesaid, and afterwards give new notice with regard to the same or other lands, to the same or any other party,
 15 but they shall in any such case be liable to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment.

Company may desist, paying costs.

It shall be no disqualification to the Surveyor or other person offered or appointed as Valuator, or as Arbitrator,
 20 that he be professionally employed by the Company or by the opposite party, or that he have previously expressed an opinion as to the amount of compensation, or that he be related or of kin to any member of the Company, provided he be not himself personally interested in
 25 the amount of such compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by the County Judge after his appointment, but shall be made before the same, and its validity or invalidity shall be summarily determined by such Judge; and no cause
 30 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
 35 any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by any Justice of the said Court on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and
 40 the party offering the person so adjudged to be disqualified, shall be held to have appointed no Arbitrator.

Arbitrators not disqualified by certain circumstances.

Cause of disqualification when to be urged.

How tried and determined.

No award made as aforesaid shall be invalidated by any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and
 45 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.

Awards not to be avoided by mere want of form.

Parties need not be named in the award.

XVII. And be it enacted, That upon payment or legal
 50 tender of the compensation or annual rent so awarded,

Possession may be taken on payment,