

able to act, or shall himself appoint another person as third arbitrator as the case may require, but no recommencement or repetition of any prior proceedings shall be necessary.

The Company may desist from any such notice as aforesaid, and afterwards give notice with regard to the same or other lands, to the same or to any other party; 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 that he be 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 the amount of such compensation; and no cause of disqualification shall be urged against any arbitrator appointed by any such Justice or Judge after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Justice or Judge, and 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 any such Justice or Judge 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 the party offering the person so adjudged to be disqualified shall be held to have appointed no arbitrator. Arbitrators not disqualified by certain circumstances.

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 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; and the arbitrators shall have full power to award that any fences or ditches between the lands taken and other lands of the opposite party shall be made and maintained by the said Company, and in such manner as shall be mentioned in the award. Award not avoided by want of form.

XXIV. Upon payment or legal tender of the compensation or annual rent so awarded or determined or agreed upon by the parties themselves as aforesaid, 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 shall vest in the said Company the power forthwith to take possession of the lands, or to receive the right or to do the thing for which such compensation or annual rent shall have been awarded; and if any resistance or forcible opposition shall be made by any person or party to their so doing, and such Justice or Judge as aforesaid may, on proof to his satisfaction that the requirements of this Act have been complied with, issue his warrant to any Sheriff or to any Bailiff or other proper person, to put the said Company in possession and to put down such resistance or opposition, which such Sheriff or Bailiff or other proper person, taking with him sufficient assistance, shall accordingly do; and Possession may be taken on payment tender or deposit of sum awarded.