

ficate to that effect,) such Justice may authorize the said Company, or the opposite party (as the case may be), to appoint another in his stead, notifying the other Arbitrators of such appointment, but no recommencement or repetition of any prior proceedings shall be necessary.

- 5 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 has 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 a Justice of the said Superior Court after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Justice; 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, on the application of either party, after one day's clear 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, when not disqualified.

- 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 substantially 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.

Award not to be null for want of form.

- 30 XXVI. Upon payment or legal tender of the compensation or annual rent so awarded, agreed upon or determined 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 rest in the said 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 shall have been awarded or agreed upon; and, if any resistance or forcible opposition shall be made by any person or party to their so doing, any such Justice as aforesaid, may, on proof to his satisfaction that the requirements of this Act have been complied with, issue his Warrant to the Sheriff of the District, or to any Bailiff of the Superior Court (as in his discretion may be most suitable), to put the said Company in possession, and to put down such resistance or opposition, which such Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do: Provided always, that such warrant of possession may also be granted by any such Justice, upon proof, by affidavit to his satisfaction, that immediate possession of the land or power to do the thing in question is necessary to the carrying on of the works of the said Company, the adverse party being summoned by one clear day's notice to appear before such Justice, and the Company giving such security as the said Justice shall direct, to pay or deposit the sum to be awarded, with interest from the day on which the warrant shall be granted, and all lawful costs, within thirty days after the award shall be made, such security not being for less than twice the sum awarded by the Company in the notice to such adverse party.

Lands purchased or taken may be taken possession of, on payment of award.

Resistance, how to be put down.