

by the said Judge of the County Court. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation, the parties, or such persons as shall appear before him or them, and may administer such oath or affirmation; and any wilfully false statement made by any witness under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly; the said Judge of the County Court, by whom any third or sole 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 the said Judge (as it may be, for reasonable cause shewn, on the application of such sole Arbitrator, or 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; if the party appointed by any Judge as third Arbitrator or sole Arbitrator shall die before the award be made, or shall refuse to act, or fail to act within a reasonable time, then upon the application of either party, the said Judge, being satisfied by affidavit or otherwise, of such disqualification, refusal or failure, may in his discretion appoint another Arbitrator 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 within a reasonable time, each fact being ascertained to the satisfaction of the said 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; it shall be no disqualification to the Surveyor or other person offered or appointed as Valuator or as Arbitrator that he be professionally employed by the Company, or by the opposite party, or that he hath 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 that he be not personally interested in the amount of such compensation: and no cause of disqualification shall be urged against any Arbitrator appointed by the said Judge, after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such 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 the said 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. 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, privilege or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the same is to be paid, be named in the award.

Arbitrators may examine Witnesses on Oath.

Time for making Award

Disqualification of Arbitrators.

Arbitrators not disqualified by certain circumstances.

Award not invalid for want of form.

XIX. And be it enacted, That upon payment or legal tender of the Possession