

tors shall be as binding as if the three arbitrators had concurred in and made the same.

Judge of the Supreme Court to appoint an arbitrator in certain cases.

XXI. Whenever any lands or grounds required by the said Company for purposes aforesaid are held or owned by any person or persons, bodies politic, corporate, or collegiate, whose residence may not be within this Province, or unknown to the said Company, or where the title to any such lands or grounds may be in dispute, or when the owner or owners of such lands and grounds are unable to treat with the said Company for the sale thereof, or to appoint arbitrators as aforesaid, it shall and may be lawful for the said Company to nominate one indifferent person, and for a Judge of the Superior Court residing in the District of Montreal, on the application of the said Company, to nominate and appoint one other indifferent person, who, together with one other person to be chosen by the persons so named before proceeding to business, or in the event of their disagreeing as to the choice of such other person, to be appointed by any Judge as aforesaid before the others proceed to business, shall be arbitrators to award, determine, adjudge, and order the respective sums of money which the said Company shall pay to the respective parties entitled to receive the same, for the said lands, or damages as aforesaid, and the decisions of the majority of such arbitrators shall be binding; which amount so awarded the said Company shall pay or cause to be paid to the several parties entitled to the same when demanded: and in any case under this Act where there shall be no deed conveying the property in question to the Company, a Record of the award or arbitration shall be made up and signed by the said arbitrators, or a majority of them, specifying the amount awarded and the cost of such arbitration, which may be settled by the said arbitrators or a majority of them, which Record shall be registered in the Registry Office for the District of Montreal; and the expenses of any arbitration under this Act, shall be paid by the said Company, and by them deducted from the amount of such award, if the Company shall, before the appointment of their arbitrator, have tendered an equal or a greater sum than that awarded by the arbitrators, and otherwise by the opposite parties; and the arbitrators shall specify in their award by which of the parties the said costs are to be paid.

Record of arbitration in certain cases.

Powers of arbitrators as to examination of witnesses, &c.

XXII. The arbitrators or a majority of them, may in their discretion examine on oath or solemn affirmation the parties or such witnesses as shall appear before 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 punished accordingly, and the arbitrators, or a majority of them as aforesaid, shall render their award within thirty days from the date of their appointment, unless the time shall be prolonged by consent of the parties.

No award invalidated for want of form.

XXIII. 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.