

61. (1.) If, before the award is given, any member of the Court dies or becomes incapable of acting, or (being an Assessor) resigns or refuses to act, the following provisions shall apply :—

Case of member of Court dying, resigning, refusing or unable to act.  
1894, No. 42, sec. 60  
1900, No. 47, sec. 4

- 5 (a.) If such member is the President (being a Judge of the Supreme Court), then, in his place, the Governor shall forthwith appoint some other Judge of the Supreme Court.
- (b.) If such member is the President (not being a Judge of the Supreme Court), then, in his place, the Judge shall forthwith appoint some other Judge of the District Court or Magistrate, as the case may be ; and
- 10 (c.) If such member is an Assessor, then, in his place, the person who made the appointment shall forthwith, or, if he fails to do so, the President shall, appoint a fresh Assessor.
- (2.) But the inquiry before the Court shall proceed as if no such  
15 change in its members had taken place.

### *The Hearing.*

62. The President shall appoint the time and place for the first sitting of the Court, and shall, not less than twenty-one days before such sitting, cause a notice of such time and place to be served on each  
20 Assessor and upon the claimant and respondent severally.

Sittings of Court.  
1894, No. 42, sec. 61

63. (1.) If the claimant or respondent fails to appear before the Court at the time and place appointed, the Court may, upon proof of the service of the notice of such sitting, proceed to hear and determine the claim in his absence.

Hearing to proceed in absence of parties.  
Ibid, sec. 62

25 (2.) Any person entitled under section thirty-eight hereof to make a claim for compensation shall be entitled to appear before the Court in the same manner as a claimant may do.

(3.) Either party may appear either personally, or by his counsel or solicitor, or by any agent appointed in writing in that behalf.

30 64. The Court, or, in the absence of the President or either of the Assessors, the member or members of the Court present, may adjourn its sittings so often as is necessary to a future day, of which the President or such member or members, as the case may be, shall give notice in open Court ; and no further notice of such future sitting shall be necessary.

Court may adjourn.  
Ibid, sec. 63

35 65. (1.) The Court shall have power to summon all persons required by either party or by the Court to give evidence before it, and may examine all such persons upon oath, and may require the production of any documents, plans, or other papers in the custody or control of either party.

Court to examine witnesses, &c.  
Ibid, sec. 64

40 (2.) The claimant and respondent, and their counsel, solicitors, witnesses, and all other persons attending the Court, shall have the same rights and privileges, and shall be subject to the same obligations, fines, and penalties, as in the trial of an action at law in the Court for filing the claim.

45 (3.) The Court shall, until it has made its award, have all the powers of the Court for filing the claim so far as may be necessary for inquiring into and determining the claim referred to it.

(4.) The Court may receive such evidence as it thinks fit, whether the same is strictly legal evidence or not.

50 66. Every question before the Court shall be determined by a majority of the members thereof, but the determination of the majority shall be deemed to be the award of the whole Court.

Questions to be determined by majority.  
Ibid, sec. 65