

Reference by Agreement.

AN ACT for determining Differences by Arbitration.

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1. It shall and may be lawful for all merchants and traders, and others desiring to end any controversy, suit, or quarrel, controversies, suits, or quarrels, for which there is no other remedy but by personal action or suit in Equity, by arbitration, to agree that their submission of their suit to the award or umpirage of any person or persons should be made a rule of any of His Majesty's Courts of Record which the parties shall choose, and to insert such their agreement in their submission, or the condition of the bond or promise, whereby they oblige themselves respectively to submit to the award or umpirage of any person or persons, which agreement, being so made and inserted in their submission or promise, or condition of their respective bonds, shall or may, upon producing an affidavit thereof made by the witnesses thereunto, or any one of them, in the Court of which the same is agreed to be made a rule, and reading and filing the said affidavit in Court, be entered of record in such Court, and a rule shall thereupon be made by the said Court that the parties shall submit to and finally be concluded by the arbitration or umpirage which shall be made concerning them by the arbitrators or umpire, pursuant to such submission ;²

Merchants and traders, &c., may agree their submission to the award of any person.

Parties to be finally concluded by such arbitration.

And, in case of disobedience to such arbitration or umpirage, the party neglecting or refusing to perform and execute the same, or any part thereof, shall be subject to all the penalties of contemning a rule of Court when he is a suitor or defendant in such Court, and the Court on motion shall issue process accordingly, which process shall not be stopped or delayed in its execu-

In case of disobedience, party neglecting subject to penalty, &c.

¹ The Act 10 and 11 Vict., c. 83, which validates Acts passed by Colonial Legislatures respecting naturalization, is mentioned in the First Part of this Schedule, and is therefore repealed.

But all rights acquired under that Act are reserved by this Act, which in section 16 affirms the power of Colonial Legislatures to make laws on the subject.

² Rule to have effect of a judgment. See 1 and 2 Vict., c. 110, s. 18.

9 *Will. III.*, tion by any order, rule, command, or process of any other
c. 15. Court, either of Law or Equity, unless it shall be made appear
on oath to such Court that the arbitrators or umpire misbe-
haved themselves, and that such award, arbitration, or umpirage
was procured by corruption, or other undue means.

Corrupt arbi-
tration void,
and may be
set aside, &c.

2. Any arbitration or umpirage procured by corruption or
undue means shall be judged and esteemed void and of none
effect, and accordingly be set aside by any Court of Law or
Equity, so as complaint of such corruption or undue practice be
made in the Court where the rule is made for submission to
such arbitration or umpirage, before the last day of the next
Term after such arbitration or umpirage made and published to
the parties; anything in this Act contained to the contrary not-
withstanding.
