

lawful for such Judge, upon such application, if he think fit, to decide such matter in a summary manner, or to order that such matter, either wholly or in part, be referred to an arbitrator appointed by the parties, upon such terms as to costs and otherwise as such Judge shall think reasonable ; and the decision or order of such Court or Judge, or the award or certificate of such referee, shall be enforceable by the same process as the finding of a Jury upon the matter reserved. 5

Questions of law or fact as to items in such account.

XI. If it shall appear to the Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law fit to be decided by the Court or upon a question of fact fit to be decided by a Jury, it shall be lawful for such Judge to direct a case to be stated or an issue or issues to be tried ; and the decision of the Judge upon such case, and the finding of the Jury upon such issue or issues, shall be taken and acted upon by the arbitrator as conclusive. 10 15

Arbitrator may state special case in award.

XII. It shall be lawful for the arbitrator upon any compulsory reference under this Act, if he shall think fit, and if it is not provided to the contrary, to state his award as to the whole or any part thereof, in the form of a special case for the opinion of the Court, and when an action is referred, judgment if so ordered may be entered according to the opinion of the Court. 20

Proceedings in arbitration cases.

XIII. The proceedings upon any such arbitration as aforesaid shall, except otherwise directed hereby or by the submission or document authorizing the reference, be conducted in like manner and subject to the same rules and enactments as to the power of the arbitrator and of the Court, the attendance of witnesses, the production of documents, enforcing or setting aside the award, or otherwise, as upon a reference made by consent under a rule of the Superior Courts or Judge's order. 25 30

Matters of mere calculation need not be referred.

XIV. In actions in which it shall appear to the Judge that the amount of damages which ought to be recovered by the Plaintiff is substantially a matter of calculation, it shall not be necessary to assess the damages by a Jury, but the Judge may ascertain the amount for which final Judgment is to be signed, and the attendance of witnesses and the production of documents before such Judge may be compelled by subpoena, in the same manner as before a Jury ; and it shall be lawful for such Judge to appoint the day for hearing the case, and to adjourn the inquiry from time to time, as occasion may require ; and such Judge shall make an order in writing declaring the amount found by him, and such and the like proceedings may thereupon be had, as to taxation of costs, signing Judgment, and otherwise, as upon the finding of a Jury upon an assessment of damages. 35 40 45