

1854.]

BILL.

[No. 33.]

An Act to promote the settlement of Civil Actions by
Arbitration, in certain cases, in Upper Canada.

WHEREAS the numerous and complicated interests of commerce Preamble.
and other industrial pursuits give rise to difficulties and disputes
which require ability and judgment to determine, and whereas the pre-
sent mode of selecting Juries for the settlement of these and all other
5 matters of difficulty, in civil cases, is inadequate and unsuited to the
important matters at issue: Be it therefore enacted, &c., as follows:

From and after the passing of this Act it shall be lawful for any De- Defendant to
fendant, in any action at Law whatsoever, for any sum of money not to appoint
exceeding one hundred pounds currency (barring all Pleas of the arbitrators,
10 Crown), which may be entered against him, to name two persons to act within a cer-
in his behalf as Arbitrators, within eight clear days after receiving notice tain time after
of such action or service of a writ of summons therein, from the Plain- notice of ser-
tiff, his attorney, or agent: And such defendant shall, by himself, his vice.
attorney, or agent, notify the said Plaintiff, that he, the said Defendant,
15 is ready to meet the demand of the said Plaintiff, by his Arbitrators so
named.

II. The said Plaintiff, his attorney or agent, after the receipt of such Plaintiff to do
notice, shall, within eight clear days, name two Arbitrators on his behalf, the same.
and notify the said Defendant of such appointment.

20 III. The said Arbitrators so named by the said Plaintiff and Defen- Umpire to be
dant, who must, before being so appointed have consented to serve in the appointed by
matter at issue between the said Plaintiff and Defendant, shall, within arbitrators.
ten clear days after such appointment nominate and appoint a fifth man
as Umpire in the settlement of the matter in issue.

25 IV. If the said Arbitrators so named and appointed do not within the In default,
said ten days appoint an umpire, it shall be lawful for either the said Judge of
Plaintiff or Defendant to make application to the Judge of the County County Court
Court (within the local jurisdiction of which such action may be entered) to appoint.
either by himself, his attorney or agent, requiring the said Judge to
30 appoint an Umpire in the said matter in issue, and it shall be the duty
of the said Judge, within ten days after such application by either the
Plaintiff or Defendant aforesaid, to appoint an Umpire in the case.

V. It shall be lawful for any Justice of the Peace or Commissioner of Swearing ar-
the Queen's Bench, to swear the said Arbitrators and Umpire to perform bitrators.
35 the duties required of them in such case equitably and justly, for which
the said Justice or Commissioner shall be entitled to charge one shilling
for each person so sworn.

VI. The Arbitrators and Umpire so sworn shall form the Court of