

6 Vict. cap. 10. and either the Plaintiff or Defendant shall desire to have the matter determined by an arbitration, the party desiring such arbitration shall give notice to the other party of such his intention, and upon production of such notice, with an affidavit of the service thereof upon the party or his Attorney, the Judge shall appoint a time and place when and where he will hear the parties upon a nomination of Arbitrators between the said parties, to arbitrate and award upon the said matters, and the party obtaining such appointment shall serve a copy thereof upon the opposite party at least twenty-four hours before the time appointed.

XLII. At the time appointed for the nomination of Arbitrators, the parties shall attend by themselves or by their Attorneys, before the Judge, and the said Judge shall name an Arbitrator, and the said party applying for such arbitration shall next proceed to nominate a second Arbitrator, and then the Creditor shall name a third Arbitrator; and if either of the said parties shall not attend at the time appointed for that purpose, or shall neglect or refuse to name an Arbitrator, then the said Judge or, upon proof of the due service of a copy of his appointment, or upon production of the copy served upon the party, shall name an Arbitrator on behalf of such party not attending, or neglecting or refusing to name an Arbitrator as aforesaid.

XLIII. After such nomination, as provided for