

same respectively are now, or may be applicable to the claims and demands within the present jurisdiction of the said Courts.

The said Act and this Act to be construed as one.

II. And be it enacted, That this Act and the said recited Act shall be read and construed as one Act, as if the several provisions in the said recited Act, not inconsistent with the provisions of this Act, were repeated and re-enacted in this Act. 5

Fees payable to be those in Schedule to 13 and 14 Vic. c. 53, Payment how enforced.

III. And be it enacted, That there shall be payable on every proceeding in the said Division Courts, and to the Clerks and Bailiffs of the Courts, such fees as are set down in the Schedule to the said recited Act (passed in the 13th and 14th years of Her Majesty's 10 Reign) marked A ; and if the fees on such proceedings shall not be paid in the first instance by the plaintiff or party on whose behalf such proceeding is to be had, on or before such proceeding, the payment thereof may be enforced by order of the Judge by such ways and means as any debt or damages ordered to 15 be paid by the Court can be recovered ; Provided always, that it shall be lawful for the Judge of every Division Court, at the trial of any cause in the said Court, to increase the fee for hearing any defended cause to a sum not exceeding *ten shillings*, whether the debt, damages or subject matter of the action is for a sum under or 20 over ten pounds, or for the sum of ten pounds.

Proviso: Judge may increase the fee in certain cases.

Judge may, with consent of parties, refer any case to arbitration; Award to be entered as a judgment.

IV. And whereas it is desirable to extend the law of Arbitration to Division Courts, be it therefore enacted, That the Judge holding any Division Court may, in any case, with the consent of both parties to the suit, order the same, with or without other mat- 25 ters within the jurisdiction of the Court, in dispute between such parties, to be referred to arbitration to such person or persons, and in such manner and on such terms as he shall think reasonable and just ; and such reference shall not be revocable by either party, except by consent of the Judge ; and the award of the arbitrator 30 or arbitrators or umpire, shall be entered as the judgment in the cause, and shall be as binding and effectual, to all intents and purposes, as if given by the Judge ; Provided, that the Judge may, if he shall think fit, on application to him within fourteen days after the entry of such award, set aside such award so given as aforesaid, 35 or may with the consent of both parties, as aforesaid, revoke the said reference and order another reference to be made in the manner aforesaid.

Proviso: Award may be set aside by the Judge, for cause.

How witnesses may be compelled to appear before Arbitrators and give evidence.

V. And be it enacted, That when any reference shall have been made by any such order, as aforesaid, either of the parties to the 40 suit may obtain from the Clerk of any Division Court, a summons requiring the attendance before the said arbitrator or arbitrators, of any witness resident within the County, or served with subpœna therein, with or without a clause requiring the production of books, papers and writings in his possession or control, and that the method 45