

of indifferent Men to be chosen by each Party, in such Case the Court shall appoint a Person to be joined to the said Arbitrators, and the Judgment or Award of the Majority shall have the full Force and Effect of a Verdict, and in their said Judgment or Award may order the Costs and Charges of the Suit of the Parties, as they shall judge equitable, and the Court is hereby impowered to make up Judgment thereon, and award Execution accordingly.

*And be it further enacted,* That when any Merchants, Traders or others, desire to end any Controversy, Suit, or Quarrel, by Arbitration or Award, it shall and may be lawful for any of His Majesty's Courts of Record, at any Time within the Term of such Court, to receive and order such their Submission or Agreement in Writing, being first proved on Oath, to be entered with the Conditions thereof, together with the Return of the Award and Determination of the Arbitrators; (or Umpire when so submitted) and the same being filed with the Clerk of the Court, the said Court is hereby impowered to enter the same and make up Judgment and award Execution thereon.

*Provided always,* That if Complaint be made to the Court, before the Entering of Judgment, that the Referrees, Arbitrators, or Umpire misbehaved themselves, and that such Award was unduely or corruptly procured, on Proof thereof such Award shall be void, and shall be set aside by the Court.

*And be it further enacted,* That no Action, wherein the Title of Lands, Tenements, or Hereditaments may be called in Question, shall be determined in any of the Manners before mentioned but that all Real Actions shall be determined by Verdict of a Jury as heretofore practised.

*And be it further enacted,* That when Witnesses may be judged necessary by the Parties, to clear up any of the Matters of Variance, submitted to a Reference or Arbitration, the Justices of the Peace are hereby impowered to swear such Witnesses, to give their Evidence before such Referrees or Arbitrators, and they are hereby impowered to examine the same; and if any Witness, being first summoned by the said Justice, shall refuse to be sworn or attend, not having just or reasonable Cause therefor, to be allowed of by the Arbitrators or the Majority of them, at the Time and Place appointed by the Referrees or Arbitrators, and there give their Evidence, such Witness so failing herein, shall be liable to pay a Fine not exceeding One Hundred Pounds, to be levied by such Justice by Warrant of Distress and Sale of the Offenders Goods.

*And be it further enacted,* That when any Person or Persons shall be summoned to give Evidence, upon the Trial of any Issue between Party and Party, or in behalf of any Prisoner upon Trial, and such Person or Persons so summoned shall refuse or neglect to give his, her or their Attendance, at the Time and Place mentioned in the Subpœna or Summons, (not having any just or reasonable Cause therefor, to be allowed of by the Court or Justice or Justices, before whom the Trial shall be) or wilfully withdraw