

Depositions to be in writing and filed with Clerk of Records and Writs, with exhibits, &c.

23. The depositions of witnesses examined before such Arbitrators shall be taken down in writing, and shall forthwith after the making of their award, together with the exhibits referred to therein, and all other papers connected with the reference except the award, be delivered or by registered letter transmitted by the Arbitrators to the Clerk of Records and Writs of the Court of Chancery, with appropriate stamps, and shall be filed by such Clerk with the Records of the Court; (38 V. Ont. c. 15, s. 3.)

Parties to Arbitration may appeal to Judges of Superior Courts.

24. Any party to such arbitration may, within one month after receiving a written notice from one of the Arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a Judge of any of the Superior Courts of Law or Equity, and upon the hearing of such appeal, such Judge shall, if the same be a question of fact, decide the same upon the evidence as in a case of original jurisdiction; (38 V. Ont. c. 15, s. 4.)

Practice and proceedings upon appeal.

25. Upon any such appeal the practice and proceedings shall be, as near as may be, the same as upon an appeal from a decision of the Judge of the County Court in Insolvency; (38 V. Ont. c. 15, s. 5.)

Existing practice continued.

26. The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards; (38 V. Ont. c. 15, s. 6.)

Time within which award may be made.

27. A majority of the Arbitrators at the first meeting after their appointment, or the sole arbitrator, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day or some other day to which the time for making it has been prolonged, either by the consent of the parties or by resolution of the Arbitrators, then, the sum offered by the company as aforesaid, shall be the compensation to be paid by them; (31 V. Can., c. 68 s. 9, sub. 21.)

Arbitrator dying &c.

28. If the sole Arbitrator appointed by the Judge, or the Official Arbitrator appointed by the Minister of Public Works, or any Arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole Arbitrator, the Judge, upon the application of either party, and in the case of the Official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another Arbitrator in his place, and in the case of any Arbitrator appointed by the parties the Company and party respectively may each appoint an Arbitrator in the place of his Arbitrator so deceased or not acting, but no recommencement or repetition of prior proceedings shall be required in any case; (31 V. Can. c. 68, s. 9, sub. 22.)

Company may desist paying costs.

29. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist; (31 V. Can. c. 68, s. 9, sub. 23.)

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