

Period within which application to set aside award must be made.

LXXXIX. All applications to set aside any award made on a compulsory reference under this Act, shall and may be made within the first six days of the term next following the publication of the award to the parties, whether made in vacation or term; and if no such application be made, or if no rule be granted thereon, or if any rule granted thereon be afterwards discharged, such award shall be final between the parties. 5

Award may, by order of a judge, be enforced tho' the said period has not elapsed.

XC. Any award made on a compulsory reference under this Act, may, by authority of a Judge on such terms as to him may seem reasonable, be enforced at any time after six days from the time of publication, notwithstanding that the time for moving to set it aside has not elapsed. 10

When parties to any instrument hereafter made have agreed that any difference between them shall be referred to arbitration, the Court or a Judge may stay proceedings in any action or suit, respecting such difference, on application of defendant and proof of certain matters.

XCI. Whenever the parties to any deed or instrument in writing to be hereafter made or executed, or any of them, shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing or any person or persons claiming through or under him or them, shall nevertheless commence any action at Law or suit in Equity against the other party or parties or any of them, or against any person or persons claiming through or under him or them in respect of the matters so agreed to be referred or any of them, it shall be lawful for the Court in which such action or suit is brought or a Judge thereof, on application by the Defendant or Defendants or any of them after appearance and before plea or answer, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the Defendant was at the time of the bringing of such action or suit and still is ready and willing to join and concur in all acts necessary and proper for causing such matters so to be decided by arbitration, to make a rule or order staying all proceedings in such action or suit, on such terms as to costs and otherwise, as to such Court or Judge may seem fit; Provided always, that any such rule or order may at any time afterwards be discharged or varied as justice may require. 15 20 25 30 35

Proviso.

Provision for supplying the place of a single arbitrator or umpire, dying, refusing to act, &c., when the reference does not show an intention that his place should not be supplied.

XCII. If in any case of arbitration, the document authorizing the reference provides that the reference shall be to a single arbitrator, and all the parties do not, after differences have arisen, concur in the appointment of an arbitrator, or if any appointed arbitrator refuse to act, or become incapable of acting, or die, and the terms of such document do not shew that it was intended that such vacancy should not be supplied, and the parties do not concur in appointing a new one, or if, where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator, such parties or arbitrators do not appoint an umpire or third arbitrator, or if any appointed umpire or third arbitrator refuse to act, or become incapable of acting, or die, and the terms of the document authorizing the reference do not 40 45