

1338. The prothonotary of the Superior Court may exercise all the powers conferred upon the court or a judge thereof; but any decision by such prothonotary is subject to be revised by a judge, upon application being made to that effect, after notice given to the persons interested.

(Additional article suggested.)

1339. All decisions of the court or a judge are also subject to a review by three judges of the Superior Court, according to and in conformity with the provisions contained in articles 496 and following.

TITLE EIGHTH.

OF ARBITRATIONS IN GENERAL.

1340. Submission is an act by which persons, in order to prevent or put an end to a lawsuit, agree to abide by the decision of one or more arbitrators whom they agree upon.

1341. Those persons only can enter into a submission who have the legal capacity to dispose of the objects comprised in it.

1342. The submission, or the appointment of arbitrators by the court, is regulated in the first part of this code.

1343. Deeds of submission made out of court must state the names and additions of the parties and arbitrators, the objects in dispute, and the time within which the award of the arbitrators must be given.

1344. The parties may renounce their right to appeal, or subject it to such penalty as they may agree upon.

1345. Submissions must be in writing.

1346. The arbitrators must hear the parties and their proofs respectively, or establish a default against them, and decide according to the rules of law; unless by the submission they have been exempted from doing so, or unless they have been named as mediators.

1347. During the delay fixed by the submission the appointment of the arbitrators cannot be revoked, except with the consent of all the parties. If the delay is not fixed, either of the parties may revoke the submission when he pleases.

1348. The submission becomes inoperative :

1. In the case of the death, refusal, withdrawal or inability to act of one of the arbitrators, unless some clause provides that it shall avail notwithstanding, or that such arbitrator shall be replaced by another, chosen by the parties or by the remaining arbitrator or arbitrators, or otherwise;

2. In the case of the decision not being given before the expiration of the delay fixed;

3. By the failure to agree, if the appointment of a third arbitrator has not been provided for;

4. By the mutual consent of the parties;

5. By the loss of the object which forms the subject of the submission;

6. By the extinction of the obligation which formed the subject of the submission.

7. By revocation in the case of the preceding article.

1349. Arbitrators cannot be recused, except for reasons which have arisen or have been discovered since their appointment.

1350. If the arbitrators fail to agree and the appointment of a third arbitrator has been provided for, such appointment is.