

consist wholly or in part of matters of mere account, which cannot conveniently be tried in the ordinary way, it shall be lawful for such Court or Judge, upon such application, if they or he think fit, to decide such matter in a summary manner, or to order that such matter, either wholly or in part, be referred to an arbitrator appointed by the parties, or to an officer of the Court, or in country causes to the Judge of any County Court, upon such terms as to costs and otherwise as such Court or Judge shall think reasonable; and the decision or order of such Court or Judge, or the award or certificate of such referee, shall be enforceable by the same process as the finding of a Jury upon the matter referred.

may refer the whole or any part to an arbitrator, officer or County Judge. Enforcing such order or decision under it.

LXXXV. If it shall appear to the Court or a Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law fit to be decided by the Court, or upon a question of fact fit to be decided by a Jury, it shall be lawful for such Court or Judge to direct a case to be stated or an issue or issues to be tried; and the decision of the Court upon such case, and the finding of the Jury upon such issue or issues, shall be taken and acted upon by the arbitrator as conclusive.

Any incidental question of law may be decided by the Court, or one of fact by a Jury upon a special case or issue.

LXXXVI. It shall be lawful for the arbitrator upon any compulsory reference under this Act, or upon any reference by consent of parties where the submission is or may be made a rule or order of any of the Superior Courts of Law or Equity in Upper Canada, if he shall think fit and if it is not provided to the contrary, to state his award as to the whole or any part thereof, in the form of a special case for the opinion of the Court, and when an action is referred, judgment if so ordered may be entered according to the opinion of the Court.

Arbitrator may make award in the form of a special case.

Effect thereof.

LXXXVII. The proceedings upon any such arbitration as aforesaid shall, except otherwise directed hereby or by the submission or document authorizing the reference, be conducted in like manner and subject to the same rules and enactments as to the power of the arbitrator and of the Court, the attendance of witnesses, the production of documents, enforcing or setting aside the award, or otherwise, as upon a reference made by consent under a rule of Court or Judge's order.

Proceedings before arbitrator to be as upon reference by consent.

LXXXVIII. In every case of reference to arbitration, whether under this Act or otherwise, where the submission shall be made a rule of any Court of Upper Canada, such Court or a Judge thereof shall have power at any time and from time to time to remit the matters referred or any or either of them to the reconsideration and redetermination of the arbitrator or arbitrators or umpire as the case may require, upon such terms as to costs and otherwise as to the said Court or Judge may seem proper.

Case may be remitted to the arbitrator for reconsideration, &c., whenever the reference is made a rule of Court.