

Taxing of costs on arbitrations.

5. Either party to an Arbitration shall be entitled to have the costs thereof taxed, including the fees to the Arbitrators, by the Master of either of the Superior Courts at Toronto, having jurisdiction of the cause; or in cases where the Arbitrators determine the amount of the costs, or where there is no cause in Court, by the Master to be named in a Judge's order, which may be granted for that purpose, on a proper application on affidavit, setting forth the facts.

Taxing power restricted, as to amounts.

6. The Master shall in no case tax higher fees than are set down in this Act, but upon reasonable grounds established before him upon affidavit, he may in taxation reduce the maximum mentioned in the Schedules, but not below the minimum, having always regard to the length of the arbitration, and to the value of the matter in dispute, and the difficulty of the questions to be decided, but he shall not tax more than one Counsel fee to either party for any meeting of the Arbitrators.

Costs of award.

7. The Master may tax and allow a reasonable sum for the preparation and drawing up of the award.

Revision of taxation.

8. A revision of taxation may at any time be granted upon application to the Court or a Judge, reasonable ground being shewn.

Agreement to refer, may include limitation of fees to arbitrators.

9. It shall be lawful for the parties who refer any matter in difference between them to arbitration, whether any cause, suit or action be pending between them or not, to agree, by writing, signed by them, or by making such agreement a part of their submission, to pay to the Arbitrator or Arbitrators, if more than one—and for this purpose an Umpire duly appointed shall be included in the term Arbitrators—such fees or sums for each day's attendance, or such gross sums for their taking upon themselves the burden of the reference and making the award, as the said parties shall see fit, and in every such case the fees and sums so agreed upon shall be substituted for those set down and authorized in the Schedules to this Act, and shall be taxed and allowed by the Master accordingly.

Provision in case of refusal or delay to make award, &c.

10. If any Arbitrator, after taking upon himself the burden of any reference, and after hearing the parties, their Counsel and Attorneys or evidence, as the case may be, shall refuse or delay, after the expiration of one calendar month from the close of the proceedings before him, to make, execute and deliver his award upon the matters submitted, until a larger sum is paid to him for his fees than is by this Act permitted; and may be taxed; or shall receive for such his award, or for his fees as Arbitrator, any such larger sum, he shall, for each and every such refusal or delay, forfeit and pay to the party who has demanded and was entitled to obtain the award, or who has paid to the Arbitrator any such larger sum in order to obtain,

Penalty and mode of recovery.