

Majority may decide the case. Arbitration referred to in this Act, and the decision of the said Arbitrators, or any three of them, shall be final as to the matter so referred to them as aforesaid.

Appointment of time for hearing, &c. VII. After the appointment of the Court of Arbitration, as aforementioned, it shall be lawful for them or any three of them, to fix the time for hearing the parties, their attorneys or agents, and their witnesses, and to notify the said Plaintiff and Defendant thereof, and the time so to be appointed shall be within twenty days of the appointment of the said Arbitrators. 5 10

Taking evidence. VIII. The said Arbitrators shall have full power to examine the Plaintiff and Defendant in any matter in issue, and with their witnesses upon oath, to be administered by any one of the Arbitrators.

Prolonging time for hearing. IX. If it shall appear to the said Arbitrators, on the statement of the Plaintiff or Defendant, or their attorneys or agents, in writing, that the time so fixed by them for hearing and determining the said dispute, is not sufficient, it shall be lawful for the said Arbitrators to extend the time for hearing the same, to such a period as shall to them appear to be just. 15

If the arbitrator cannot agree, they may apply to Court and become a jury in the case under its direction. X. In case the said Arbitrators, or any three of them, shall not be able to agree upon an award in the matter in dispute, it shall be lawful for them, with the consent of both Plaintiff and Defendant, to refer the said matter in issue to any of Her Majesty's Courts of Law having jurisdiction in such cases, and the said Arbitrators shall form the Jury in such Court, to try such case, and shall be subject to all the rules and regulations of such Court, as if the said Arbitrators had never been selected and had never consented to settle such matter of difference. And any verdict rendered by a majority of the said Jury, under the direction of the Judge of such Court, shall be a final settlement of such dispute or matter at issue, without further appeal. 20 25 30

If they will not make application to Court and cannot agree. XI. In case the said Arbitrators, as above, cannot agree to settle the matter so in dispute, and the said Plaintiff and Defendant do not agree to have the matter at issue referred to one of Her Majesty's Courts of competent jurisdiction as aforesaid, the said Arbitrators shall be released from all obligation to settle the said difference, and the said Plaintiff and Defendant shall be at liberty to select other Arbitrators, in like manner as aforesaid, and who shall have the same authority to refer the said matter in difference to any of Her Majesty's Courts of competent jurisdiction, as aforesaid, without the consent of either Plaintiff or Defendant. 35 40

Their remuneration. XII. The said Arbitrators shall be entitled to assess all damages between the said Plaintiff and Defendant, and to make such charge for their services as Arbitrators as any Arbitrators are now entitled to charge by Law. 45

Pending cases excepted. XIII. This act shall not affect the legal decision of any case now pending in any of Her Majesty's Courts in this Province.

Inconsistent enactment repealed. XIV. All Acts or parts of Acts which are inconsistent with this Act shall be and are hereby repealed. 50

Extent of Act. XV. This Act shall apply to that part of this Province called Upper Canada.