

sent 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 made in conformity with the submission, and the case is examined over again.

**1351.** No award of arbitrators can be rendered when there are more than one, unless the two named or one of these and the third arbitrator agree upon each item of the award.

**1352.** Awards of arbitrators are made out in notarial form, or deposited with a notary, who draws up an authentic act of the deposit, and they must be given or pronounced to the parties, or served upon them, within the delay fixed by the submission.

**1353.** Extra-judicial awards of arbitrators can only be executed under the authority of a competent court, upon a suit brought in the ordinary manner, to have the party condemned to execute them.

*(Article suggested as regulating a contested point.)*

**1354.** The court before whom such a suit is brought may examine into any grounds of nullity which affect the award, or into any questions of form which may prevent its being homologated ; but it cannot enquire into the merits of the contestation ; nevertheless when a penalty has been stipulated in the submission, the court may do so whenever the party contesting has paid or tendered the amount of the penalty either to the party who accepts the award or into court.

