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An Act to regulate the Costs of Arbitrations in Upper Canada.

[Assented to 18th September, 1865.]

FOR restraint of unreasonable charges attending Arbitrations: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. No Arbitrator, who is not by profession and calling a Barrister, Attorney, Engineer, Architect, or Deputy Provincial Land Surveyor, shall be entitled to demand or take for his attendance and services as an Arbitrator, any greater fees than are hereinafter set down in the Schedule to this Act, marked A. Fees to Arbitrators not being Barristers, Architects, &c.

2. No Arbitrator, who is by profession and calling a Barrister, Attorney, Engineer, Architect, or Deputy Provincial Land Surveyor, shall be entitled to demand or take for his attendance and services as such Arbitrator, any greater fees than are hereinafter set down in the Schedule to this Act, marked B. Fees to Arbitrators being Barristers, Architects, &c.

3. No greater fees shall be taxed or allowed to any persons called as witnesses before any Arbitrator or Umpire than would be taxed and allowed to the same persons in an ordinary suit before a Court having jurisdiction over the subject-matter of reference. Fees to witnesses.

4. Whenever, at any meeting of Arbitrators, of which due notice has been given to the respective parties, no proceedings are taken in consequence of the absence of either of the parties, or because a postponement is made by the Arbitrators at the request of either party to some future day, the Arbitrators shall make up an account of the costs, charges and disbursements of such meeting, including the proper charge for their own attendance and that of any witnesses, and of the Counsel or Attorney of the party present, or not desiring such postponement, and shall charge the amount thereof, or of the disbursements against the party making default in attending, or at whose request the postponement shall have been made, (unless the Arbitrators, under the special circumstances of the case, shall think that it would be unjust to charge such disbursements, or costs, charges and disbursements against him,) and such last named party shall be bound to pay the same to the other, whatever may be the event of the award and reference, and the Arbitrators shall, in the award make any direction or adjudication necessary for that purpose, and if such sum be payable by the party in whose favor the award is otherwise made, it may be set off against, and deducted from any amount awarded in favor of that party. In case of absence of parties or postponement at their request costs of meeting to be taxed against them.