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No. 68.

1st Session, 7th Parliament, 25 Victoria, 1862.

BILL.

An Act for regulating Costs of Arbitrators
in Upper Canada.

Received and read, 1st time, Friday, 25th
April, 1862.

Second reading, Tuesday, 29th April, 1862.

HON. MR. ATTY. GEN. MACDONALD.

QUEBEC.

PRINTED FOR THE CONTRACTORS, BY
HUNTER, ROSE AND LEMIEUX, ST. URSULE ST.

An Act for regulating Costs of Arbitrators.

WHEREAS there have been great complaints of the costs of Arbitration in the Superior Courts of Common Law in Upper Canada, arising mainly from the sums charged by professional Arbitrators for their services, and it is desirable to have a uniform and moderate scale of fees : Therefore Her Majesty, &c., enacts as follows :—

- 1.** The Judges of the Superior Courts of Common Law in Upper Canada, may from time to time establish a scale of fees to be paid to professional or special Arbitrators, such as Barristers, Attorneys, Physicians, Surgeons, Engineers, Architects, Surveyors, and regular Accountants, in all cases of Arbitration in Upper Canada, and also fees to Counsel and Attorneys attending before Arbitrators, and the allowances to witnesses for their attendance. Judges to establish a tariff of fees for Arbitrators and Witnesses.
- 2.** Every bill of costs upon any arbitration shall be taxed before the principal Master of the Court in which the same shall be pending, according to such scale of fees, and such Master may, in his discretion, call for evidence to satisfy him of the nature and importance of the questions submitted. Taxation of costs.
- 3.** No taxation of Arbitrators' Counsel or other fees under this Act, shall be made without an affidavit of the party, his agent or attorney preferring such bill, of the actual length of each day's sitting, and that the time charged for was *bonâ fide* occupied on the business of the arbitration; all other charges and disbursements to be proved in the usual manner. Affidavit required before taxation.
- 4.** Any Arbitrator refusing to deliver his award to the party entitled to the same, on tender of his fees settled under authority of this Act, after a reasonable time shall have elapsed for the making up and executing the same, shall be deemed guilty of a contempt of Court, and may be dealt with accordingly. Arbitrator must deliver award on tender of taxed fees.
- 5.** If any Arbitrator shall receive for his fees a larger sum than shall be afterwards allowed on taxation, this difference shall constitute a debt due by him to the party who paid the same, and may be recovered with double costs (after demand and refusal) before any Court of competent jurisdiction. Fees paid beyond sum taxed may be recovered.
- 6.** The foregoing provisions which relate to Arbitrators and Witnesses, shall apply to all arbitrations in the County Courts of Upper Canada, provided that the fees shall be reduced by one-third, and that the taxation shall take the place before the Clerk of the County Court. Act extended to County Courts. Provide.