

Arbitration.

No. IV.

An Act to render References to Arbitration more effectual. [30th July, 1839.] ARBITRATION.

WHEREAS by a Statute passed in the Imperial Parliament in the third and fourth years of the reign of His late Majesty King William the Fourth intituled "*An Act for the further amendment of the Law and the better advancement of Justice*" certain provisions are made for the purpose of rendering references to arbitration more effectual and whereas it is expedient that the said provisions should be adopted and brought into legal operation in the Colony of New South Wales Be it therefore enacted by His Excellency the Governor thereof with the advice of the Legislative Council That the power and authority of any arbitrator or umpire appointed by or in pursuance of any rule of Court or Judge's order or order of *Nisi Prius* in any action now brought or which shall be hereafter brought or by or in pursuance of any submission to reference containing an agreement that such submission shall be made a rule of the Supreme Court of New South Wales shall not be revocable by any party to such reference without the leave of the Court by which such rule or order shall be made or which shall be mentioned in such submission or by leave of a Judge of the said Supreme Court and the arbitrator or arbitrators or umpire shall and may and is or are hereby required to proceed with the reference notwithstanding any such revocation and to make such award although the person making such revocation shall not afterwards attend the reference and that the said Supreme Court or any Judge thereof may from time to time enlarge the term for any such arbitrator or arbitrators or umpire making his or their award.

2. And be it enacted That when any reference shall have been made by any such rule or order as aforesaid or by any submission containing such agreement as aforesaid it shall be lawful for the Court by which such rule or order shall be made or which shall be mentioned in such agreement or for any Judge by rule or order to be made for that purpose to command the attendance and examination of any person to be named or the production of any document to be mentioned in such rule or order and the disobedience to any such rule or order shall be deemed a contempt of Court if in addition to the service of such rule or order an appointment of the time and place of attendance in obedience thereto signed by one at least of the arbitrators or by the umpire before whom the attendance is required shall also be served either together with or after the service of such rule or order Provided always that every person whose attendance shall be so required shall be entitled to the like conduct-money and payment of expenses and for loss of time as for and upon attendance at any trial Provided also that the application made to such Court or Judge for such rule or order shall set forth the particular county district or place in said Colony where such witness is residing at the time or satisfy such Court or Judge that such person cannot be found Provided also that no person shall be compelled to produce under any such rule or order any writing or other document that he would not be compelled to produce at a trial or to attend at more than two consecutive days to be named in such order.

3. And be it enacted That when in any rule or order of reference or in any submission to arbitration containing an agreement that the submission shall be made a rule of Court it shall be ordered or agreed that the witnesses upon such reference shall be examined upon oath

Imperial Act Adoption.

it shall be lawful for the arbitrators or umpire or any one arbitrator and he or they is or are hereby authorized and required to administer an oath to such witnesses or to take their affirmation in cases where affirmation is allowed by law instead of oath and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence every person so offending shall be deemed and taken to be guilty of perjury and shall be prosecuted and punished accordingly.
