

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 28th day of May 1765, in the Fifth Year of His Majesty's Reign, and there continued by several Prorogations until the eighteenth day of June, 1768, in the Eighth Year of His said Majesty's Reign; being the Sixth Session of the Fourth General Assembly convened in the said Province.

8 George III – Chapter 1 (Session 1)

An Act for determining Differences by Arbitration.

Whereas references made by rule of court may contribute much to the ease of the subject, in determining of controversies, because the parties become thereby obliged to submit to the award of the arbitrators, under the penalty of imprisonment for their contempt in case they refuse submission; Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, that it shall and may be lawful for all merchants and traders, and others desiring to end any controversy, suit, or quarrel, controversies, suits, or quarrels, for which there is no other remedy but by personal action, or suit in equity, by arbitration, to agree that their submission of their suit to the award or umpirage of any persons, should be made a rule of His Majesty's Supreme Court [Supreme Court], or of any of His Majesty's Inferior Courts of Common Pleas within this Province, which the parties shall choose, and to insert such their agreement in their submission, or the condition of the bond or promise, whereby they oblige themselves respectively to submit to the award or umpirage of any person or persons; which agreement being so made and inserted in their submission or promise, or condition of their respective bonds, shall or may, upon producing an affidavit thereof made by the witnesses thereunto, or any one of them, in the court of which the same is agreed to be made a rule, and reading and filing the said affidavit in court, be entered of record in such court, and a ride shall thereupon be made by the said court, that the parties shall submit to, and finally be concluded by the arbitration or umpirage which shall be made concerning them by the arbitrators or umpire, pursuant to such submission; and in case of disobedience to such arbitration or umpirage, the party neglecting or refusing to perform and execute the same, or any part thereof, shall be subject to all the penalties of contemning a rule of court, when he is a suitor or defendant in such court, and the court on motion shall issue process accordingly, which process shall not be stopped or delayed in its execution, by any order, rule, command, or process, of any other court, either of law or equity, unless it shall be made appear on oath to such court, that the arbitrators or umpire misbehaved themselves, and that such award, arbitration, or umpirage, was procured by corruption, or other undue means.

II. And be it further enacted, that any arbitration or umpirage procured by corruption, or undue means, shall be judged and esteemed void and of none effect, and accordingly be set aside by any court of law or equity, so as complaint of such corruption or undue practice be made in the court where the rule is made for submission to such arbitration or umpirage, before the last day of the next term after such arbitration or umpirage made and published to the parties; any thing in this Act contained to the contrary notwithstanding.