

and if it shall appear to the court within that time that the same was obtained by fraud or malpractice in, or by surprise, imposition or deception of the arbitrators, or without due notice to the parties or their attorneys, the court may set aside such award and refuse to give judgment thereon.

No reasons are good on a caveat to an award, except such as are specified in this section, and those apparent on the face of the award. *Northern Central Ry Co. v. Canton Co.*, 24 Md. 506; *Ing v. State*, 8 Md. 293; *Dorsey v. Jeoffray*, 3 H. & McH. 121; *Tillard v. Fisher*, 3 H. & McH. 118.

Exceptions to an award held sufficient. *Johnston v. George*, 6 Md. 456.
See notes to sec. 46.

1904, art. 75, sec. 48. 1888, art. 75, sec. 47. 1860, art. 7, sec. 3. 1785, ch. 80, sec. 11.

48. All causes so referred shall be continued until an award is returned; and if the death of either of the parties happens before an award is returned and judgment thereon, the cause shall not abate, but upon reasonable notice to the person succeeding to the interest of the deceased in the matter in contest, and not being a minor, the arbitrators shall proceed to a determination and return their award, upon which judgment may be entered notwithstanding the death of either of the parties.

The omission to enter the continuances is merely clerical, and the court of appeals may correct the error without sending the record back. *Shriver v. State*, 9 G. & J. 14.

The death of one of the parties to the arbitration, is immaterial in view of this section. *Turner v. Maddox*, 3 Gill, 194; *Price v. Tyson*, 2 G. & J. 475.
See notes to sec. 46.

Ibid. sec. 49. 1888, art. 75, sec. 48. 1860, art. 7, sec. 4.
1785, ch. 80, sec. 11.

49. If any arbitrator appointed by the parties upon any reference as aforesaid shall die or refuse to act, the court shall, upon motion of either of the parties, appoint an arbitrator or arbitrators in his place, who shall have the same power to decide the matter in question as if appointed by the parties.

See notes to sec. 48.

Ibid. sec. 50. 1888, art. 75, sec. 49. 1860, art. 7, sec. 5.
1785, ch. 80, sec. 11.

50. If an award shall not be returned within eight months after the cause has been referred, the court may, by order, compel the arbitrators to return their award or give their reason for not returning the same, or the court may in its discretion, upon motion of either of the parties, reinstate the cause and take such order therein as the court may think proper to have the same fairly tried in court in the same manner as if it had never been referred.

When a time is limited by the reference for a completion of the award, the failure to return the award in time may be waived by consent of the parties. *Shriver v. State*, 9 G. & J. 15.