

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.

Tillard v. Fisher, 3 H. & McH. 121. *Price v. Tyson*, 2 G. & J. 475.

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.

Ibid. sec. 50. 1860, art. 7, sec. 6. 1785, ch. 80, sec. 11.
1874, ch. 156, sec. 6.

51. In every case where an award shall be made upon such reference the party in whose favor the award shall be given shall cause a copy thereof to be delivered to the adverse party or his attorney at least three days before judgment is moved for thereon, and the clerk shall not enter judgment thereon until motion is made to and direction is received from the court, and the court shall always have satisfactory proof by the party's own oath or otherwise that a copy has been delivered to the adverse party or his attorney before judgment shall be entered thereon, unless the parties or their solicitors file a written agreement waiving or admitting notice and assent to judgment on the award, in which case the court, or one of the judges thereof, may either in term time or in recess order the judgment on the award to be entered.

Cases by Consent.

Ibid. sec. 51. 1888, ch. 410.

52. Parties may, if they think fit, enter into an agreement in writing, which may be filed and docketed as a case *inter partes*, that, upon the finding in the affirmative or negative by a jury of a certain issue or issues recited in said agreement, a sum of money fixed by the agreement, or to be ascertained by the jury upon a question inserted in the issue for that purpose, shall be paid by one of such parties to the other of them either with or without the costs of the action.