

17. The register of wills, shall give bond, with two good sureties in the penal sum of 2000l. currency, payable to this state, conditioned for the faithful performance of his said office.—Feb. 1777, c. 8, § 8.

R E F E R E N C E

1. IF any cause, instituted, or to be instituted, in any of the courts of this state, shall, by rule of court, and by the consent and agreement of the parties thereto, be submitted and referred to the award and arbitration of any person or persons, such court shall give judgment upon the award of the person or persons to whom such submission and reference shall be made, as of the court to which such award shall be returned, and award execution thereon, as upon verdict, confession or nonsuit. *Ord.* 1778, c. 21, § 8, and 12.

2. But such award shall remain seven days in the general court during their sitting, if returned to the general court, or four days in the respective county courts during their sitting, if returned to any county court, after the return thereof, before any such judgment shall be entered up; and if it shall appear to the justices of the court to which any such award shall be returned, within the respective times aforesaid, that the same was obtained by fraud or male practice, in or by surprize, imposition, or deception of the arbitrators, or without due notice to the parties, or their attorney or attorneys, the said court may set aside such award, and refuse giving judgment thereon.—*ibid.* § 9.

3. But if any cause which hath been or shall be referred, by virtue of this act, either of the parties, or any of the arbitrators to whom referred, hath, or shall die before any award made, or if the arbitrators or any of them have or shall refuse to act, or if after an award made the same hath or shall be set aside, then all that space of time from the impetration of the original writ in such cause, until the death of the party or arbitrator, or refusal to act, or setting aside such award, shall not run, be had, reckoned or estimated, as part of the time limited for the bringing or prosecuting such suit, and this act shall be taken advantage of, in bar of the act of limitation, without any special replication.—*ibid.* § 10.

4. All causes referred by consent of parties and rule of court, shall be continued until an award is returned, and if a death of either of the parties happen before an award returned and judgment thereon, such cause shall not abate by the death, but upon reasonable notice to the person or persons succeeding to the interest of or representing the deceased in the thing or matter in contest, and not being a minor, the arbitrators shall proceed to a determination, and return their award, upon which