

had been given to such party agreeably to the provisions contained in the first section of this act, it shall be the duty of the clerk, (but not in the presence of the party attending.) to select and put on record the names of three, five or seven, intelligent, reputable, temperate and disinterested persons, who shall be the arbitrators to determine such cause, action or suit.

V. AND BE IT ENACTED, That when the clerk may be interested in the event of any suit or action, or near of kin to either of the parties, the duties of nominating, selecting or appointing arbitrators, shall then be performed by the sheriff, or coroner if the sheriff should be interested, of the county.

VI. AND BE IT ENACTED, That the arbitrators chosen or appointed as aforesaid shall reside within the city or county where the action or suit may be pending.

VII. AND BE IT ENACTED, That if any clerk, sheriff or coroner, as the case may be, shall knowingly and willingly select or appoint, under the provisions of this act, any arbitrator or arbitrators who shall be interested in such suit or action, or who shall have prejudged the cause, or shall appoint any arbitrator or arbitrators at the instance, suggestion or request, of the party attending, where the adverse party neglects or refuses to attend, or confer with or consult such party, their agent or attorney, as to the propriety of appointing any arbitrator or arbitrators, then and in either or all such case or cases, the clerk, sheriff or coroner, thus offending, shall, on conviction thereof before the county court where such clerk, sheriff or coroner may reside, forfeit and pay any sum, at the discretion of the court, not exceeding two thousand dollars, to be recovered by bill or indictment in the courts aforesaid, and moreover if the offence aforesaid be committed by either the clerk, sheriff or coroner, the said clerk, sheriff or coroner, as the case may be, shall, on conviction in a court of justice by indictment, and trial thereon, as is now practised in criminal cases in the courts of this state, be removed from office, and shall be for ever thereafter disqualified from holding any office of profit or trust in this state.

VIII. AND BE IT ENACTED, That before the clerk, sheriff or coroner, as the case may be, proceeds to appoint arbitrators as directed in this act, he shall, in every case, take the following oath: "I, A. B. do solemnly swear or affirm, as the case may be, that I will impartially, disinterestedly, and without favour, appoint arbitrators to decide between C. and D. and that I will faithfully discharge all the duties required by this act."

IX. AND BE IT ENACTED, That the judge or judges of the different county courts shall give in charge to the grand jury of the county, at the meeting of every court, the parts of this act which concern the fine, removal from office, or disqualification, of the clerk, sheriff or coroner, as the case may be.

X. AND BE IT ENACTED, That it shall be the duty of the party at whose requisition the arbitrators shall have been appointed, within ten days in the city of Baltimore, and fifteen days in the counties of this state, after such appointment, to serve on each of them, either by a constable, or some disinterested person, a certificate, under the hand of the clerk, and also a notification, as well to the adverse party as to the arbitrators, of the time when, and place where, the said arbitrators are to meet, which time and place shall be fixed by the clerk, and inserted in the notice of appointment, and the proof of serving such notice shall be the oath, or affirmation, of the person serving the same, of which at least ten days notice shall be given previous to the day of meeting.

XI. AND BE IT ENACTED, That if any arbitrator or arbitrators shall refuse or neglect to attend, or be prevented by sickness, or other unavoidable accident, a majority of the whole number of arbitrators, and the parties being present, and where one of the parties be absent, unless prevented by sickness or other unavoidable cause, notice thereof being given to the arbitrators, (the sufficiency of which shall be left to their discretion,) it shall then be the duty of the arbitrators present, or a majority of them, (when the parties cannot agree on suitable persons to supply such vacancy,) to appoint a competent number of persons in place of those who may be absent, and the arbitrators thus appointed shall have the same authority as if appointed under the foregoing provisions of this act.

XII. AND BE IT ENACTED, That the arbitrators thus appointed and met shall be sworn or affirmed, either by a justice of the peace, or in the following manner, to wit: The first named of the arbitrators shall swear, or affirm, as the case may be, the rest, and either of them thus qualified shall then swear or affirm such first named arbitrator; and they being all thus sworn, or affirmed, justly and equitably to try all matters in variance submitted to them, any one of them shall have power to administer oaths, or affirmations, to such persons called before them, (as they, or a majority of them, shall believe to be proper, disinterested and competent witnesses,) as well as to judge of the credibility of their testimony, and likewise to decide the law, and the facts that may be involved in the cause to them submitted; and moreover the said arbitrators, or a majority of them, shall have full power to adjourn their meetings from day to day, or for a longer time if they think proper, and if both parties appear, either by themselves, their attorneys or agents, before the arbitrators, on the first or any subsequent day of meeting, or if one of the parties be absent, unless prevented by sickness or some unavoidable cause, the sufficiency of which shall be left to the discretion of the arbitrators, then and in either case the arbitrators shall proceed to investigate, examine and decide, the cause, suit or action, to them submitted, and report their determination, and make out an award, signed by all or a majority of them, and transmit the same to the clerk of the county where the defendant resides, who shall make an entry thereof on his docket, which