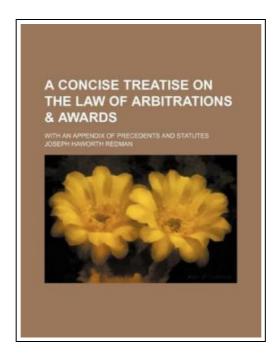
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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English. Brand New Book ****** Print on Demand ******. This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1903 Excerpt: .a reference by consent out of court. If there is no such submission the authority of the arbitrator would appear to be the same as before the Act, when the order of reference was silent as to costs. Before the Arbitration Act, 1889, where an action was referred, and the order of reference was silent as to costs, there was a distinction as to the power of the arbitrator with respect to the costs of the action and those of the reference. As to the former, the power of awarding costs was necessarily consequent on the authority conferred of determining the action (Hoc v. Doc, 2 T. R. 664), for the reason that the costs in the action were matters in difference in the action, though not mentioned in the submission. (Firth v. Robinson, 1 B. C. 277.) The reason why in references of actions the provision is sometimes inserted that the costs shall abide the event is, that the arbitrator may not have it in his power to withhold costs from the party who is in the right, but it is a restriction of a power which he would otherwise have of allowing costs at his election. (Roe v. Doc, supra.) But, as to the costs of the reference and award, when (hap. Xiv the order was silent about them, the arbitrator had no power to adjudicate upon them, they being matters not submitted to him, as arising subsequent to the time of submission;...

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