

ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

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CAP. XCIII.

An Act to enable Barristers appointed to arbitrate between Counties and Boroughs to submit a Special Case to the Superior Courts.

[9th *August* 1844.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and by another Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to amend the Law concerning Prisons*, Provision was made for the Appointment of Barristers at Law to arbitrate in Cases of Difference concerning certain Accounts and the Amounts of certain Expences therein mentioned: And whereas it is expedient that the Treasurer of the County, the Visiting Justices of the Prison, and the Council of the Borough, or any of them, affected by any Award which may be made by any Barrister under the Authority of either of the said Acts, should be enabled to obtain in a summary Way the Opinion of One of the Superior Courts of Common Law at *Westminster* upon any Point of Law arising out of any of the Matters referred to such Barrister: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice

5 & 6 W. 4. c. 76.

5 & 6 Vict. c. 98.

and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Case in which a Barrister at Law shall have been or shall hereafter be named, as in the said recited Acts or either of them is mentioned, to arbitrate between the Parties, such Barrister at Law, upon the Requisition in Writing of the Treasurer of the County, or of the Visiting Justices of the Prison, or of the Town Clerk of the Borough, on behalf of the Council of the Borough who shall be interested in the Decision of such Barrister, shall be empowered, if he shall think fit, before making his Award, to state One or more Special Case or Cases touching any of the Matters referred to such Barrister at Law for the Opinion of such One of the Superior Courts of Common Law at *Westminster* as he shall direct, or to raise in any Award to be at any Time made by him any Question or Questions for the Opinion of such Court; and such Court shall hear and determine the Matter according to the Practice of the Court upon Special Cases, and make such Order as to the Costs, and by and to whom and in what Manner the same shall be paid or borne, as to such Court shall seem meet, and the Decision of the Court shall be binding on such Barrister in making his Award.

Arbitrating Barrister, upon receiving a Requisition in Writing from Treasurer of the County or Visiting Justices of the Prison, &c. may state a Special Case, touching any Matter referred to him, for the Opinion of a Superior Court.

II. And be it declared and enacted, That in case any Barrister who shall have been or shall hereafter be named, in pursuance of the said recited Acts or either of them, or of this Act, shall die, or refuse to act, or be disabled from acting, either from ceasing to practise as a Barrister or for any other Reason, before making his Award, the several Parties in the said several Acts mentioned shall be authorized and required to name another Barrister at Law for all the Purposes in the said several Acts mentioned, or any of them, in like Manner as if no Appointment had been made under the same; and the Barrister so newly named shall have the same Authority to decide the Matters in difference as if no other Appointment had been made; and in every such Case in which, before the passing of this Act, a second Barrister has been appointed to settle or determine any Matters in difference, left unsettled or undetermined by the Barrister first appointed for that Purpose, the Appointment of such second Barrister shall be deemed good, and the Barrister so secondly appointed shall be deemed to have and to have had from his Appointment the same Authority as if appointed under this Act.

In case Barrister die before making his Award another one to be chosen.

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