

V

WHO CAN ACT AS ARBITRATORS — HOW ELECTED?

Qualifications. No provisions. *How elected.* Both under the Civil Code and the general statutes, the submission may be to "one or more arbitrators, or to two and their umpire." In submissions under the general statutes, the arbitrators shall be named in the agreement, and also in the mutual covenant to perform the award, if such a covenant is entered into.

VI

WHAT REGULATIONS GOVERN ARBITRAL HEARINGS?

Time, place and notice of hearing. Both under the Civil Code and the general statutes, the arbitrators may fix the time and place of meeting, after reasonable notice to the parties. In submissions under the general statutes, such notice must be in writing. *Attendance of witnesses; documentary evidence and depositions.* In submissions by court order under the Civil Code, any arbitrator can subpoena witnesses. Witnesses not attending or refusing to testify shall be reported to the court and punished. In submissions under the general statutes, the arbitrators can summon witnesses, compel their attendance and punish for contempt like justices of the peace. *Quorum of arbitrators.* In submissions by court order under the Civil Code, if any arbitrator does not act, the court may appoint another, or set aside the order of reference. As to submissions under general statutes: no provision. *Selection of umpire.* Both under the Civil Code and the general statutes, the submission may be "to one or more arbitrators or to two and their umpire." *Proceeding in absence of a party.* No provision. *Requisite that arbitrators be sworn.* Under the Civil Code, the arbitrators and umpire, if any, must swear or affirm before acting to decide the controversy submitted "according to law and evidence and the equity of the case, to the best of their judgment without favor or affection." A certificate of such oath must be returned with the award. In submissions under the general statutes, arbitrators or the umpire, if any, must swear before the hearing begins "fairly and impartially to decide the controversy to them submitted, according to law, justice and the equity of the whole case." *Witnesses.* Under both the Civil Code and the general statutes, the arbitrators can administer oaths. Form of oath not prescribed. *Arbitrators' powers to examine witnesses and inspect documents.* No provisions. *Competency of witnesses.* No provision. *Rules governing admissibility of evidence.* No provision. *Disposition of questions of law.* No provision. *Postponement and adjournment.* No provision.

VII

WHAT REGULATIONS GOVERN IN RENDERING THE AWARD?

Time. In submissions by order of court under the Civil Code, the time when the award is to be made and returned shall be stated in the order of reference, but the court may enlarge the time. In submissions under the general statutes, no time is specified within which the award shall be made. *Form, execution and disposition.* In submissions under the Civil Code, the award must be in writing, signed by the arbitrators and state when made. A copy must be delivered to each party, and the original returned to the court with endorsements of the time of such deliveries. In submissions under the general statutes, the award must be in writing, signed by the arbitrators and umpire, if any, and copies delivered to each party within a reasonable time. *Majority awards.* No provision. *Partial awards.* No provision.

VIII

HOW IS THE AWARD ENFORCED?

In submissions by order of court under the Civil Code, the award shall be entered as the judgment of the court at the first term, ten days before which copies of the

