

to the arbitration of one or more arbitrators appointed by the parties on each side respectively and an umpire to be appointed by such arbitrators.

(2.) The determination of such arbitrator, or of such arbitrators, or arbitrators and umpire, or of the majority thereof (if there be more than two), shall be final, and the award may be made a rule of the Supreme Court. 5

(3.) The cost of every arbitration under this Act shall be defrayed and paid as the award directs.

Conduct of  
arbitration.

1891, No. 46, sec. 64

72. For the purposes of such arbitration the Minister shall, on behalf of the Governor, be deemed to be a party to such arbitration within the meaning of the following provisions, unless otherwise specially provided by this Act in any particular case:— 10

(a.) If either party fails to appoint an arbitrator within twenty-one days after being requested in writing to do so by the other party, then the arbitrator appointed by the other party shall alone conduct the arbitration, and his decision shall be final and binding on both parties. 15

(b.) If the said arbitrators fail to act in the matter when referred to them within fourteen days after their appointment, or fail to agree upon the matter referred to them within twenty-eight days of the same having been so referred, then the matter so referred shall be decided by an umpire to be appointed by the said arbitrators, whose decision shall be final and binding on both parties. 20 25

(c.) Every such arbitration shall be carried on in the manner prescribed by "The Arbitration Act, 1890," and be subject to such last-mentioned Act in the same manner as if the reference to such arbitration had been made by consent of parties under a deed. 30

(d.) Each party shall pay his or its cost of such reference, and any costs incidental to the apportionment of an umpire shall be paid equally by the parties to the arbitration.

(e.) Such arbitrators or umpire shall have all the powers vested in Commissioners by "The Commissioners Act, 1903." 35

(f.) Whenever the Minister is a party to an arbitration each party shall appoint its own arbitrator, and a Judge of the Supreme Court, to be nominated by the Governor, shall be the umpire between the said arbitrators.

Injury to adjoining  
mine by flood-water.  
Ibid, sec. 65

73. (1.) Every owner of a mine, where there is an accumulation of water, who wilfully or negligently permits any water to overflow or percolate into any adjoining mine to the injury thereof, or to the impeding of any working therein, shall be liable to pay to the owner of such adjoining mine a contribution towards the cost of draining the said last-mentioned mine. 40 45

(2.) Such contribution shall be in proportion to the amount of water allowed to overflow or percolate as aforesaid, and, with costs, may be recovered in any Court of competent jurisdiction by the owner of the said adjoining mine into which the water has been allowed to overflow or percolate. 50

(3.) But no owner of any mine shall be entitled to claim or to recover any contribution as aforesaid under this section unless he has left a barrier of solid coal or unworked ground not less