

Case No. 14,153.

TRAVERSE V. BEALL.

{2 Cranch. C. C. 113.}¹

Circuit Court, District of Columbia. June Term, 1815.

ARBITRATION—WHEN UMPIRE TO BE CALLED IN.

An umpire is not to be called in until the original arbitrators have differed, and is then only to decide the points on which they differ.

Exceptions to an award.

Mr. Jones, for defendant, objected that the umpire (Collet) decided upon the whole case, and not merely upon the points on which the other two (E. Law and I. D. Barry) differed, and that he was appointed by them, and called in before they had disagreed.

J. Law, *contra*, cited Kyd, Awards, 53, 138, 156, 159.

THE COURT (nem. con.) was of opinion that the award was bad, because it did not appear that the original arbitrators had differed before they called in the umpire, but that he decided upon the whole case *ab initio*.

¹ [Reported by Hon. William Cranch, Chief Judge.]

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