

CHAPTER 572

ARBITRATION AND AWARD

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572.01 WHAT SUBMITTED; SUBMISSION IRREVOCABLE; LABOR DISPUTES. Except as in this section provided, every controversy which can be the subject of a civil action, or a labor dispute as defined in the Minnesota labor relations act, may be submitted to the decision of one or more arbitrators in the manner prescribed in this chapter, but nothing herein shall preclude the arbitration of controversies according to the common law. No submission shall be made of a claim to any estate in fee or for life in real estate, but a claim to an interest for a term of years, or for a lesser term, and controversies respecting a partition of lands, or concerning the boundaries thereof, may be submitted. When a controversy has been submitted, no party thereto shall have power to revoke the submission without the consent of all the others; and, if any of them neglect to appear after due notice, the cause may nevertheless be heard and determined by the arbitrators upon the evidence produced.

[R. L. s. 4380; 1939 c. 439] (9513)

572.02 AGREEMENT. The agreement of submission shall be in writing, signed and acknowledged by the parties, or their agents or attorneys, and shall be, in substance, as follows:

"Know All Men, that, of, and, of, have agreed to submit the demand described in the statement hereunto annexed (or, all demands existing between them, as the case may be) to the determination of (here insert the names of the arbitrators), the award of whom (or a majority of whom) being made and reported within days from this date to the district court for the county of, the judgment thereon shall be final.

Dated this day of, 19....."

[R. L. s. 4381] (9514)

572.03 POWERS AND DUTIES OF ARBITRATORS; FILING OF AWARD. The arbitrators shall appoint a time and place for the hearing and, for good cause shown, may postpone the same, from time to time, within the period limited in the submission agreement. No award made after that time shall be valid, unless the period be extended by consent of parties, or unless made upon a recommitment ordered by the court. They shall hear and receive the sworn testimony of all witnesses appearing before them. Unless otherwise provided in the submission agreement, they shall make such award as they deem reasonable concerning the costs of the proceeding, including their own compensation; but such compensation may be reduced by the court if excessive. The award shall be subscribed by the arbitrators joining therein, and immediately mailed or delivered by one of them to the clerk of the court designated in the agreement, who shall note on the envelope the date and hour of its receipt, and preserve the same, sealed, until opened by the court.

[R. L. s. 4382] (9515)

572.04 PROCEDURE AFTER FILING. When the award has been so delivered to the clerk, any party to the proceeding may notice the same for hearing before the court, or a judge thereof, as in the case of a civil action. The award may be accepted or rejected by the court for any legal reason, or it may be recommitted

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to the arbitrators for a rehearing, or with directions to make any finding more specific, or the parties, by stipulation, may authorize the clerk to enter judgment on the award without submission to the court.

[R. L. s. 4383] (9516)

572.05 GROUNDS OF VACATING AWARD. Upon motion, the court may vacate an award upon any of the following grounds:

- (1) That it was procured by corruption, fraud, or other undue means;
- (2) That there was partiality or corruption on the part of the arbitrators, or any one of them;
- (3) That the arbitrators were guilty of misconduct in refusing postponement, in refusing to hear evidence material to the controversy, or in other matters whereby the rights of the party were prejudiced;
- (4) That they exceeded their powers, or executed them so imperfectly that a mutual, final, and definite award was not made;
- (5) That the award is contrary to law and evidence.

[R. L. s. 4384] (9517)

572.06 MODIFICATION OF AWARD. The court, upon motion, may modify or correct an award in the following cases:

- (1) Where there is a miscalculation of figures, or an evident mistake in the description of any person or thing referred to therein;
- (2) Where the arbitrators have awarded upon a matter not submitted to them, or not affecting the merits of the decision upon any matter submitted;
- (3) Where the award is imperfect in a matter of form which does not affect the merits, and where, if it had been a verdict, such defect could have been amended or disregarded by the court.

[R. L. s. 4385] (9518)

572.07 JUDGMENT; CONTENTS AND EFFECT; APPEALS. Upon confirmation or modification of the award, the court shall order judgment in accordance therewith, and the clerk shall enter the same forthwith, unless a stay be granted. Costs not included in the award shall be taxed as in civil actions. The judgment shall be docketed as in other cases, shall have the same force and effect in all respects, and be subject to all provisions of law relating to judgments in civil actions, including appeals therefrom. It shall recite the submission, the hearing before the arbitrators, their award, and the action of the court thereon.

[R. L. s. 4386] (9519)