

8. Whenever any such dispute shall have arisen between the Chief Engineer and the Contractor, the matter in dispute shall be referred to the Minister for his decision; and in case he shall decide against the Contractor, then the latter shall be entitled to proceed to a reference, but not otherwise: Provided that, before any dispute shall be so referred as aforesaid by any Contractor under the powers herein contained, the Contractor shall give to the Minister one month's notice in writing of such dispute, and of the matter and cause thereof; and in such notice the Contractor's claim shall be explicitly stated, and, if such claim be for pecuniary compensation, the amount thereof shall also be stated.

Where dispute between Engineer and Contractor, to be referred to the Minister.

Notice to Minister.

9. Every such reference shall be carried on in such manner as the Judge shall direct; and he shall have power to direct what notices thereof shall be served, and on whom and in what manner such notices shall be served, and shall give such other directions concerning the conduct of the inquiry as to him may seem fit.

Judge may direct how inquiry to be carried on.

10. The Judge may adjourn such reference and the proceedings thereon from time to time as he shall see fit, and either for a fixed period or without fixing a day for further proceeding therein, but no such adjournment shall continue for a longer period than months.

Judge may adjourn hearing.

11. It shall be lawful for such Judge, at such time and place within his judicial district as aforesaid, and whether in open Court or in Chambers, and, upon such proof of notice to parties interested as to the Judge shall seem sufficient, to take and hear evidence, upon oath or affirmation, in support of or in opposition to the several matters so referred to him in manner aforesaid.

Judge may hear evidence.

And for all or any of the purposes aforesaid may require any of the parties to produce or cause to be produced before him thereon all plans, papers, contracts, specifications, and writings whatsoever touching or concerning all or any of the matters aforesaid.

Require production of plans, &c.

12. For the purpose of arriving at a clear understanding of all or any of such matters, it shall be lawful for the Judge to make or cause to be made an inspection of all works or materials or of any other thing that may be the object of dispute as aforesaid, and capable of being inspected, and for that purpose may require one or more skilled and competent persons to conduct and make such inspection, and may fix a time within which such inspection shall be made, and within which a report shall be made to such Judge of the matters so required to be inspected as aforesaid; and the report or certificate in writing of any such persons whom the Judge may direct or require to do any of the things herein provided for shall and may be taken and received by such Judge, and acted upon as effectually as if he had taken the evidence of such person *vivâ voce*.

Judge may direct inspections by skilled persons.

13. If it shall become necessary, whether in the course of the proceedings or at any time thereafter, before the Judge shall finally have decided on the matters so referred to him as aforesaid, it shall be lawful for him to call before him such engineers, accountants, and other skilled persons as may seem to him requisite or necessary for the purpose of obtaining from them or any of them an opinion upon any question or questions in respect of such reference upon which he may desire the same on any of the matters to be so submitted to him as aforesaid.

May obtain opinions of Engineers, &c.

14. If either of the said parties shall not attend at such hearing or inquiry, or shall neglect to attend in pursuance of any notice so to attend, or shall fail or neglect to produce any plans, contracts, papers, or writings as aforesaid after having been lawfully required to do so in manner aforesaid, it shall be lawful for the said Judge to proceed with the subject-matter of such inquiry *ex parte*.

Parties not attending, Judge may proceed *ex parte*.

15. Either of the said parties may appear by counsel or solicitor, and shall be entitled to examine, cross-examine, and re-examine witnesses who may be examined by or before such Judge.

Parties may appear by counsel or solicitor.

16. If the Judge before whom any such inquiry shall be commenced shall, from the circumstances connected therewith, think it desirable that any facts should be ascertained by a jury, it shall be lawful for him to cause a special jury to attend before him, at a convenient time and place to be by him fixed, to hear the evidence in support of any matter or thing in the case to be submitted

If Judge thinks fit, he may direct facts to be found by a special jury.