

to him which it shall be deemed desirable to have decided by the verdict of a jury, and it shall be lawful for such jury, subject to the direction of the Judge before whom the evidence is taken as to the legal effect of such evidence, by special verdict to bind or negative the existence of the facts so stated; and if a special jury shall be directed to be summoned it shall be struck and summoned in like manner as special juries are struck and examined in civil actions in the Supreme Court.

Judge to give a certificate of his decision.

17. The Judge before whom such evidence shall be taken or facts found as aforesaid shall, by a certificate under his hand and the seal of the Supreme Court, addressed to the Governor of the Colony, report or certify to him the conclusion at which he shall have arrived upon the matters referred to him, and, if any facts shall have been found by a jury as provided in the last preceding section, shall also state the verdict of such jury on such facts.

What may be stated in certificate.

18. In and by any such certificate, or by an independent instrument in writing under his hand and sealed as aforesaid, the Judge may order the payment of money by one of the parties to the other of them, whether as damages or costs, and in and by any such certificate prescribe and direct what shall be done and performed by either of the said parties or both of them, or what shall be refrained from being done by either of them, whether such direction or performance shall have reference to the subject-matter of any such contract and specified or referred to therein, or as to any act, matter, or thing connected with or arising out of such contract, as the proceedings had on any such reference.

Certificate to be filed in Court.

19. A copy of the certificate so to be made as aforesaid shall be forthwith recorded in the Supreme Court at the place where the same shall be made, and any of the parties shall have the right of making copies thereof or taking extracts therefrom on payment of the usual and customary fees in such cases prescribed by the practice of the Supreme Court.

Effect of certificate.

20. The effect of every such certificate shall be similar to that of a judgment or decree of the Supreme Court in its ordinary jurisdiction, and upon such certificate the person lawfully entitled to do so may issue execution to recover moneys due or payable to him thereunder out of any moneys which may have been appropriated by the Legislature for all or any of the purposes to which such inquiry shall have had relation: Provided that, to entitle any person so to issue execution as aforesaid, it must appear in such certificate what moneys have been appropriated to that purpose by the General Assembly, and that the same are legally available for the purpose of satisfying any claims made thereunder by virtue thereof.

Execution may issue thereon.

Costs.

21. The costs, charges, and expenses, of whatsoever nature, of and attending such reference, and of all proceedings consequent upon or incidental thereto, and of all necessary acts, matters, and things which shall or may be had, made, done, or performed by any such Judge under the powers hereof, or by either of the parties shall be borne and paid by and between the said parties in such proportions as to the Judge shall seem meet or as he shall in his discretion think fit, and the allowance or award of such costs, and the direction by and to whom the same shall be paid, shall be included in and form part of the certificate so to be made as aforesaid.

Penalty for non-attendance as witness, or for neglect to obey order of Judge.

22. If any person having been duly summoned to attend on any such reference as aforesaid, whether for the purpose of giving evidence in any matter connected therewith, or to produce any plan, contract, paper, writing, or instrument whatsoever, or for the purpose of being examined on any matter of opinion which the Judge shall desire to submit to such person, or if any party to such inquiry shall refuse or neglect to comply with any direction or order made by such Judge in relation thereto and under the powers herein contained, every such person shall be liable to the like penalties which by the practice of the Supreme Court would attach to such person for or by reason of any non-attendance as such witness on non-compliance with any such rule or order as aforesaid in a civil action in the Supreme Court.

Procedure of Supreme Court to be applicable.

23. In the summoning of witnesses, and in the holding of and in all proceedings relating to any reference, and in the taking of evidence as aforesaid, the practice and procedure of the Supreme Court for the time being relating to