

Judge may hear evidence, and may require production of plans, &c.

10. 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.

And for all or any of the purposes aforesaid may require any of the parties to produce or to 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.

Judge may direct inspections by skilled persons.

11. 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 any public work in respect of which any such reference shall be had and referred to him as aforesaid, or of any part thereof, or any materials composing the same or any part thereof, or of any other thing that may be the subject 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 public work or materials 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 by him as effectually as if he had taken the evidence of such person *vivâ voce*.

May obtain opinions of Engineers, &c.

12. 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 matter or thing arising out of or in relation to the subject of such reference, and upon which he may desire the same on any of the matters to be so submitted to him as aforesaid.

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

13. If either of the said parties shall fail or neglect to attend at such reference, after having been lawfully required to attend in pursuance of any notice so to attend, or who shall fail or neglect to produce any contract, plans, 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 reference *ex parte*.

Parties may appear by counsel or solicitor.

14. 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.

Judge may adjourn proceedings.

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.

Notices, &c., how to be served.

15. Any notice or other instrument which it may be necessary or requisite to serve upon the Minister under this Act may be served at the office of the Public Works Department at Wellington, by leaving the same with the Chief Engineer or the Secretary for Public Works; and any notice or other instrument which it may be necessary or requisite to serve upon the Contractor may be served upon him either personally or by leaving the same at his last known place of business or abode in the judicial district of the Supreme Court in which any such contract may be or have been executed or carried on. All notices served as and in manner herein provided shall, on proof thereof to the satisfaction of the Judge, be deemed to have been effectually served upon the party affected or intended to be affected thereby.

Judge to give a certificate of his decision, and what may be stated in certificate.

16. The Judge before whom such evidence shall be taken upon or under any such reference 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 decision at which he shall have arrived upon the matters so referred to him.