

In and by any such certificate, or by a separate 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.

17. A copy of the certificate so to be made as aforesaid shall be forthwith recorded in the Supreme Court at the place where the proceedings in the reference shall have been conducted, and either 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.

Certificate to be
filed in Court.

18. 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, subject, however, to the following terms and conditions, that is to say,—Whenever by any such certificate it shall appear that money, whether as damages or costs, is made payable to the Government of the colony, proceedings to recover the same may be had as upon a debt due to the Crown, and all the provisions of “The Crown Debts Act, 1866,” as to the recovery of debts due to the Crown and to the issue of process thereunder, shall be deemed to apply to any such certificate as aforesaid; and whenever by any such certificate it shall appear that any money, whether as damages or costs, shall be paid to any Contractor, he shall be entitled to have the same satisfied in the manner provided by “The Crown Redress Act, 1871,” and the provisions of the sixth and seventh sections of that Act shall be deemed to be incorporated herein so far as applicable, and subject to the provisions of this Act: Provided that to entitle any person so to issue execution as aforesaid it must appear by the certificate to be given by the Judge under this Act what moneys (if any) have been appropriated by the General Assembly for the purpose of satisfying any claims or demands under this Act, and that the same are legally available for the purpose of satisfying any claims made thereunder by virtue of such certificate.

Effect of certificate.

19. 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.

Costs.

20. 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.

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

21. In the summoning of witnesses, and in all proceedings relating to any reference held under this Act, and in the taking of evidence as aforesaid, the practice and procedure of the Supreme Court for the time being relating to civil actions shall be followed, so far as they may be found or made applicable

Procedure of
Supreme Court
be applicab^l