

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

Notice to Minister.

Statement of matter in dispute to be settled and signed.

Either party refusing or neglecting to state case, Judge may proceed *ex parte*.

Procedure thereon.

Judge to fix day and place of proceeding with reference.

4. Whenever any such dispute or difference 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 the decision of the Minister shall be adverse to the Contractor, then the latter shall be entitled to avail himself of the provisions for a settlement of such difference hereinafter contained, but not otherwise: Provided that, before any dispute or difference shall be referred by any Contractor under the powers herein contained, the Contractor shall give to the Minister one calendar 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.

5. If any dispute shall arise between either of the parties to any contract as hereinbefore mentioned upon any matter or thing which according to the terms thereof ought to be or might be referred to arbitration as aforesaid, then the party desiring to proceed to a reference under this Act shall prepare a statement in writing, setting forth in a concise manner the particular matter in dispute, and what shall be alleged by the party proposing to proceed to a reference, and the ground of objection to such allegation by the other of the said parties, and all such other necessary particulars as may be requisite to show what the actual matters in dispute are. A copy of such statement shall be served by the parties so proposing to proceed to a reference as aforesaid upon the other of them, together with a notice requiring such last-mentioned party, within a period of        days from such service, to agree to and settle the matters set forth in such statement, and if such case shall be agreed to by the parties then the same shall be signed by them or by their respective counsel or solicitors, and shall be filed in the Supreme Court as hereinafter directed: Provided that where any Contractor shall desire to proceed to a reference under this Act he shall give to the Minister a like notice in writing as is provided in the last preceding section.

6. If either of the parties shall, on being required to do so by the other of them, refuse or neglect for a period of seven days after the expiration of such period of        days as mentioned in the last preceding section within which he or they shall be required to sign such a statement as aforesaid, it shall be lawful for the party desirous of proceeding to a reference under this Act to apply to the Judge in a summary manner, and such Judge, upon hearing the facts as to the refusal of the other of the said parties to sign such statement as aforesaid, and on proof thereof, shall proceed to state and settle the matter so to be referred to him as aforesaid, and every such statement so settled by the Judge shall be as binding on the party so neglecting or refusing to sign the same as if he or they had in fact signed the same, and the Judge shall sign the same on the part of the party so neglecting or refusing to sign the same, and such signature by the Judge shall be binding on the party so neglecting or refusing to settle such case, and all subsequent proceedings thereon shall be valid and effectual to all intents and purposes.

7. Upon the statement being settled and signed in either of the modes hereinbefore mentioned, the same shall forthwith be filed in the office of the Registrar of the Supreme Court in the chief town of the province or county where, under the provisions of this Act, such reference may lawfully be had; and the party who shall have proposed a reference shall, as soon as conveniently may be after the filing thereof, apply to the Judge of the Supreme Court within whose judicial district the dispute has arisen, or in which the particular contract or work is to be performed, to fix a day, time, and place for proceeding in the matters so to be referred to him as aforesaid. Notice of the filing of such statement shall in all cases be given to the other of the said parties.

8. Such Judge shall, subject to the provisions of this Act, fix a day, time, and place for proceeding in the matters in the case mentioned and referred to him, and shall direct what notice thereof shall be given to the other of the parties in dispute; and on such day, and at the time and place appointed by the Judge, the parties, by themselves, or by their counsel or solicitors, shall attend before the Judge for the purpose of proceeding in the reference.