

award of the Judge of the Supreme Court assigned to the judicial district of the Supreme Court within which the works relative to which the dispute shall have arisen have been or are to be executed, then and in any such case such dispute shall be referred to the decision of a Judge of the Supreme Court in the manner hereinafter provided :

Provided that where any such Judge shall, by reason of continued illness or absence from the district assigned to him, be unable to proceed with the reference so to be made to him, or in case of the death of such Judge, then the dispute shall be heard and determined by the Chief Justice of the Supreme Court, or before some other Judge of the said Court to be appointed by him : Provided further that if the reference shall have been partly heard, the proceedings before the Chief Justice, or such Judge as last aforesaid, shall be commenced *de novo*. And any dispute so referred as herein lastly provided, and all the proceedings relating thereto or consequent thereon, shall be heard, conducted, and may be enforced as if the same were referred to the Judge who, but for such illness, absence, or death, would have heard and determined the same.

4. Whenever any such dispute shall have arisen between the 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 arbitration hereinafter contained, but not otherwise.

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

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 of such contract ought to be or might be referred to arbitration as aforesaid, then either party desiring to proceed to arbitration under this Act shall prepare a statement in writing, setting forth in a concise manner the nature and extent of the claim made by such party, and the propositions of fact and law which such party desires to submit to the Arbitrator in support of such claim, and shall deliver a copy of such statement of claim and propositions to the other party ; and the other party may, within fourteen days after receipt of such statement, deliver to the party from whom the same shall have been received, such propositions of fact and law as such other party desires to submit to the Arbitrator in opposition to such claim.

Statement of claim and proposition of law or fact to be made and signed by parties, and filed in Supreme Court office.

At any time within one month after the expiration of the said fourteen days, the party desiring the reference shall cause a copy of such claim and of any propositions of fact or law in support thereof, or which shall have been delivered in opposition thereto, to be filed in the office of the Registrar of the Supreme Court in the judicial district where according to this Act be had :

Provided that if in such district there be more than one such office, then such copies shall be filed at the office of the Supreme Court in such district at the town or place where the Judge assigned to such district usually resides.

6. The party desiring a reference shall give a reasonable notice to the other party of such filing and of the time of the application hereinafter mentioned ; and as soon as conveniently may be after the filing of such copies as aforesaid such first-mentioned party shall apply to the Judge assigned to the district to hear and determine the matter of such claim, and to fix a day, time, and place for proceeding in the matters so to be referred to him as aforesaid.

Party desiring a reference to apply to Judge to fix day and place for proceeding therein.

Notice of the time and place so fixed shall in all cases be given to the other of the said parties, unless such other party shall appear at the application for fixing the same.

7. Before any dispute, whether occurring between the Engineer and Contractor or either of the parties, shall be referred by any Contractor under the powers in this Act 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.

Notice to be given to the Minister.

8. 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.