

Judge may direct how reference to be carried on.

May require the attendance of witnesses.

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

Judge may direct inspection by skilled persons.

May obtain opinions of Engineers, &c.

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

Parties may appear by counsel or solicitor.

Judge may adjourn proceedings.

Parties may apply for leave to amend statements, &c.

9. Every such reference shall be conducted in such manner as the Judge shall direct; and he shall have power to direct what notices shall be served, and on whom and in what manner such notices shall be served, and shall give such other directions concerning the conduct of the reference as to him may seem fit.

10. The Judge, at his discretion, or on the application of either of the parties, by notice in writing under his hand, may summon any person or persons whose evidence may be considered by him or by such parties to be material to the subject-matter of the reference, to attend before him, at a time and place to be specified in such notice, for the purpose of giving evidence touching or concerning the matters in dispute.

11. 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 to be referred to him in manner aforesaid.

And for all or any of the purposes aforesaid may require any of the parties or any other person or persons to produce or cause to be produced before him on such reference all plans, drawings, contracts, specifications, papers, and writings whatsoever touching or concerning all or any of the matters aforesaid.

12. 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*.

13. If it shall become necessary, in the opinion of the Judge, whether in the course of the reference or at any time thereafter, before he 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, surveyors, architects, accountants, or other skilled persons as may seem to him requisite or necessary for the purpose of obtaining from them or any of them opinions upon any question or questions in respect of any 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.

14. 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, drawings, 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*.

15. 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.

The Judge may adjourn such reference and the proceedings thereon from time to time as he shall see fit, and for such time and to such place as he may think fit; but no such adjournment shall continue for a longer period than calendar months.

16. At any time during the proceedings on any such reference it shall be lawful for either of the parties to apply to the Judge to amend any statement of claim or propositions of law or fact delivered or filed by such party under the powers herein contained; and if the other of such parties shall not consent to such amendment, the Judge shall decide as to the reasonableness of the application, and may either grant or refuse the application, upon such terms as