

Certificate not to be set aside for informality.
Costs.

22. No certificate made or given under the provisions of this Act shall be void or liable to be set aside for any irregularity or informality.

23. 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 or by his direction 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.

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

24. 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 reference 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 or non-compliance with any such rule or order as aforesaid in a civil action in the Supreme Court.

Procedure of Supreme Court to be applicable.

25. In the summoning of witnesses, and in all proceedings relating to any reference held under this Act, in the taking of evidence as aforesaid, and in the taxation of costs of any such reference, 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 to such proceedings; and witnesses summoned to attend such reference, and parties thereto, shall be subject to the same liabilities as witnesses in and parties concerned in the trial of an action in the Supreme Court would be subject to in like cases: Provided that nothing in this or the preceding section contained shall be held or construed to render any witness or party liable to any penalty or proceeding in any of the cases therein mentioned, unless such witness or party shall have been duly summoned or had notice to attend such reference, or may have been required to do or omit to do some act in the like manner in which he would have been summoned or required to attend as a witness in a civil action in the Supreme Court as aforesaid, or if a party might be required to do or omit to do some act in any such action as aforesaid.

No power to parties to revoke.

26. After the commencement of any reference under this Act neither party shall have power to withdraw from such reference or to revoke or recall any statement of claim or proposition of fact or law submitted without the consent of the other of the said parties.

Death not to abate proceedings.

The death of either of the parties pending any reference under this Act shall not affect the same, but such reference may be proceeded with and may be determined in the same manner as if the certificate of the Judge had been made or given in the lifetime of the parties so dying, and the personal representatives of the party so dying shall be considered for all purposes to be a party or parties to the reference.

Parties not to bring action or prosecute writ of error.

27. Neither of the parties shall bring any action, suit, or proceeding against the other for or in respect of any matter so agreed to be referred as aforesaid, nor shall either bring or prosecute any writ of error or other proceeding in the nature thereof concerning any of the matters referred or any certificate made or given under this Act.

No appeal from Judge's decision.

28. No appeal shall lie from any decision of a Judge given under or in accordance with the provisions of this Act, either to the Supreme Court, or to the Court of Appeal, or to any other Court or tribunal, but every such decision shall be binding, final, and conclusive on the parties concerned in or affected by any such reference.

Judges to make rules, &c.

29. The Judges of the Supreme Court, or any three of them, of whom the Chief Justice shall be one, shall have power to make any rules not inconsistent