

The word "Minister" shall mean the Minister appointed under "The Immigration and Public Works Act, 1870," and shall include the Minister for the time being authorized by the Governor to act for such Minister in respect of any public work as herein defined :

The word "Engineer" shall mean the Engineer who shall from time to time be appointed by the Minister to have principal charge of any public work on behalf of the Government, and to be, for the purposes of the contract and this Act, the Engineer with reference to such work :

The term "public work" shall mean and include any railway, tramway, road, bridge, building, erection, or structure whatsoever, and also all works, of whatsoever nature, connected with or relating to any such railway, tramway, road, bridge, building, erection, or structure :

The word "contract" shall mean any contract already or hereafter entered into between the Governor in the name of Her Majesty the Queen, and Messieurs Alexander Brogden, Henry Brogden, and James Brogden (carrying on business as aforesaid under the style of "John Brogden and Sons"), for the execution of any public work ; and the term "Contractor," where hereinafter used, shall mean the said Alexander Brogden, Henry Brogden, and James Brogden, and shall include such person or persons as by the contract it is provided the term "Contractor" shall include :

The term "the parties" shall mean the "Contractor" of the one part, and the "Minister" of the other part ; and whenever throughout this Act the term "parties" is used, the same shall, in so far as it affects Her Majesty the Queen, the Governor, or the Government of the Colony, be deemed to mean the Minister :

The expression "a Judge of the Supreme Court" shall mean any Judge of the Supreme Court for 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.

Disputes between Government and Contractors to be referred to decision of Judge of the Supreme Court.

3. In any case where, under the provisions of any contract, it may be provided that any dispute arising between the parties thereto, or between the Engineer and the Contractor, or between the Contractor and the Government, that such dispute shall be referred to the sole determination, arbitrament, and 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 before the determination of the reference, 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 in such case as last aforesaid any evidence shall have been heard by or before the Judge to whom the dispute shall have been originally referred, the taking of evidence shall, if either of the parties require it, be commenced *de novo* before the Chief Justice or the Judge appointed by him ; 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.

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

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.