

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 a Judge of the Supreme Court 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 such Judge 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 such reference may 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. 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.

Judge may direct how reference to be carried on.

9. 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.

May require the attendance of witnesses.

10. On the day and at the time and place appointed by the Judge as hereinbefore provided, the parties, by themselves, or by their counsel or solicitors, shall attend before the Judge for the purpose of proceeding in the reference.

On appointed day, the parties to attend before Judge and proceed in reference.

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.

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

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.