

otherwise by reason of the dishonour, as for recovery of the amount of the bill or note.

93. After order made, the Court may, if it thinks fit, for reasons recorded in the minutes, set aside the order or execution, and give leave to defend.

#### CLAIMS UNDER 20*l.*

94. Where the claim which any person desires to enforce by proceedings in the Court either—

(i.) relates to money, goods, or other property, or any civil right or other matter, at issue, of a less amount or value than 20*l.*; or

(ii.) is instituted for the recovery of damages of a less amount than 20*l.*;

proceedings shall be commenced by summons and the suit shall (subject to the provisions of this Order) be heard and determined in a summary way.

95. The summons shall issue without application in writing.

It shall be addressed to the person, as respondent, against whom the claim is made.

It shall state briefly and clearly the nature and particulars of the claim and the amount sought to be recovered.

It shall be served on the respondent within the time and in the manner directed by the Court.

A respondent shall not be bound to attend personally to answer the summons unless required expressly by the summons so to do, but he shall attend personally if summoned as a witness.

The proceedings on the summons shall (except as far as the Court, in any case for the avoiding of delay and the furtherance of substantial justice, thinks fit otherwise to direct) be governed by the provisions of this order regulating claims for 20*l.* or upwards.

96. Where, either on the application for a summons, or before or at the hearing thereof, it appears to the Court (for reasons recorded in the minutes) that the nature and circumstances of the case make it unjust or inexpedient to hear and determine the claim in a summary way, the Court may direct that proceedings be taken and carried on by petition.

#### CLAIMS FOR £20 OR UPWARDS.

##### A.—Ordinary Provisions.

97. Subject to the foregoing provisions of this Order (where the claim which any person desires to enforce by proceedings in the Court is not such as hereinbefore directed to be commenced by summons), proceedings shall be commenced by the filing of a petition.

98. The petition shall contain a narrative of the material facts on which the plaintiff relies.

The narrative shall be divided into paragraphs numbered consecutively, each paragraph containing, as nearly as may be, a separate statement or allegation.

The petition shall pray for the specific relief to which the plaintiff conceives himself entitled, and also for general relief.

The petition shall be as brief as is consistent with a clear statement of the facts on which the prayer is sought to be supported, and with information to the defendant of the nature of the claim set up.

Documents shall not be unnecessarily set out in full in the petition, but so much only of them as is pertinent and material shall be set out.

Dates and sums shall be expressed in the petition in figures, and not in words.

99. Where there is only one defendant, one copy of the petition, and of any schedule thereto, for service, shall be left with the Court, together with the original.

Where there are two or more defendants, as many copies as there are parties to be served shall be left, together with the original.

100. The plaintiff shall obtain an order for service of the petition on the defendant.

101. The order for service of the petition shall specify a reasonable time after service, ordinarily not more than eight days, within which the defendant shall put in his answer.

102. The Court may, if it thinks fit, on the application of the defendant, allow him further time for putting in his answer.

103. A defendant failing to answer within the time, or further time, allowed, shall not be at liberty to put in an answer without leave of the Court.

104. The answer shall show the nature of the defendant's defence to the claim set up by the petition.

It shall not introduce matter irrelevant to the suit, and the provisions of this Order relating to the setting out of documents and the contents of a petition generally shall be observed in an answer, as far as they are applicable.

It shall deny all such material allegations in the petition as the defendant intends to deny at the hearing.

Where the answer denies an allegation of fact, it shall deny it directly and fully (as, for example, if a petition alleges that the defendant has received a sum of money, and the defendant denies this, his answer shall deny that he has received that sum or any part thereof, or else set forth what part he has received. And so, where a matter of fact is alleged in the petition, with certain circumstances, the answer shall not deny it literally as it is alleged, but shall answer the point of substance positively and certainly).

The answer shall specifically admit such material allegations in the petition as the defendant knows to be true or desires to be taken as admitted.

The answer shall allege any fact not stated in the petition whereon the defendant intends to rely in his defence (as establishing, for instance, fraud on the part of the plaintiff, or showing that the plaintiff's right to relief has not yet accrued, or is released, or barred, or otherwise gone).

105. The Court may, if it thinks fit, order the defendant to put in an answer on oath.

106. The Court may, if it thinks fit, on the application of the plaintiff, examine the defendant, on oath or otherwise, on written interrogatories, allowed by the Court, and take down the answers of the defendant in writing.

Those answers shall be treated as forming part of the answer to the petition.

107. A defendant not putting in any answer shall not, on that ground, be taken as admitting the allegations of the petition or the plaintiff's right to the relief sought.

108. No replication or other pleading after answer shall be allowed.

109. The plaintiff may, on considering the answer, amend his petition.

Notice of the amendment shall be served on the defendant.

110. A suit shall not be set down for hearing without an order of the Court for that purpose, which the plaintiff may obtain at any time after the expiration of the time allowed to the defendant for answering.

111. The sittings of the Court for the hearing of suits shall, where the amount of business so requires, be held on stated days.

They shall ordinarily be public, but the Court, may, for reasons recorded in the minutes, hear any particular suit or matter in the presence only of the parties and their legal advisers, and the officers of the Court.

112. A Provincial Court shall (subject to the