

provisions of this Order) hear with an Assessor, or with Assessors, every suit which either—

(i.) Relates to money, goods, or other property, or any civil right, or other matter, at issue, of the amount or value of 300*l.* or upwards; or

(ii.) Is instituted for recovery of damages, of the amount of 300*l.* or upwards.

In all other cases, subject as aforesaid, a Court may, if it thinks fit, hear the suit either with or without an Assessor or Assessors.

113. The order of proceeding at the hearing shall, subject to any directions given by the Court, be as follows:—

The party on whom the burden of proof is thrown by the nature of the material questions between the parties has the right to begin: he shall address the Court and open his case.

He shall then call his evidence and examine his witnesses in chief.

When he has concluded his evidence he shall ask the other party if he intends to call evidence (in which term is included evidence taken by affidavit or deposition, or under commission, and documentary evidence not already read or taken as read); and, if answered in the negative, the party beginning shall be entitled to sum up the evidence already given, and comment thereon; but if answered in the affirmative he shall wait for his general reply.

When the party beginning has concluded his case, the second party shall be at liberty to address the Court and to call evidence, and to sum up and comment thereon.

If no evidence is called or read by the second party, the party beginning (saving the right of the Crown) shall have no right to reply unless he has been prevented from summing up his case by the statement of the second party of his intention to call evidence.

The case on both sides shall then be considered closed.

If the second party calls or reads evidence, the party beginning shall be at liberty to reply generally on the whole case, or he may call fresh evidence in reply to the evidence given on the other side, on points material to the determination of the issues, or any of them, but not on collateral matters.

Where evidence in reply is tendered and allowed to be given, the second party shall be at liberty to address the Court, and the party beginning shall be entitled to the general reply.

114. The answer of a defendant shall not debar him at the hearing from disproving any allegation of the petition not admitted by his answer, or from giving evidence in support of a defence not expressly set up by the answer, except where in the opinion of the Court the defence is such as ought to have been expressly set up by the answer, or is inconsistent therewith.

115. The decision or judgment given at the hearing shall be delivered in open Court.

Where the Court reserves judgment at the hearing, parties to the suit shall be served with notice to attend and hear judgment, unless the Court at the hearing states the day on which judgment will be delivered, in which case there shall be no further notice.

All parties shall be deemed to have notice of the decision or judgment, if pronounced at the hearing.

All parties served with notice to attend and hear judgment shall be deemed to have notice of the judgment when pronounced.

116. In every suit, the costs of the whole suit and of each particular proceeding therein, and

the costs of every proceeding in the Court, are in the discretion of the Court as regards the person by whom they are to be paid, and shall be ascertained, fixed, or taxed in such manner as may be prescribed by any Rules of Procedure, or in any particular case, directed by the Court.

But the Court shall not order the successful party in a suit to pay to the unsuccessful party the costs of the whole suit; although the Court may order the successful party, notwithstanding his success in the suit, to pay the costs of any particular proceeding therein.

The Court may order any costs to be paid out of any fund or property to which a suit or proceeding relates.

Where the Court orders costs to be paid by any party, the Court may, if it thinks fit, order all proceedings by or on behalf of that party in the same suit or proceeding, or connected therewith, to be stayed until the costs are paid accordingly.

B.—Exceptional Provisions.

117. On proof of extreme urgency or other peculiar circumstances, the Court may, if it thinks fit, without petition filed, and without notice, make an order of injunction, or an order to sequester money or goods, or to stop a passport, or the clearances of a ship, or to hold to bail.

Before making the order, the Court shall require the person applying for it to enter into a recognizance, with or without a surety or sureties as the Court thinks fit, as security for his being answerable in damages to the person against whom the order is sought.

The order shall not remain in force more than twenty-four hours, and shall, at the end of that time, wholly cease to be in force, unless within that time a suit is regularly instituted, by petition, by the person obtaining the order.

The order shall be dealt with in the suit as the Court thinks just.

An order to hold to bail shall state the amount (including costs) for which bail is required.

It shall be executed forthwith.

The person arrested under it shall be entitled to be discharged from custody under it on bringing into Court the amount stated in the order, to abide the event of such suit as may be instituted, or on entering into a recognizance, with or without a surety or sureties as the Court thinks fit, as a security that he will abide by the orders of the Court in any suit instituted.

He shall be liable to be detained in custody under the order for not more than seven days, if not sooner discharged: but the Court may, from time to time, if it thinks fit, renew the order.

No person, however, shall be kept in custody under any such order and renewed order for a longer time, in the whole, than thirty days.

118. Where a person filing a petition, either alone or jointly with any other person, is out of the particular jurisdiction, or is only temporarily therein, he shall file in the Court, at or before the filing of the petition, a written statement of a fit place within the particular jurisdiction where notices and other papers issuing from the Court, may be served on him.

He shall also give security for costs by deposit of the sum of £50, or by bond in the penal sum of £100.

The Court may at any time, either of its own motion or on the application of any defendant, order the plaintiff to give further or better security to the amount aforesaid for costs, and may direct proceedings to be stayed in the meanwhile.

119. Persons entitled to sue and suing on