

145. When a statement of claim or defence has been amended under the preceding rules of this chapter, the Court or a Judge may, either before or at the trial, adjourn the trial for such time to such place, and upon such terms as to payment of costs by the party amending as may appear just.

#### ISSUES.

146. When it shall be made to appear that any matter in question between the parties is of sufficient importance on the ground (a) that the amount or value of the sum of money or property in question exceeds £500, and that difficult questions of law are involved in the controversy; or, (b) that intricate and difficult questions of fact are involved; or, (c) that personal character or reputation is directly involved; or, (d) that questions of public interest are involved; or, that on any other ground the matter in question is one of sufficient gravity, it shall be lawful for the Court or a Judge, on the application of either party, in a summary way to order that the parties shall state issues of fact and of law, or of fact or law only, as the case may seem to require, such issues to be settled by a Judge upon such terms as to costs and other terms as to the Court or Judge shall seem meet.

147. On settling the issues, the Judge may allow or order such amendments to be made in the statements delivered between the parties, or on the issues themselves as, may be necessary to remove ambiguities and defects in such statements or issues, and render them conclusive whatever may be the findings thereon, subject to such terms as to adjournment of the trial, payment of costs, and otherwise, as to the Judge may appear proper.

148. If on the issues as settled it appears to the Judge that the matter in dispute is one of law only, or that a substantial point of law is involved which ought to be decided before the trial of the action, the Judge may order that such matter or point of law be argued before the Court before the trial of the action, and that the trial of the action do stand adjourned pending the decision of the Court thereon.

### CHAPTER II.

#### MEANS OF EVIDENCE.—DISCOVERY AND INSPECTION

149. Either party may at any time after the commencement of an action, by leave of the Court or of a Judge, deliver interrogatories for the examination of the opposite party, with a note at the foot thereof stating which of such interrogatories each of such parties is required to answer.

150. The application for such rule or order shall be made upon an affidavit of the party proposing to interrogate, or of his solicitor, attorney, or agent, if from absence or other unavoidable cause such party is unable to make the affidavit himself.

151. If any party to an action be a body corporate, joint-stock company, or body of persons empowered by law to sue in the name of a public officer, any opposite party may, by leave of the Court or Judge, deliver interrogatories for the examination of any member or officer of such body corporate, joint-stock company, or body of persons.

152. Interrogatories shall be answered by affidavit, to be filed within ten days, or such other time as the Court or a Judge may direct,

153. If any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the Court or a Judge for an order requiring him to answer, or to answer further, as the case may be. And an order may be made on such application, or at any subsequent time, requiring him to answer, or answer further, either by affidavit or to attend at such place before the Judge, Registrar, or such other person as the Judge may appoint, to be orally examined as to the matters he has omitted to answer, or answered insufficiently.

154. Any party may, at the trial of an action or issue, use in evidence any one or more of the answers of the opposite party to interrogatories without putting in the others. Provided always that in such case the Judge may look at the whole of the answers, and if he shall be of opinion that any other of them are so connected with those put in that the last-mentioned answers ought not to be used without them, he may direct them to be put in.

155. Any party may, without filing any affidavit, apply to a Judge for an order directing any other party to the action to make discovery on oath of the documents which are, or have been, in his possession or power relating to any matter in question in the action.

156. The affidavit to be made by a party against whom such order as is mentioned in the last preceding rule has been made, shall specify which (if any) of the documents therein mentioned he objects to produce, and it may be in the form No. in the Schedule hereto.

157. The Court or a Judge may at any time order either party to produce, for the inspection of the opposite party, such of the documents in his possession or power relating to any matter in question in the action as the Court or a Judge may think right, and the Court or Judge may deal with such documents when produced in such manner as shall appear just.

158. Every application for an order for inspection of documents shall be to a Judge, and, except in the case of documents referred to in the affidavits of the party against whom the application is made or disclosed in his affidavit of documents, shall be founded on an affidavit showing of what documents inspection is sought, that the party applying is entitled to inspect them, and that they are in possession of the other party, and that such party has refused to produce them on being requested so to do.

159. No special case in an action to which a married woman, infant, or person of unsound mind is a party, shall be set down for argument without leave of the Court or of a Judge; the application for which must be supported by sufficient evidence that the statements contained in such special case, so far as the same affect the interest of such married woman, infant, or person of unsound mind, are true.

160. Either party may set down a special case for argument by delivering to the proper officer a memorandum in the form No. in the Schedule hereto; and, also, if a married woman, infant, or person of unsound mind, be a party to the action, producing a copy of the order giving leave to set down the same for argument.

161. On the argument of such point of law the Court may give judgment in the action, or may order the issues of fact or any of them to be tried before giving judgment.