

99. If either party in his statement relies upon any document it shall be sufficient to state the effect thereof as briefly as possible, without setting out the whole or any part thereof, unless the precise words of the document, or any part thereof, are material.

AMENDMENT OF STATEMENTS OF CLAIM AND OF DEFENCE.

100. Either party may at any time before trial file an amended statement of claim or of defence, and serve a copy thereof on the opposite party.

101. Either party may, by notice, require the opposite party to file and serve, within two days after the service of such notice, a more explicit statement of claim or of defence.

102. Such notice shall indicate as clearly as may be the points in which the statement, in respect of which it has been served, is considered defective.

103. If the party on whom such notice is served neglect or refuse to comply with the same, the Court or a Judge may, if the statement objected to appear not to give fair notice of the cause of action or ground of defence, order a fuller or more explicit statement to be filed.

104. When an amended statement of claim or of defence has been filed under the foregoing rules, the party filing such amended statement shall bear all the costs of the original statement, and any application for amendment, unless the Court or Judge shall otherwise order.

105. When any ground of defence to a claim or counter claim arises after the commencement of the action, the defendant or the plaintiff, as the case may be, may, within two days after such ground of defence has arisen, by leave of the Court or Judge, file and serve a special statement of defence setting forth the same.

106. 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.

107. The rules as to filing statements of defence, set-off and counter claim, statement of claim, and defence generally, shall not apply to actions where the sum claimed is under twenty pounds.

108. The Judge may at all times amend all defects and errors in any civil proceeding in his Court, whether there is anything in writing to amend by or not, and whether the defect or error be that of the party applying to amend or not; and all such amendments may be made with or without costs, and upon such terms as to the Judge may seem fit; and all such amendments as may be necessary for the purpose of determining in the existing suit the real question in controversy between the parties shall be so made if duly applied for.

CHAPTER II.

SPECIAL CASES.

109. The parties may, after the summons has been issued, concur in stating the questions of law arising in the action in the form of a special case for the opinion of the Court. Every such special case shall be divided into paragraphs, numbered consecutively, and shall concisely state such facts and documents as may be necessary to decide the questions raised thereby. Upon the argument of such case, the Court and the parties shall be at liberty to refer to the whole contents of such documents, and the Court shall be at liberty to draw from the facts and documents stated in any such special case any inference, whether of fact or of law, which might have been drawn therefrom if proved at the trial.

110. 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.

111. 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, by producing a copy of the order giving leave to set down the same for argument.

ADMISSION OF DOCUMENTS.

112. Either party may call upon the other by notice to admit any document, saving all just exceptions, and, in case of refusal or neglect to admit after such notice, the cost of proving any such document shall be paid by the party neglecting or refusing, whatever the result of the trial may be, unless at the hearing or trial the Judge presiding at the trial certify that the refusal to admit was reasonable; and no costs of proving a document shall be allowed, unless such notice be given, except when the omission to give the notice is in the opinion of the Judge a saving of expense.

113. Notice to admit under the preceding rule need not be given in respect of any document referred to in a statement of claim, or of defence, or in a counter claim which the opposite party might have admitted in his statement of defence, or by notice under rule.

114. A notice to admit documents may be in the Form No. in the Schedule hereto.

115. An affidavit of the solicitor or his clerk of the due signature of any admissions made in pursuance of any notice to admit documents, and annexed to an affidavit, shall be sufficient evidence of such admissions.

EVIDENCE GENERALLY.

116. Evidence at the trial of any action, or any assessment of damages, shall be given by means of witnesses, who shall be examined *visà voce* in open Court.

WITNESSES.

117. Subpoenas to require the attendance of witnesses at the trial may be issued, at the instance of either plaintiff or defendant, at any time after the summons in the action has been issued.