

which may be opened by the Clerk, and used without proof of such signatures.

13. All answers, pleas, disclaimers, examinations, declarations, and acknowledgments, if made or taken out of the jurisdiction of the Court, may be taken and the oaths administered as in cases of affidavits, and may be returned in like manner as in the last preceding Section; of which, and of the names subscribed to the same, judicial notice shall be taken.

14. After the cause shall be at issue, and before proceeding to proof or to hearing, any Judge, on ten days notice by either party, shall determine what allegations on both sides are admitted by the pleadings, and shall direct the proof to take place on the allegations not admitted; and if the evidence be taken in the usual manner before an examiner, the time for that purpose shall commence to run from such direction.

15. All cases in equity may, after issue, and at the time when the Judge shall settle the points admitted or denied by the pleadings, be ordered to be heard at such time as may be appointed either by evidence taken *viva voce* in open Court before the Judge at one of the monthly sittings, or at any Circuit Court where the majority of the witnesses reside, if the parties desire the same, or the Judge shall so order; and if at any Circuit Court, such causes shall be entered at the foot of the common law cases, and heard after the Jury is discharged, the Clerk of the Circuits attending himself or by deputy. The Judge may reserve his decision after full hearing of the case, to be delivered at such time as he shall then or afterwards appoint. Subpœnas for attendance of witnesses in such causes, may be issued by the Solicitors of the parties, and shall be served and obeyed as heretofore in the Court of Chancery, with such alterations in the form as may be required.

16. When evidence shall be taken before an examiner, or plaintiff proceeds after issue on evidence furnished by the answer, or the defendant on evidence furnished by the plaintiff's Bill, or his answer to defendant's interrogatories, it shall not be necessary to move for publication; but on fourteen days notice by either party, the cause may be set down for hearing at Fredericton, and the evidence may be used, without delivering out copies thereof at such hearing.

17. Any Judge shall on the application of either of the parties in any suit, and on good cause shewn, make an order for the production upon oath of such of the documents in their possession or power relating to the matters in question in the suit, and deal with the same when produced, as shall appear just; but demand shall first be made of copies of the same or of portions thereof, and be shewn to have been refused.

18. Whenever an issue may be found necessary to aid the Judge on the hearing, the same may be ordered by him, and shall be tried, and be subject to a new trial, in the ordinary manner in the Supreme Court. If it be necessary for the purposes of an injunction to have the legal right of any party tried forthwith, the application for the injunction shall be suspended, and the Judge may make an order requiring the Sheriff to summon a Jury before him or some other Judge at a time and place therein to be named, and such Jury shall be summoned by the said Sheriff, and shall attend and try the said issue, and witnesses may be subpœnaed, and all other necessary things may be done in the same manner, and under the like penalties and privileges as in cases of ordinary civil trials by Jury, with the right to a new trial as in other cases. If the legal right or title of the party seeking relief can be established under the evidence, or if a case be required to be stated, for the opinion of the Court, without the aid of a Jury, the Judge may determine such right or title, or the point arising for such case, instead of stating the same. And whenever any issue, or question of law, may be determined according to the practice, the Judge shall proceed to the hearing of the said injunction, or the cause, as the case may be, and decree accordingly. In any of these cases the Clerk or his deputy shall attend.

19. No defendant in any equity suit shall be permitted to object for want of parties, in any case to which the following Rules extend:—

Rule 1.—Any residuary legatee or next of kin may, without including the remaining residuary legatees, or next of kin, have a decree for the administration of the personal estate of a deceased person.

Rule 2.—Any legatee interested in a legacy charged upon real estate, and any person interested in the proceeds of real estate directed to be sold, may, without including any other legatee, or person interested in the proceeds of the estate, have a decree for the administration of a deceased person.

Rule 3.—Any residuary devisee or heir may, without including any co-residuary devisee, or co-heir, have the like decree.

Rule 4.—Any one of several persons for whom a trust is held under any deed or instrument may, without including any other of such persons, have a decree for the execution of the trusts of the deed or instrument.

Rule 5.—In all cases of suits for the protection of property pending litigation, and in the nature of waste, one person may sue on behalf of himself, and of all persons having the same interest.

Rule 6.—Any executor or trustee may obtain a decree against any one legatee, next of kin, or person for whom a trust is held, for the administration of the estate, or the execution of trusts.

Rule 7.—In all the above cases the Judge, if he shall see fit, may require any other person to be made a party to the suit, and may give the conduct of the suit to such person as he may deem proper, and may make such order, in any particular case, as he may deem just, for placing the defendant on the record on the same footing in regard to costs as other parties having a common interest with him in the matters in question.

Rule 8.—In all the above cases the person who, according to the practice of the Court, would be necessary parties to the suit, shall be served with notice of the decree, and after such notice they shall be bound by the proceedings in the same manner as if they had been originally made parties to the suit, and they may by an order of course have liberty to attend the proceeding under the decree; and any party so served may within three months from such service apply to a Judge to add to the decree.

Rule 9.—In all suits concerning real or personal estate vested in trustees under a will, settlement, or otherwise, such trustees shall represent the persons beneficially interested under the trust in the same manner and to the same extent as the executors in suits concerning personal estate represent the persons beneficially interested in such personal estate; and in such cases it shall not be necessary to make the persons beneficially interested under the trusts parties to the suit with the trustees or executors; but the Judge may upon consideration of the matters on the hearing, if he shall so think fit, order such persons, or any of them, to be made parties.

20. The practice of setting down a cause for hearing merely on an objection for want of parties is hereby abolished.

21. If in any proceeding it shall appear to a Judge that any deceased person interested in the matters in question, has no legal personal representative, he may either proceed in the absence of any person representing the estate of such deceased person, or appoint some person to represent such estate for all the purposes of the proceeding, on such notice to such person (if any) as the Judge shall think fit, either specially, or generally, by advertisement in the Royal Gazette, and the order so made by the said Judge, and any orders consequent thereon, shall bind the estate of such deceased person in the same manner in every respect as if there had been a duly constituted legal personal representative of such deceased person, and such representative had been a party to the proceeding, and had duly submitted his rights and interests to the protection of the Court.

22. All writings may be proved at the hearing, as well when the evidence is taken by the examiner as in other cases, on ten days notice thereof to the Solicitor of the opposite party, whether it be necessary to cross-examine the witnesses thereto, or otherwise; and whenever it may be necessary to save the