

the purpose of requiring him to file his statement in defence, but if he intend to contest the petition he shall within four weeks after such service or leaving as aforesaid, or such further time as shall be allowed by the Court or a Judge, file his statement in defence or demurrer or both. 5

7. The statement in defence or demurrer may raise besides any legal or equitable defences in fact or in law available under this Act any legal or equitable defences which would have been available had the proceeding been a suit or action in a competent Court between subject and subject, and any grounds of defence which would be sufficient on behalf of Her Majesty, may be alleged on behalf of any such person, as aforesaid. 10

8. Any issue of fact or assessment of damages to be tried or had under this Act, shall be tried or had by a Judge without a jury. 15

9. The trial of any issue of fact or assessment of damages may, by order of the Court or a Judge, be had partly at one place and partly at another; and the evidence of any witness may by like order be taken by commission or on examination or affidavit. 20

10. In case of failure on behalf of Her Majesty or of such other person as aforesaid, to file a statement in defence or demurrer in due time, the suppliant shall be at liberty to apply to the Court or a Judge for an order that the petition may be taken as confessed; and it shall be lawful for the Court or Judge, on being satisfied that there has been such failure, to order that the petition be taken as confessed as against Her Majesty, or such other person, and thereupon the suppliant may have judgment; provided always, that such judgment may afterwards be set aside by the Court or a Judge, in their or his discretion, upon such terms as to them or him shall seem fit. 25 30

Proviso: may be set aside on terms.

Form of judgment.

11. The judgment on every petition of right, shall be that the suppliant is not entitled to any portion or that he is entitled to the whole or to some specified portion of the relief sought by his petition, or to such other relief, and upon such terms and conditions, if any, as may be just. 35

If for suppliant, to have effect of *amoveas manus*.

12. In all cases in which the judgment commonly called a judgment of *amoveas manus*, was formerly given in England upon a petition of right, a judgment that the suppliant is entitled to relief as herein provided, shall be of the same effect as such judgment of *amoveas manus*. 40

Provisions of 38 Vic., c. 11, to apply.

13. All the provisions of the Supreme and Exchequer Court Act not inconsistent with this Act shall extend and apply to the jurisdiction by this Act conferred in like manner as if such jurisdiction had been conferred on the Exchequer Court by the 58th section of the said Act. 45