

ADMINISTRATION OF JUSTICE.

the court or a judge thereof, or the judge presiding at the trial shall otherwise direct.

20. Upon any trial by a jury where the court or a presiding judge shall otherwise direct, it shall not be lawful for such jury to give a general verdict, and it shall be the duty of such jury to give a special verdict if the court or presiding judge shall so direct : but this section shall not apply to actions of libel.

21. The judges of each of the Superior Courts of Common Law may sit separately, or two may sit separately from the third, either at the same time or at different times, for the hearing and disposing of such matters and the transaction of such business as may from time to time in that behalf be directed by general or other rules or orders of the court : and the judgments, decrees, rules, and orders made by a single judge, or by two judges, in such case, shall have the force and effect of, and be deemed for all purposes to be the judgments, decrees, rules and orders of the court ; and the judgments, decrees, rules and orders of any judge, or of any two judges sitting separately as authorized by this Act, shall be deemed to be the judgments, decrees, rules and orders of the court in which the action or other proceeding may be pending, although the judge or judges pronouncing or making the same may not be a judge or judges of such court ; but such judgments, decrees, rules and orders shall be subject to appeal or rehearing before the full court, in term, or otherwise, in such cases as the court, by general orders or rules or otherwise, from time to time direct or appoints ; and any judge, or any two judges so sitting separately shall have all the powers of the full court, subject to any general orders or rules in that behalf. But when any one or two of the judges before the passing of this Act could have sat as and for the full court, he or they may and shall under the like circumstances continue to do so notwithstanding this Act.

22. The proceedings before two of the judges, or any one of the judges sitting separately, as aforesaid, shall shew on their face in the motion paper, or in any judgment, decree, rule or order to be given or made, that the business was carried on by two, or by one only of the judges, as follows : "In [styling the court] Before Justice [naming the Judge, or, if before two Judges "Before and Justices," naming them.]

23. [Decision of questions of fact or law may be reserved at trial.]

EVIDENCE, EXAMINATIONS.

24. Any party to an action at law, whether plaintiff or defendant, may at any time after

such action is at issue obtain an order for the oral examination, upon oath, before a judge or any other person specially named by the court or a judge, of any party adverse in point of interest, or in case of a body corporate of any of the officers of such body corporate, touching the matters in question in the action ; and any party or officer examined may be further examined on his own behalf, or on behalf of the body corporate of which he is an officer, in relation to any matter respecting which he has been examined in chief ; and when one of several plaintiffs or defendants has been examined any other plaintiff or defendant united in interest may be examined in his own behalf or on behalf of those united with him in interest, to the same extent as the party examined : Provided that such explanatory examination must be proceeded with immediately after the examination in chief, and not at any future period except by leave of the court or a judge ; and for the purposes of the preceding clause when the officer of a body corporate has been so examined as aforesaid on behalf of such body corporate, such body corporate shall be deemed to be fully represented by such officer.

25. Any party to be examined orally under the provisions of this Act shall be so examined by the judge or other person specially named in the order for examination ; and such examination shall take place in the presence of the parties, their counsel, attorneys, or agents ; and the party so examined orally shall be subject to cross-examination and re-examination ; and such examination, cross-examination and re-examination shall be conducted as nearly as may be in the mode now in use in courts of common law on a trial at nisi prius, or in chancery at the hearing of a cause.

26. The depositions taken upon any such oral examination as aforesaid shall be taken down in writing by the examiner, not ordinarily by question and answer, but in the form of a narrative ; and when completed shall be read over to the party examined, and shall be signed by him in the presence of the parties, or of such of them as may think fit to attend : Provided always, that, in case the party examined shall refuse or be unable to sign the said depositions, then the examiner shall sign the same ; and such examiner may upon every examination state any special matter to the court if he shall think fit : Provided also that it shall be in the discretion of the examiner to put down any particular question or answer, if there should appear to be any special reason for so doing, and any question or questions which may be objected