

Pleas, the admissibility of which is not objected to, are admitted to proof, of course.

Pleas or allegations given in a subsequent stage of a cause, may be admitted, reformed, or rejected in a similar manner.

On the libel being admitted, the Proctor giving in the same is to be assigned to prove its contents by evidence within a time to be limited by the Judge, and the party giving in the plea is entitled, if he desires it, to the personal answers in writing of the adverse party.* In that case a decree for answers is to be extracted from the Registry and served on the party, by shewing him the original under seal, and leaving with him a copy thereof. The answers are to be drawn by the Proctor for the party required to give in the same, who must answer specifically to all the facts or allegations in the plea which are within his own knowledge, by either admitting or denying the same; and as to all matters, he must answer to his belief or disbelief.

No extraneous or irrelevant matter is to be introduced, but the party may set forth any matter necessary to explain his answer. If any facts are introduced which are capable of proof by witnesses, they must be established by evidence regularly taken on a plea. The answers † are to be settled by Counsel, and then the party attended by his Proctor is to be sworn ‡ to the truth thereof before the Judge or Surrogate in the presence of the Registrar, who is to make and sign an attestation at the foot thereof. The Registrar is then to file them and make a minute § in the Assignment Book, of their having been sworn and brought into Court. The adverse Proctor may immediately inspect them without waiting for publication, and may have an office copy of them. And if they be insufficient, redundant, or contain matter not pertinent, may be objected to in the same manner as a libel or plea.

If after the return of a plea personally served, the party does not give in his answer within the time assigned, the Judge may decree an attachment against him for his contumacy: but, notwithstanding this measure, the Proctor for the plaintiff may proceed with the production of his witnesses and take other requisite steps in the cause.

§. 13. *Examination of Witnesses.*

The name of the witness || and a designation of the specific articles of the libel or plea on which he is to be examined, must be delivered to the adverse Proctor and to the Registrar or Examiner, whereupon the Proctor giving in the plea is to attend the witness and produce him before the Judge or Surrogate, in Court or chambers, when the witness is to be immediately sworn in the presence of the Registrar. ¶ Due notice of his intended production must be given to the adverse Proctor, who may attend if he think fit. On the witness being sworn, the Registrar is to make an entry thereof in the Assignment Book.**

The deposition in chief is not to be taken upon written interrogatories, but by relevant questions put *viva voce* by the Registrar or Examiner, †† and arising out of circumstances pleaded, but not so put as to lead the witness. If there are several pleas, witnesses are to be examined on each plea. The witness must not be dismissed until the lapse of twenty-four hours from the time of his production, so that the adverse Proctor may have an opportunity to cross-examine him by interrogatories in writing if he think fit; and this time may be extended on reasonable cause to be shewn by the Proctor through the Registrar to the Judge. †† Such interrogatories are to be drawn by the adverse Proctor, and, when practicable, settled by Counsel. They are then to be copied for and signed by Counsel, and delivered to

* See Decree for Answers, No. 81.

† See Answers, No. 82 to 85.

‡ See Oath, No. 86.

§ See Minute, No. 87.

|| See Form, No. 88.

¶ See Oath, No. 89.

** See Minute No. 90.

†† See Forms used in the High Court of Admiralty, No. 91 to 95.

‡‡ See Forms, No. 96 to 99.