

advise the court upon any matters requiring nautical or other professional knowledge.

113. The fees of the assessors shall be paid in the first instance by the Plaintiff, unless the judge shall otherwise order.

SETTING DOWN FOR TRIAL.

114. An action shall be set down for trial by filing a notice of trial. A form of notice of trial will be found in the Appendix hereto, No. 42.

115. If there has not been any appearance, the Plaintiff may set down the action for trial, on obtaining from the judge leave to proceed *ex parte*,—

- (a.) In an action *in personam*, or an action against proceeds in court, after the expiration of *two weeks* from the service of the writ of summons ;
- (b.) In an action *in rem* (not being an action against proceeds in court), after the expiration of *two weeks* from the filing of the warrant.

116. If there has been an appearance, either party may set down the action for trial,—

- (a.) After the expiration of *one week* from the entry of the appearance, unless an order has been made for pleadings, or an application for such an order is pending ;
- (b.) If pleadings have been ordered, when the last pleading has been filed, or when the time allowed to the adverse party for filing any pleading has expired without such pleading having been filed.

In collision cases the Preliminary Acts may be opened as soon as the action has been set down for trial.

117. Where the writ of summons has been indorsed with a claim to have an account taken, or the liability has been admitted or determined, and the question is simply as to the amount due, the judge may, on the application of either party, fix a time within which the accounts and vouchers, and the proofs in support thereof, shall be filed, and at the expiration of that time either party may have the matter set down for trial.

TRIAL.

118. After the action has been set down for trial, any party may apply to the judge, on notice to any other party