

## CHANCERY ORDERS.

FRIDAY, 9th May, 1862.

A Petition, filed under the 18th section of Order IX. of the General Orders of this Court, of the 3rd June, 1853, is to be set down to be heard in Court in the paper of Motions for Decrees. And when it is ordered that any new party or any present party may answer the petition, and that the petitioner shall be at liberty to set down the petition again, it is to be set down in like manner. And upon the copy of such petition to serve is to be endorsed the following memorandum or notice, namely, "If you do not appear on the petition, the Court will make such order on the petitioner's own showing, as shall appear just." And upon the copy which is to be served of the order to answer such petition, when the Court shall deem it advisable to make such order, is to be endorsed the following memorandum or notice, namely, "If you do not answer the petition, the Court will make such order on the petitioner's own showing as shall be just, in your absence; and if this order is served personally, you will not receive any notice of the future proceedings on such petition." And when the party so served shall answer the petition, the same is to be set down to be heard upon notice in the same paper.

Petitions set down to be heard under the foregoing Order are to be set down not less than ten days before the day on which they are so set down; and notice thereof, when notice is required, is to be served upon all proper parties not less than seven days before such day.

Causes are to be set down for rehearing not less than ten days before the commencement of the rehearing Term for which they are so set down; and notice thereof is to be served upon all proper parties not less than seven days before said rehearing Term.

A notice of motion to set aside any proceeding for irregularity must specify clearly the irregularity complained of.

The Registrar is to prepare a peremptory list of causes set down for hearing for each day on which they are to be heard; and for that purpose the party setting down a cause for hearing, is to notify the Registrar of the day for which he has given notice of the hearing of such cause, not less than seven days before the day for which such notice is given.

(Signed) P. M. VANKOUGHNET, C.  
J. C. P. ESTEN, V. C.  
J. G. SPRAGOE, V. C.

6th June, 1862.

Sections fifteen and sixteen of General Order number nine of the General Orders of this Court of the 3rd June, 1853, are hereby abrogated and discharged.

Bills of Revivor.—Bills of Revivor and Supplement. Original Bills in the nature of Bills of Revivor, and Original Bills in the nature of Supplemental Bills, are abolished.

Upon any Suit becoming abated by death, marriage or otherwise, or defective by reason of some change or transmission of interest or liability, on the part of any plaintiff or defendant, by devise, bequest, descent or otherwise, it shall not be necessary to exhibit any Bill of Revivor or Supplemental Bill, or to proceed by any of the modes provided for by the sections of General Order by this Order rescinded, in order to obtain an Order to revive such suit, or a Decree or Order to carry on the proceedings; but an Order to the effect of the Order to revive, or of the usual Supplemental Decree under the former practice of this Court, may be obtained as of course upon *præcipe* upon an allegation contained in such *præcipe* of the abatement of such suit, or of the same having become defective, and of the change or transmission of interest or liability; and an Order so obtained, when served upon the party or parties who would be defendant or defendants to a Bill of Revivor or Supplemental Bill, according to the former practice of this Court, shall from the time of such service be binding upon such party or parties in the same manner in every respect as if such order had been regularly obtained according to such former practice of the Court; and such party or parties shall thereupon become thenceforth a party or parties to the suit: Provided, that it shall be open to the party or parties so served, within fourteen days after the service of such order, to apply to the Court by motion or petition to discharge such Order on any ground which would have been open to him or them on a Bill of Revivor or Supplemental Bill stating the previous proceedings in this suit, and the alleged change or transmission of interest or liability, and praying the usual relief consequent thereon: Provided also, that if any party so served shall be under any disability other than coverture, such Order shall be of no force or effect as against such party, until a Guardian or Guardians *ad litem* shall have been duly appointed for such party, and the period of fourteen days shall have elapsed thereafter.

(Signed) P. M. VANKOUGHNET, C.  
J. C. P. ESTEN, V. C.  
J. G. SPRAGOE, V. C.