

## CHANCERY ORDERS OF DECEMBER 20, 1865.

some changes in the Judiciary and in the tables of Court and County officials. We trust it may still be found as useful and correct as it has, we are assured by many, hitherto been.

## RECENT CHANCERY ORDERS.

The following are the late Orders of the Court of Chancery, dated December 20, 1865, which came into force on the 1st January last:

## INFANT DEFENDANTS IN SUITS.

1. In the case of an infant defendant, under the age of ten years, a copy of the bill of complaint is not to be served on the infant personally, but is to be delivered to, or left at the dwelling-house of, the person with whom, or under whose care, the infant is residing at the time of the service; and if more defendants than one under the said age, live with, or under the care of the same person, one copy only is to be served for all such infant defendants.

2. Notice of application for the appointment of a guardian *ad litem* to an infant defendant of the age of fourteen years or upwards, is to be served upon such infant personally, unless the Court otherwise directs, and is also to be served as directed by the Order at present in force.

## SERVICE OF BILL AFTER PERIODS LIMITED.

3. In case of service of a bill of complaint after any of the periods limited by Order 5 of 6th February last, the application for the allowance thereof is to be made within four weeks after the service; and in that case the order allowing the service need not be served, but the period of four weeks is to be added to the time which the defendant has by the General Orders to answer the bill.

4. In case of the application not being made within four weeks after service of the bill, the order for the allowance of the service may be made on such terms as the Court sees fit.

## OFFICERS OF CORPORATIONS.

5. An officer of a corporation aggregate is not to be made a defendant for discovery only; but any such officer who might by the former practice have been made a defendant for the purpose of discovery may be examined by the plaintiff in the same way as a party, after the answer of the corporation is filed, or after the time for filing the same has expired.

## AMENDMENTS—FACTS OCCURRING AFTER BILL FILED.

6. Where, in a case not provided for by the Order of the 6th of June, 1862, a plaintiff desires to state, or put in issue, facts or circumstances occurring after the institution of the suit, if the cause is otherwise in such a state as to allow of an amendment being made

in the bill, such facts or circumstances may be introduced into the original bill of complaint by way of amendment.

7. If the cause is not in such a state as to allow of the bill being amended, the plaintiff may state and put in issue such subsequently occurring facts and circumstances by filing a statement, either written or printed, to be annexed to the bill. But no such statement is to be filed unless accompanied by an affidavit that the matter thereof arose within two weeks next before the filing of such statement, or unless the Court otherwise order. A copy of the affidavit is to be served with a copy of the statement.

8. Such proceedings, by way of answer and otherwise, are to be had and taken on the statement so filed, as if the same were embodied in a supplemental bill; but the Court may make any order which it thinks fit for accelerating the proceedings thereunder in any manner that may be just and practicable.

## MORTGAGES.

9. The notice under Order 4, of 10th of January, 1863, is to specify whether the plaintiff desires a foreclosure of the equity of redemption or a sale of the mortgaged premises; and in case of a foreclosure being desired, the following is to be added to the notice: "If you desire a sale of the mortgaged premises instead of a foreclosure, you must deposit with the Registrar at Toronto, within the time allowed for you to answer, the sum of \$80 to meet the expenses of such sale." And any defendant may obtain a sale upon depositing in court the sum of \$80, and filing in the office of the Registrar at Osgoode Hall a note in writing to the following effect: "I pray a sale of the mortgaged premises in the plaintiff's bill mentioned, or a competent part thereof, instead of a foreclosure."

10. If upon such deposit being made and note filed, the plaintiff prefers that the sale be conducted by the defendant desiring the sale, he may so elect; and he is thereupon to notify the defendant of such election. The notice may be to the following effect:

"IN CHANCERY.—(Short Title.)

"To ——— Defendant.

"Take notice that the plaintiff elects that the sale of the mortgaged premises be conducted by you instead of by the plaintiff, and you are at liberty to withdraw the deposit made by you in this cause for the purpose of such sale."

And upon the plaintiff filing with the Registrar a note of such election, and proof of service of such notice, the defendant making the deposit is to be entitled to a return thereof, and the Registrar is to draw up the Decree accordingly.

11. When the time for answering in the case of bills filed for the foreclosure of the equity of redemption in mortgaged premises,