

## RECENT ORDERS OF THE COURT OF CHANCERY.

appeal shall be set down for argument not later than the Saturday preceding the day on which it is to be argued, and shall be brought on for argument within a month—not including vacation—of the making of such decree, order, report, ruling, or determination, or within such further time as a Judge may think proper, and the presiding Judge may then hear, or adjourn into Court, or otherwise dispose of such matters on such terms as he thinks proper.

643. In all suits hereafter instituted for administration, or partition, or administration and partition, unless otherwise ordered by the Court or a Judge, instead of the costs being allowed according to the tariff now in force, each person properly represented by a solicitor, and entitled to costs out of the estate—other than creditors not parties to the suit—shall be entitled to his actual disbursements in the suit, not including counsel fees, and there shall be allowed for the other costs of the suit payable out of the estate a commission on the amount realized or on the value of the property partitioned in the suit, which commission shall be apportioned amongst the persons entitled to costs as the Judge or Master thinks proper. Such commission shall be as follows:—

On sums not exceeding \$500.....	20	per cent
For every additional \$100 up to \$1,500	5	“
For every additional \$100 up to \$4,000	3	“
For every additional \$1,000 up to \$10,000	2½	“
For every additional \$1,000.....	1	“

and such remuneration shall be in lieu of all fees whether between “party and party,” “as between solicitor and client,” or “between solicitor and client.”

644. When two or more suits are instituted for administration, or partition, or sale, the judge may, in his discretion, disallow all, or any, of the costs of any suit or suits which, in his opinion, has or have been unnecessarily prosecuted.

645. Order 434 shall apply to cases in which an adult is interested in the estate as well as an infant, and also to suits for redemption.

646. Order 435 shall apply to redemption suits; and under Orders 434 and 435 there may be granted, where it is prayed for and

notice is given in pursuance of Order 647, a decree embracing the additional relief which this Court is entitled, under “The Administration of Justice Act,” to give, in mortgage cases, on the hearing of the cause *pro confesso*, and such a decree may be granted, notwithstanding that the defendant has been served by publication, or otherwise, or is a corporation; provided always that where the bill has not been personally served the claim of the plaintiff shall be duly verified by affidavit.

647. In suit for foreclosure or sale, where the plaintiff prays for an order for the immediate delivery of possession, or for an order for immediate payment against a defendant, he must, in addition to the notice required by Schedule S, endorse upon the office copy of the bill served upon the defendant for further notice:—

(Where order for immediate possession prayed:)

“And the plaintiff will be entitled to an order for the immediate delivery of possession of the mortgaged premises to him.”

(Where order for immediate payment prayed:)

“And the plaintiff will be entitled forthwith to execution against the goods and lands of you (naming the defendant against whom the plaintiff is entitled to this relief) to recover payment of the amount due by you.”

648. Every Deputy-Registrar shall have the same power, as to the issue of decrees on *recipe*, as by Order 646 and the Consolidated General Orders is given to the Registrar of the Court.

649. Every decree or order hereafter made by this Court, whether the service of the bill, or other proceedings on the defendant, has been personal by publication or otherwise, shall be absolute in the first instance, unless the Court shall otherwise order.

650. The Local Masters and Deputy-Registrars shall enter in a book or books, kept for that purpose, all decrees or orders made by them; and they shall, on the conclusion of every suit or matter annex together all the pleadings and papers, filed with them in such suits or matter, and transmit the same to the Clerk of Records and Writs, who shall duly enter and file the same.

651. All orders and portions of orders inconsistent with these orders are hereby abrogated.

J. G. SPRAGGE, C.  
S. H. BLAKE, V. C.  
WM. PROUDFOOT, V. C.