

### DECREES FOR REDEMPTION OR FORECLOSURE OF MORTGAGES, OR FOR SALE.

IV. When the time for answering in either of the above classes of cases has lapsed, on production to the Registrar of the Court of the affidavit of the service of the bill, and upon præcipe, the plaintiff is to be entitled to such a decree as would, under the present practice, be made by the Court, upon a hearing of a cause *pro confesso*, under an order obtained for that purpose; and on every such bill is to be endorsed the following notice: "Your answer is to be filed at the office of the Registrar, at Osgoode Hall, in the city of Toronto, or (when the bill is filed in an outer county) at the office of the Deputy Registrar at ———. You are to answer or demur within four weeks from the service hereof, or (when the defendant is served out of the jurisdiction) within the time limited by the order authorizing the service. If you fail to answer or demur within the time above limited, you are to be subject to have a decree or order made against you forthwith thereafter; and if this notice is served upon you personally, you will not be entitled to any further notice of the future proceedings in the cause. *Note.*—This bill is filed by Messrs. A. B. and C. D., of the city of Toronto, in the county of York, solicitors for the above named plaintiff; and when the party who files the bill is agent, and agents of Messrs. E. F. and G. H., of ———, solicitors for the above plaintiff. And upon bills for foreclosure or sale is to be added to such notice the following: 'And take notice, that the plaintiff claims that there is now due by you for principal money and interest the sum of ———, and that you are liable to be charged with this sum, with subsequent interest and costs, in and by the decree to be drawn up, and that in default of payment thereof within six calendar months from the time of drawing up the decree, your interest in the property may be foreclosed (or sold) unless before the time allowed you, as by this notice for answering, you file in the office above named a memorandum in writing signed by yourself or your solicitor, to the following effect: '*I dispute the amount claimed by the plaintiff in the cause,*' in which case you will be notified of the time fixed for settling the amount due by you at least four days before the time to be so fixed.'"

This order is not to affect any suit now pending.

V. After the first day of February next, all bills of complaint and petitions are to be addressed, "To the Honourable the Judges of the Court of Chancery."

VI. The signature of a Judge shall not be necessary to the authentication of any writ.

### SERVICE OUT OF JURISDICTION.

VII. The time within which any defendant served out of the jurisdiction of the Court with an office copy of a bill of complaint shall be required to answer the same, or to demur thereto, to be as follows:

1. If the defendant be served in the United States of America, in any city, town or village within ten miles of Lake Huron, the River St. Clair, Lake St. Clair, the River Detroit, Lake Erie, the River Niagara, Lake Ontario, or the River St. Lawrence, or in any part of Lower Canada not below Quebec, he is to answer or demur within six weeks of such service.

2. If served within any state of the United States, not within the limits above described, other than Florida, Texas or California, he is to answer or demur within eight weeks after such service.

3. If served within any part of Lower Canada below Quebec, or in Nova Scotia, New Brunswick or Prince Edward Island, he is to answer or demur within eight weeks after such service.

4. If served within any part of the United Kingdom, or of

the Island of Newfoundland, he is to answer or demur within ten weeks from such service.

5. If served elsewhere than within the limits above designated, he is to answer or demur within six calendar months after such service.

6. The time within which any party served with any petition, notice or other proceeding, other than a bill of complaint, is to answer or appear to the same, is to be the same time as prescribed for answering or demurring to a bill of complaint, according to the locality of service.

7. Any party may apply to the court to prescribe a shorter time than is hereinbefore provided for any other party to answer or demur to any bill of complaint, or to answer or appear to any petition, notice or other proceeding.

8. Any party may apply for leave to serve any other party out of the jurisdiction, under the General Orders of the Court, of June, 1853.

9. Affidavits of service under this Order, and of the identity of the party served, may be sworn as follows: If such service be effected in any place not within the dominions of the Crown, before the mayor or other chief magistrate of any city, town or borough, in or near which such service may be effected, or before any British consul or vice-consul, or the judge of any court of superior jurisdiction. And if such service be effected in any place within the dominions of the Crown, not within the jurisdiction of this Court, such affidavit may be sworn before any the like officer, or any notary public, and in Lower Canada, before any commissioner for taking affidavits appointed under any statute of this province. And such affidavit shall be deemed sufficient proof of such service and identity, without proof of the official character, or of the handwriting of the person administering the oath upon such affidavit.

P. M. VANKOUGHNET, C.  
J. C. P. ESTEN, V. C.  
J. G. SPRAGGE, V. C.

### DIVISION COURTS.

#### TO CORRESPONDENTS.

All Communications on the subject of Division Courts, or having any relation to Division Courts, are in future to be addressed to "the Editors of the Law Journal, Barrie Post Office."

All other Communications are as hitherto to be addressed to "The Editors of the Law Journal, Toronto."

### THE LAW AND PRACTICE OF THE UPPER CANADA DIVISION COURTS.

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#### DEPUTY CLERK.

The clerk may have as many assistants as he thinks necessary in doing the work of his office—receiving papers, filling in process, copying papers, receiving monies, or the like—under his direction; but they are not recognized as deputy clerks in the proper signification of the word, though they would be held in law to be the principal's deputy when doing any particular act under his direction. In signing process, administering affidavits, approving instruments, taking confessions, recording judgments, or doing such matters as the legislature evidently trusted to be done by the clerk personally, it is doubtful if assistants would have power to act; but in carrying out the mere