

possession of the same upon or after final order for foreclosure, or for the dismissal of the bill, as the case may be.

PARTIES INTERESTED IN THE EQUITY OF REDEMPTION MADE PARTIES IN THE MASTER'S OFFICE.

In any case in which it shall appear conducive to the ends of justice that parties interested in the equity of redemption should be allowed to be made parties in the Master's Office, by reason of the parties so interested being numerous or otherwise, it shall be competent to the Court, at the hearing, or afterwards, to direct that parties so interested, may be made parties in the Master's Office, upon such terms as to the Court shall seem fit; such order to be only made where one or more parties interested in the equity of redemption are already before the court.

DEFENDANT ABSCONDING OR BEING CONCEALED.

In case it appears to the court by sufficient evidence, that any defendant against whom a bill has been filed, has been within the jurisdiction of the Court at some time, not more than two years before the filing of the bill, and that such defendant, after due diligence, cannot be found to be served with an office copy of the bill, and that there is good reason to believe that he has absconded from the jurisdiction, or that he is concealed within the same, the court may make such order as is prescribed by section 7th of the 9th of the General Orders of June, 1853.

APPOINTMENTS AND NOTICES IN THE MASTER'S OFFICE.

Where the Master shall direct that parties not in attendance before him shall be notified to attend before him at some future day, or for different purposes at different future days, it shall not be necessary to issue separate warrants, but the parties shall be notified by one appointment, to be signed by the Master, of the proceedings to be taken, and of the times by him appointed for taking the same.

In cases where parties are notified by appointment from the Master, of proceedings to be taken before him, no warrants shall be issued as to such parties in relation to the same proceedings.

Parties making default upon such appointments, are to be subject to the same consequences as if warrants had been served upon them.

TAXATION OF COSTS.

Where costs are awarded to be paid, it shall be competent to the Master in Ordinary to tax the same, without any express reference to him for that purpose.

PAYMENT OF MORTGAGE MONEY.

Where the Master is directed to appoint mortgage money to be paid at some time and place, he is to appoint the same to be paid into some Bank at its head office, or at some branch or agency office of such Bank, to the joint credit of the party to whom the same is made payable, and of the Registrar of this court; the party to whom the same is made payable, to name the bank into which he desires the same to be paid, and the Master to name the place for such payment.

Where money is paid into some Bank, in pursuance of such appointment aforesaid, it shall be competent to the party paying in the same, to pay the same either to the credit of the party to whom the same is made payable, or to the joint credit of such party and the Registrar. If the same be paid to the sole credit

of the party, such party shall be entitled to receive the same without the order of this court.

Where default is made in the payment of money appointed under this order to be paid into any Bank, the certificate of the cashier, where the same is made payable, or of other, the like Bank officer, shall be sufficient evidence of such default. Where the affidavit of the party entitled to receive the same is by the present practice required, the like affidavit shall still be necessary.

CONDUCT OF SALE.

Where, upon a bill for foreclosure, a sale is asked for by a defendant, it shall be competent to the court to require as a condition that the party asking the same, shall conduct the sale at his own expense, dispensing in such case with a deposit, if the court shall think fit.

NOTICES, APPOINTMENTS, &c., HOW TO BE SERVED.

The General Order of this Court, number 43, is altered and varied in the following particulars:

Where the pleadings in any cause have been filed in the office of the Registrar of the Court, at Toronto, or in the office of any Deputy-Registrar, all notices, appointments, warrants, and other documents and written communications in relation to matters transacted in Court or Chambers, or in the office of the Master or Registrar, which do not require personal service upon the party to be affected thereby are to be served upon the Solicitor, when residing in the City of Toronto; and when the Solicitor to be served resides elsewhere than in the City of Toronto, then such notices, appointments warrants, and other documents, and written communications aforesaid, may be served either upon such Solicitor, or upon his Toronto Agent, named in the "Solicitors' and Agents' Book; unless the Court, or a Judge thereof, or a Master, before whom any such proceeding may be had shall give any direction as to the Solicitor upon whom any such notice, appointment, warrant, or other document or written communication shall be served. And if any Solicitor neglect to cause such entry to be made in "the Solicitors' and Agents' Book," as is required by the above general order, the leaving a copy of any such notice, appointment, warrant, or other document, or written communication for the Solicitor neglecting as aforesaid, in the office of the Registrar, is to be deemed sufficient service, unless the Court direct otherwise.

AFFIDAVITS ON APPLICATIONS TO COURT.

Section 3, of General Order, number 40, is hereby abolished, except as to affidavits in support of *ex parte* applications; but this order is not to be taken to warrant the taxation of costs of obtaining office copies of affidavits, for use upon the hearing of any matter, by the party on whose behalf they are filed.

Affidavits except upon *ex parte* applications, must be filed before they can be used; and affidavits in answer must be filed not later than the day before that appointed for the hearing of the motion.

PROCEEDING WHERE STATE OF ACCOUNT CHANGED AFTER DECREE OR REPORT.

In cases where after a decree or decretal order for the sale or foreclosure of mortgage property the state of the account ascertained by decree or decretal order, or by the report of the Master, shall be changed by payment of money, by receipt of rents and profits, by occupation rent, or otherwise, before final order for foreclosure or sale obtained, it shall be competent to the plaintiff or other party to whom the mortgage money is payable, to give notice