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PRACTICE—Affidavit—Service—Application to set Cause down for Hearing—The Supreme Court in Equity Act, 1890 (53 Vict. c. 4), s. 94—Costs.] An affidavit used on taking out a summons to set a cause down for hearing, returnable on the 24th of the month, was served on defendant's solicitor on the 18th instant. The Supreme Court in Equity Act, 1890 (53 Vict. c. 4), s. 94, requires that affidavits shall be served six days at least before the day the motion in which they are to be used is heard. *Held*, that the service was insufficient and that the summons should be dismissed with costs. *WELSH v. NUGENT* 240

2.—Affidavit—Writ of summons—Service—Indorsement—Foreclosure Suit—The Supreme Court in Equity Act, 1890 (53 Vict. c. 4), s. 185.] It is not sufficient in an affidavit of service of summons in a foreclosure suit to state that the defendant was served with a true copy without stating that it was indorsed with a true copy of the indorsement on the summons. *JACKSON v. HUMPHREY*, 341

PRACTICE—Continued.

3.—Bill—Leave to File—The Supreme Court in Equity Act, 1890 (53 Vict. c. 4), s. 22.] Where the bill was not filed within the time provided by Act 53 Vict. c. 4, s. 22, and defendants had not appeared, an order absolute was granted giving leave to file bill, upon the terms of the order being served upon the defendants. *FLEMING v. HARDING* 515

4.—Clerk's Certificate—Service—Motion to take Bill Pro Confesso.] A motion to take a bill *pro confesso* for want of a plea, answer or demurrer, will be allowed, though a copy of the Clerk's certificate of the state of the cause has not been served upon the defendant. *MacRae v. MacDonald*, N. B. Eq. Cas. 498, not followed. *GODEFROI v. PAULIN*, 508

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