

In order to bring the two branches of the Practice within convenient compass, I have inserted only such of the New Rules and Forms relating to Contentious Business as are required in ordinary practice, and have omitted the rules and practice in appeals to the House of Lords.

The Common Form Practice is not affected by the Judicature Acts. It is regulated by the Rules for Non-Contentious Business issued in 1862 and subsequently under the powers contained in the Probate Act, 1857, and by the provisions contained in that and subsequent statutes; and where these rules and statutes are silent it is regulated by the practice of the late Prerogative Court of Canterbury.

The Rules of 1862 embodied, with modifications, the general rules of practice which, at the time of the passing of the Probate Act, prevailed in the Prerogative Court of Canterbury, and which had been introduced by the Judges of the Prerogative Court from time to time, for the greater security of property passing under Grants of Probate or Administration.

The Contentious business of the Court is now regulated by the Judicature Acts, and by the Rules issued under them, and where these Acts and Rules are silent, by the Court of Probate Act and the Rules of that Court; and in cases not otherwise provided for, by the practice of the Prerogative Court of Canterbury.

I desire here to record my acknowledgments and thanks to the Right Honourable Judge Warren, the Judge of the Probate and Matrimonial Division of the High Court of Justice in Ireland, for having supplied me with a series of recent important Irish decisions on Probate Practice which are cited in Parts II. and III. of this work.

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