

TRANSMISSION OF INTEREST—*Continued.*

- form and service, 302
- form, No. 40
- motion to set aside, 303
- death between verdict and judgment, 304
- where plaintiff dies his executors may be ordered to proceed,  
305
- in default, his estate liable for costs, 306
- change of parties entitled or liable to execution, 566

## TRANSMISSION OF PAPERS,

- when required for use in Toronto, 396 (1)
- when required in another office, 396 (2)
- when reference is complete, 428
- on court and chamber motions, 234
- sending commission to trial, 289

## TRIAL,

- place of, 245
- notice of trial, 246
- withdrawing from list on consent, 251
- when not disposed of at sittings, 252
- when plaintiff does not appear, 253
- excluding witnesses, 254
- disallowing vexatious questions, 255
- addresses by counsel, 256
- allowing action to proceed, subject to proof of fact, 257
- equitable issues to be tried without jury, 258
- legal and equitable issues at same time, 259
- verdict to be indorsed on record, 264

## UNBORN PERSONS, REPRESENTATION OF, 77

## VACATION,

- defined, 177
- no examinations or pleadings in, 178
- when vacation does not count, 179
- vacation judge, 180
- chamber business in, 181
- accountant's office, 182

## VENDITIONI EXPONAS, 539

- form of, Nos. 115 and 116

## VIEW, 265, 267

## WEEKLY COURT,

- sittings at Toronto, 234
- clerk to attend sittings, settle and sign orders, 751
- sittings at Ottawa and London, 239-243

## WITHERNAM, CAPIAS IN, 367

## WITHDRAWAL OF DEFENCE, 322

## WITNESS,

- on motion, examination before examiner, 228
- on motion, examination in open court, 229
- habeas corpus ad testificandum*, 230
  - form of, No. 58
- excluding witnesses at hearing, 254
- subpena for, 273
  - forms of, Nos. 54-57
- bench warrant for, 276
  - form of, No. 59

## WRIT OF DELIVERY, 544

- form of, No. 118

NOTE.—*The references are to the numbers of the Rules.*