

CHANCERY ORDERS OF DECEMBER 20, 1865.

or for the sale thereof, has expired, the plaintiff is to be entitled upon præcipe to a Decree as is provided by Order 4, of 10th January, 1853, as well where the defendant, or one of several defendants, answers the bill, admitting the execution of the mortgage and other facts, if any, entitling the plaintiff to a Decree, or where any of the defendants disclaim any interest in the mortgaged premises, as where no answer is put in to the bill.

12. The 3rd clause of the notice to be indorsed on the bill is in such case to be varied as follows: "If you fail to answer or demur within the time above limited, or if you answer admitting the execution of the mortgage and other facts stated in the bill as entitling the plaintiff to a Decree, you are to be subject to have a Decree or Order made against you forthwith thereafter," and, &c.

ADMINISTRATION ORDER.

13. Upon application for the administration of the estate of a deceased person upon notice of motion without bill filed, no accounts or inquiries in respect of the real estate are to be directed, unless notice of the application has been given to the heirs or devisees interested therein, or one or more of them. But after inquiries directed in respect of the personal estate, the Court may in a proper case, after notice given to those interested in the real estate, or to one or more of them, make a supplemental order in respect of the real estate, upon such terms as the Court sees fit.

MATTERS ADJOURNED FROM CHAMBERS.

14. Matters adjourned from Chambers under section 3 of Order 34 of the General Orders of the 3rd of June, 1853, are to be heard in Court by one Judge; and are not to come before the full Court, except by way of rehearing the Order made in Court thereon.

PRACTICE AT HEARINGS.

15. Where a defendant, at the hearing of a cause, objects that a suit is defective for want of parties, and has not by answer taken the objection, and therein specified by name or description the parties to whom the objection applies, the Court, if it thinks fit, may make a Decree saving the rights of the absent parties.

16. Where a party or witness is examined at the hearing of a cause, or a document is put in as evidence and marked by the Registrar or Deputy Registrar, the deposition of the party or witness so examined, or the document so put in, is not to be withdrawn as evidence without the leave of the Court.

17. Where the case for relief made by a bill is a case of actual fraud, and the evidence, though failing to establish the fraud charged, yet shews some other ground on which the plaintiff is entitled to relief, the Court is, at the hearing, to have the same discretion as in other cases to allow an amendment and to grant relief according to the truth of the case.

Where the costs of one defendant ought to be paid by another defendant, the Court may order such payment to be made by the one defendant to the other directly; and it is not to be necessary to order payment through the plaintiff.

AMENDING DECREES.

19. An application for amending a Decree or Decretal Order which has not been drawn up in conformity with the judgment pronounced, so as to make the same conformable thereto; and an application for correcting any other clerical mistake in a Decree or Decretal Order or error arising from any accidental slip or omission, may be made in Chambers on petition, and the Court may grant the same, if under all the circumstances the Court sees fit.

20. Where a Decree or Decretal Order as drawn up requires amendment in any other particular on which the Court did not adjudicate, the same may be amended in open Court on petition without a Re-hearing, if under all the circumstances the Court sees fit.

OPENING BIDDINGS.

21. On sales under a Decree or Order of the Court, the biddings are only to be opened upon special grounds, whether the application is made before or after the report stands confirmed.

PROOF OF DEBTS.

22. Every advertisement for creditors affecting the estate of a deceased person, which is issued pursuant to any Decree or Order, is to direct every creditor, by a time to be thereby limited, to send to such other party as the Master shall direct, or to his solicitor, to be named and described in such advertisement, the name and address of such creditor, and the full particulars of his claim, and a statement of his account, and the nature of the security (if any) held by him; and such advertisement is to be in the form numbered 1 in the Schedule hereto, with such variations as the circumstances of the case require; and at the time of directing such advertisement a time is to be fixed for adjudicating on the claims.

23. No creditor need make any affidavit or attend in support of his claim (except to produce his security, if any), unless he is served with a notice requiring him to do so, as hereinafter provided.

24. Every creditor is to produce the security (if any) held by him, before the Master, at such time as is specified in the advertisement for that purpose, being the time appointed for adjudicating on the claims; and every creditor, if required by notice in writing, to be given by the executor or administrator of the deceased, or by such other party as the Master directs, is to produce all other deeds and documents necessary to substantiate his claim before the Master, at his chambers, at such time as is specified in such notice.