

ORDERS IN CHANCERY.

AUGUST 2, 1842.

HIS Excellency the Chancellor, by and with the advice and consent of His Honor the Master of the Rolls, doth hereby order and direct—

1. That no writ of execution nor any writ of attachment shall hereafter be necessary for the purpose of requiring or compelling obedience to any order or decree of this Court, by subsequent process of contempt, but that the party required by any such order to do any act, shall upon being duly served with such order, be held bound to do such act in obedience to the order.

2. That if any party who is by an order or decree ordered to pay money, or do any other act in a limited time, shall after service of such order refuse or neglect to obey the same according to the exigency thereof, the party duly prosecuting such order shall at the expiration of the time limited for the performance thereof, be entitled to an order for a Sergeant at Arms, and such other process as he hath hitherto been entitled to upon a return non est inventus to a writ of attachment issued for non performance of a decree or order.

3. That every order or decree requiring any party to do an act thereby ordered, shall state the time after service of the decree or order within which the act is to be done; and that upon the copy of the order which shall be served upon the party required to obey the same, there shall be endorsed a memorandum in the words or to the effect following, viz: "If you the within named A. B., neglect to perform this order by the time therein specified, you will be liable to be arrested under the authority of the Court of Chancery, and also be liable to have your estate sequestered for the purpose of compelling you to obey the same order."

4. That upon due service of a decree or order for delivery of possession, and upon proof made of a demand and refusal to obey such order, the party prosecuting the same shall be entitled to an order for a writ of assistance.

5. That every person not being a party in any cause who has obtained an order, or in whose favour an order shall have been made, shall be entitled to enforce obedience to such order by the same process as if he were a party to the cause; and every person not being a party in any cause against whom obedience to any order of the Court may be enforced, shall be liable to the same process for enforcing obedience to such order as if he were a party to the cause.

6. That no special interrogatories be inserted in any Bill, but in case any Defendant appears to the Bill the Plaintiff shall thereupon be at liberty without order to file such interrogatories as might have been contained in such Bill provided this order had not been made, subject to the regulations hereafter prescribed, and such interrogatories when so filed shall be deemed and taken to be part and parcel of the said Bill.

7. That a Defendant shall not be bound to answer any statement or charge in the Bill, unless specially and particularly interrogated thereto, and a Defendant shall not be bound to answer any interrogatory in the Bill, except those interrogatories which such Defendant is required to answer; and where a Defendant shall answer any statement or charge in the Bill to which he is not interrogated only by stating his ignorance of the matter so stated or charged, such answer shall be deemed impertinent.

8. That the interrogatories so to be filed under the 6th order shall be duly entitled in the cause and shall be in the form or to the effect following, viz: "Interrogatories to be answered by the several Defendants hereinafter specified," [or by the Defendant in case there be but one Defendant] "touching the matters alleged and contained in the Bill filed in this cause in which A. B., &c., are Complainants, and C. D., &c., Defendants:—1st Whether, &c."

9. That the interrogatories so to be filed shall be divided as conveniently as may be from each other and numbered consecutively, 1, 2, 3, &c., and the interrogatories which each Defendant is required to answer shall be specified in a note at the foot of the interrogatories, in the form or to the effect following, that is to say: "The Defendant (A. B.) is required to answer the interrogatories numbered respectively, 1, 2, 3, &c.," and with the copy of the Bill to be served on any Defendant or his Solicitor, upon appearing to the Bill, shall be served a copy of such of the interrogatories only as such Defendant is required to answer, together with a copy of such note, unless such Defendant shall at the time of giving notice of appearance require to be furnished with a copy of all the interrogatories, in which case a copy of the whole shall be furnished.

10. That the note at the foot of the interrogatories specifying which of them each Defendant is required to answer, shall be considered and treated as a part of the Bill, and the addition of any such note or any alteration or addition to such note or to the interrogatories after the same shall have been filed, shall be considered and treated as an amendment of the Bill.

11. That instead of the words of the Bill now in use preceding the interrogating part thereof, and beginning with the words "To the end therefore," there shall hereafter be used words in the form or to the effect following, "To the end therefore that the said Defendants may if they can, shew why your Orator should not have the relief hereby prayed, and in case of appearing to this your Orator's Bill, may upon their several and respective corporal Oaths and according to the best and utmost of their several and respective knowledge, remembrance, information and belief, full, true, direct and perfect answer make to such of the several interrogatories hereafter to be filed, as by a note thereunder written, they shall be

respectively required to answer"—And that the prayer of the Bill shall immediately follow.

12. That in all cases in which the Plaintiff has a joint and several demand against several persons, either as Principals or Sureties, it shall not be necessary to bring before the Court as parties to a Suit concerning such demand all the persons liable thereto, but the Plaintiff may proceed against one or more of the persons severally liable.

13. That where a demurrer shall be filed by the Defendant to the whole Bill or to a part of the Bill, the demurrer shall be held sufficient, and the Plaintiff be held to have submitted thereto, unless the Plaintiff shall within one calendar month after service of a copy of such demurrer upon him, cause the same to be set down for argument.

14. That when the Defendant shall file a plea to the whole or part of a Bill, the plea shall be held good to the same extent and for the same purposes as a plea allowed upon argument, unless the Plaintiff shall within one calendar month after the service of a copy of such plea upon him, cause the same to be set down for argument, and the Plaintiff shall be held to have submitted thereto.

15. That no demurrer or plea shall be held bad and overruled on argument, only because such demurrer or plea shall not cover so much of the Bill as it might by law have extended to.

16. That no demurrer or plea shall be held bad or overruled upon argument, only because the answer of the Defendant may extend to some part of the same matter that may be covered by such demurrer or plea.

17. That a Defendant shall be at liberty by answer to decline answering any interrogatory or part of an interrogatory, from answering which he might have protected himself by demurrer, and that he shall be at liberty so to decline, notwithstanding he shall answer other parts of the Bill, from which he might have protected himself by demurrer.

18. That where the Defendant shall by his answer suggest that the Bill is defective for want of parties, the Plaintiff shall be at liberty within fourteen days after a copy of the answer delivered to him, to set down the cause for argument upon that objection only. And the purpose for which the same so set down shall be notified by an entry to be made in the Registrar's book, in the form or to the effect following, that is to say, "set down upon the Defendants' objection for want of parties." And that where the Plaintiff shall not so set down his cause but shall proceed therewith to a hearing, notwithstanding an objection for want of parties taken by the answer, he shall not at the hearing of the cause, if the Defendant's objection shall then be allowed, be entitled as of course to an order for liberty to amend his Bill by adding parties, but the Court if it thinks fit, shall be at liberty to dismiss the Bill.

19. That if a Defendant shall at the hearing of the cause, object that a suit is defective for want of parties not having by plea or answer taken the objection and therein specified by name or description the parties to whom the objection applies, the Court (if it shall think fit,) shall be at liberty to make a decree saving the rights of the absent parties.

20. That in the reports made by the Masters of the Court no part of any state of facts, charge, affidavit, deposition, examination or answer brought in or used before them shall be stated or recited, but such state of facts, charge, affidavit, deposition, examination or answer shall be identified, specified and referred to so as to inform the Court what state of facts, charge, affidavit, deposition, examination or answer was so brought in or used.

21. That when it shall be referred to a Master to take an account of the amount due upon any Mortgage, the Master shall annex to his report and refer to therein a statement shewing the manner in which the amount reported to be due is made up and ascertained, which statement shall be deemed and taken to be a part of the Report.

22. That it shall not be necessary in any Bill of Revivor or Supplemental Bill to set forth any of the statements in the pleadings in the original Writ, unless the circumstances of the case may require it.

23. That in any petition of rehearing of any decree or order made by any Judge of the Court, it shall not be necessary to state the proceedings anterior to the decree or order appealed from or sought to be reheard.

24. That the foregoing Orders shall take effect as to all suits whether now depending or hereafter to be commenced on the last day of Michaelmas Term, 1842.

W. M. G. COLEBROOKE, Chancellor.
N. PARKER, M. R.

KING'S COLLEGE, FREDERICTON, July 12, 1842.

A Scholarship in this College is now vacant, and will be offered to general competition on Saturday, October 1st, at ten o'clock in the forenoon.

This Scholarship is open to all candidates who shall have been previously matriculated. They will be examined in Xenophon's Anabasis, Horace, English and Latin composition, Ancient History and Geography, the first six books of Euclid, the first part of Algebra, and the elements of Inorganic Chemistry.

The Scholarship is of the value of Twenty five Pounds per annum, to be held to the end of the third year from the day of matriculation.

E. JACOB, Vice President.