

V. No Bill is hereafter to contain those allegations usually known as *Pretences* on the part of the Defendant and contrary *Charges*, nor any prayer for answers, nor for the writ of Subpœna.

VI. It shall be no objection to an interrogatory to any Defendant that there is no special allegation in the Bill warranting the same.

VII. When the Plaintiff does not think proper to file any interrogatories for any of the Defendants, or for any one or more of the Defendants, any Defendant not interrogated shall be entitled, on being served with a copy of the Bill, to the like time for putting in a defence to the Bill, if he thinks fit so to do, as if served with a copy of interrogatories.

VIII. Facts and circumstances which have occurred since the commencement of the suit may be introduced by way of amendment to the Bill.

IX. The Court may in any case grant such relief as it might afford under the prayer for general relief, without any prayer for such relief being contained in the Bill.

X. If in any Bill hereafter to be filed, or other proceeding in the Court, unnecessary allegations shall be introduced, or needless prolixity occur, the Court in its discretion may direct the Master to disallow in the taxation of costs, any charge in respect of such unnecessary matter.

XI. Where the cross-examination of witnesses is conducted by means of interrogatories proposed at the time of examination, no such interrogatories, and no interrogatory by way of re-examination are to be signed by Counsel.

XII. When an infant Defendant does not enter his appearance in due time after service of the Subpœna to appear, it shall not be necessary to take further proceedings to compel appearance, but on proof of such default, the Court may order that unless the Defendant do appear in twenty days from the date of such order, the Plaintiff shall be at liberty to prove his case by affidavit; and such order is to be published in the Royal Gazette at least ten days before the day limited thereby for such appearance; and at the expiration of the time so limited, in case no appearance shall have been entered and notice thereof given, upon proof thereof, and of the allegations in the Bill, by affidavit and such documentary evidence as may be requisite, the Court may make such decree as it might have made had the case been at issue and duly established in evidence.

XIII. When an infant Defendant has appeared to the Bill, and having been served with a copy thereof, makes default in putting in a plea, answer, or demurrer thereto in due time, the Plaintiff may give notice of motion for a day therein named, for a decree to be made upon affidavit, which notice shall be served fourteen days before the day so named, and the Court upon motion made pursuant to such notice, on proof thereof and of the allegations in the Bill, in the manner prescribed by Order No. XII. of this date, may make a decree to such effect as is therein provided, unless upon special circumstances disclosed by affidavit it should think fit to allow the defendant further time for defence, in which case no such decree shall be made until the expiration of such further time.

XIV. In any case when the Plaintiff moves to have the Bill taken *pro confesso*, the Court may, if it shall see fit, require further proof before making any order or decree therein.

XV. Where a reference is made to a Master, he shall in no case recite in his Report the order of reference, or any part thereof, but he shall attach his report to the copy of the order of reference served on him, and the order shall be referred to in the report thus:—"By virtue of the order hereunto annexed, &c."; and the report and copy of order annexed, shall be delivered to the party entitled to receive the report.

XVI. In any case where any preliminary investigation is necessary to a final decree, the Judge before whom the cause comes on, if he shall so think fit, may order and direct the investigation to take place before himself at Chambers, or in open Court, and may prescribe the mode by which the investigation is to be conducted.

XVII. Correspondent with the brevity enjoined in regard to the Plaintiff's Bill by the foregoing Orders, the Defendant in his answer is to state matter of defence in general terms as concisely as may be; provided that this Order is not to be construed so as in any way to diminish the right of the Plaintiff to a full answer to interrogatories.

XVIII. In these Orders and Schedules the following words have the several meanings hereby assigned them, over and above their several ordinary meanings, unless there be something in the subject of the context repugnant to such construction, viz:—

- 1st. Words importing the singular number include the plural number, and words importing the plural number include the singular number.
- 2nd. Words importing the masculine gender include females.
- 3rd. The word affidavit includes affirmation.
- 4th. The word person or party includes a body politic or corporate.
- 5th. The word legacy includes an annuity, and a specific as well as a pecuniary legacy.
- 6th. The word legatee includes a person interested in a legacy.
- 7th. The expression residuary legatee includes a person interested in the residue.

XIX. These Orders shall come into operation on the first day of September next.

## SCHEDULE A.

### Forms of Bills.

1. By a Creditor, upon the estate of a deceased person, seeking payment of his debt out of the estate.

#### IN CHANCERY.

To &c. [address as usual.]

Humbly complaining, sheweth your orator, A. B., that C. D., late of , deceased, was, at the time of his death, and that his estate still is indebted to your orator in the sum of for goods sold and delivered by your orator to the said C. D.; [or otherwise, as the case may be, and if any security has been given for the debt by any written instrument, then state it thus: which said debt was secured by a mortgage on certain real estate, bearing date ] that the said C. D. died in or about the month of last, and that the Defendant, E. F., is the executor [or administrator] of the said C. D., and that the debt remains unpaid.

Your orator therefore prays payment of his debt, or in default thereof, that the estate may be administered in this Court on behalf of himself and the other unsatisfied creditors of the said C. D., and that all proper directions may be given and accounts taken, and he prays the process of the Court herein.

[NOTE.—This form may be varied according to the circumstances, where the Plaintiff is not the original creditor, but has become interested in, or entitled to the debt, in which case the character in which he claims is to be concisely stated.]

2. By a Legatee, under the will of any deceased person, seeking payment or delivery of his legacy out of the testator's assets.

#### IN CHANCERY.

To &c. [address as usual.]

Humbly complaining, sheweth your orator, A. B., that your orator is a legatee to the amount of £ under the will dated the day of of C. D., late of , deceased, who died on the day of , and that the Defendant, E. F., is the executor of the said C. D., and that the said legacy, together with the interest thereon from the [the day mentioned in the will for payment, or the expiration of twelve calendar months after the testator's death,] is still unpaid, and your orator therefore prays to be paid the said legacy and interest, [or to have the said legacy and interest appropriated and secured.] and in default thereof, to have the estate of the said C. D. administered in this Court on behalf of himself and all other the legatees of the said C. D., and for that purpose that all proper directions may be given, and the accounts taken; and he prays the process of the Court herein.

[NOTE.—This form may be varied according to the circumstances, where the legacy is an annuity, or specific, or where the Plaintiff is not the legatee but has become entitled to or interested in the legacy, in which case the character in which the Plaintiff claims is to be concisely stated.]

3. By a residuary legatee, or any of several residuary legatees of any deceased person, seeking an account of the residue and payment or appropriation of his share therein.

#### IN CHANCERY.

To &c. [address as usual.]

Humbly complaining, sheweth your orator, A. B., that your orator is the residuary legatee [or one of the residuary legatees,] under the will dated the day of , of C. D., late of , who died on the day of , and that the defendant, E. F., is the executor of the said C. D., and hath not paid to your orator the [or his share of the] residuary personal estate of the said testator; and your orator therefore prays to have the personal estate of the said C. D. administered in this Court, and to have the said residue [or his share of the said residue,] paid him, and his costs of this suit, and for that purpose that all proper directions may be given and accounts taken; and he prays the process of the Court herein.

[NOTE.—This form may be varied according to the circumstances, where the Plaintiff is not the residuary legatee, but has become entitled to or interested in the residue, in which case the character in which he claims is to be concisely stated.]

4. By the person or any of the persons entitled to the personal estate of a person who may have died intestate, and seeking an account of such personal estate and payment of his share thereof.

#### IN CHANCERY.

To &c. [address as usual.]

Humbly complaining, sheweth your orator, A. B., that your orator is the next of kin, [or of the next of kin,] according to the statutes of distribution of personal estate of C. D., late of , who died on the day of , intestate; and that your orator is entitled to [or to a share of] the personal estate of the said C. D., and that the Defendant E. F., is the administrator of the personal estate of the said C. D., and the said E. F. hath not accounted for or paid to your orator the [or his share of] the personal estate of the said C. D.; your orator therefore prays to have the personal estate of the said C. D. administered in this Court, and to have his costs of this suit, and for that purpose that all proper directions may be given and accounts taken; and he prays also the process of the Court herein.