

Section.	Section.
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16. Publication of evidence not necessary, but cause to be heard, when.	32. After Decree, how Minutes to be settled, enrolment made, and proceedings thereon.
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18. Issues, how triable, and for purposes of Injunction Law points, how decided.	34. What papers to be used on appeal, and what further proceedings.
19. When no objection allowed for want of parties.	35. Judge of Probate's decision, how to appeal from.
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22. Evidence of documents, how obtained at the hearing.	38. Registered Memorial of Decree, how affect lands.
23. Cause, how dismissed, or defects in remedied.	39. Court, how enforce Decrees.
24. Misjoinder of plaintiffs, how effected.	40. Proceedings for plaintiff after Decree, where defendant out of jurisdiction.
25. Where parties and property mixed as to interests, how to adjudicate.	41. If such defendant return within a certain time, how to proceed.
26. If demurrer good for want of equity, how to proceed.	42. If such defendant die, what may be done by his representative, and when.
27. Affidavits, how drawn and used.	43. If such defendant, being served with copy of Decree, do not appear, to be barred.
28. Declaratory Decree, how sustained.	44. If such defendant do not appear within certain time, how to proceed.
29. Effect of death on one or more parties to suit.	45. Deposits to answer costs abolished.
30. Change of interest, what effect on suit.	46. Forms, how valid.

## Schedule of Forms.

1. All causes in Equity, except cases of injunction before hearing, shall be commenced by a Summons (A), which shall include the names of all the defendants, be made returnable within forty days from the service, and be served personally, or by leaving a copy thereof with some adult person at the place of residence or business of the defendant, and connected with his establishment; or if a Corporation, may be served on the head officer, secretary, treasurer, cashier, or principal agent; or if out of the jurisdiction of the Court, on any agent or person having charge of property the subject of the suit, or guardian residing in the Province, or on the defendant in person; and the service shall be proved by affidavit. The subpoena heretofore in use on filing the Bill is hereby abolished; and if a Bill be filed with the prayer of injunction the summons shall be issued as above prescribed.

2. No objection shall be allowed to any process or proceeding in the said Court for want of, or mistake in any christian name, or initials thereof, if the party shall be described by the name by which he is usually called or known, or by which he is accustomed to call himself, except when it may be necessary to set out an instrument in its own words.

3. Whenever it shall be made to appear by affidavit to the satisfaction of a Judge, that any person, his heir or executor, against whom any other person hath any equitable right, is out of the limits of the Province, and that the applicant hath good *prima facie* grounds for filing a Bill against him, an order may be made requiring the defendant to appear at a certain day therein named, which shall be published in the Royal Gazette, and shall continue to be published therein for the space of three months thence next ensuing.

4. On the expiration of forty days after service of the summons, or of the time limited in the order for appearance, no appearance having been entered, or on the appearance of the defendant and notice thereof served, and within three months therefrom, and in injunction causes without previous summons, the plaintiff shall file a Bill similar to the Form (B), with such variations as each case may require, which shall contain a brief narrative of the material facts on which the plaintiff relies, numbering each allegation as in the said form, adhering as near as may be to the brevity of such form, and concluding with a prayer for specific relief, under which, without a prayer for general relief, he shall have any other relief to which the equities of his case may entitle him. Documentary evidence shall not be inserted at large, but any part of it material to the cause shall be referred to in a concise manner, mentioning in what custody the same may be, if known, for the purpose of reference, or order of production. The Bill shall be sworn to by the plaintiff, or by the agent if filed by him, to the best of his knowledge and belief.

5. In injunction causes, if the application is to be supported by any proof other than the sworn Bill, the same shall be done by a short affidavit stating generally the truth of the facts contained in such Bill, or in any of the separate allegations by

number, or setting forth any new facts in confirmation of the same.

6. Whenever an injunction may be required before hearing, the same shall be granted only on special cause shewn, and shall be by Order (C), instead of the writ of injunction. Such order may be applied for to any Judge before or after the Bill filed, on notice to the opposite party, and the application may be heard on production of the Bill, before filing, or of a sworn or certified copy thereof after filing, with affidavits, if any. If the injunction be applied for after answer, the answer, or a sworn or certified copy thereof, may be used by defendant as an affidavit. All these papers shall be left with the Judge, or filed under his direction with the Clerk. In cases of immediate necessity the injunction may be granted in like manner, but without notice, subject to being dissolved or otherwise on sufficient grounds shewn by affidavit on the part of the defendant. The injunction order shall have all the effect of the writ of injunction, and may be dissolved or modified according to circumstances.

7. If the defendant in any suit appear, a copy of the Bill shall be served on his Solicitor, with a copy of the Interrogatories (D), which shall then be filed as part of the plaintiff's Bill; the interrogatories to be founded on the allegations therein contained, and numbered in the same manner as such allegations. If no demurrer, plea, or answer be filed, and a copy thereof served on the plaintiff's Solicitor within one month from such service, or if a Bill be filed for want of appearance, any Judge at any monthly sitting, may be moved on affidavit of the facts, and on fourteen days notice given to the Solicitor in case of appearance, and to the defendant if within the jurisdiction, in case of no appearance, to take the said Bill *pro confesso*, and the same shall be so ordered without further order or proof, unless the defendant produce the certificate of the Clerk, that an appearance, or answer, as the case may be, has been filed before motion made; and the Judge may, on cause shewn by affidavit, grant further time to put in an answer or demurrer, or for the defendant to appear and plead.

8. If the defendant proceed to answer the said Bill, which he may do whether required or not, it shall be similar to the Form (E), with such variations as in each case may be necessary, and he may include therein any matter material to his defence. Documentary evidence shall only be referred to in the answer in the same manner as in the Bill, except it be necessary in order fully to answer the interrogatories. No demurrer or objection shall be permitted for want of parties or of form; but defects in any Bill, or in the form of any plea, may be submitted to any Judge, who may order an amendment if he deem it necessary, on such terms as to costs or otherwise as he may think just.

9. The defendant in any suit may, after putting in a sufficient answer, and within fourteen days after issue joined, without any Bill of discovery, file interrogatories for the examination of the plaintiff on such points as shall arise out of the defendant's answer, and for the purpose of proving the same, and disproving the plaintiff's case, and deliver a copy thereof to the plaintiff's Solicitor, which shall be answered by the plaintiff in like manner and under the same rules of practice, as defendants are bound to answer plaintiff's Bill.

10. Exceptions to the answer, or to the plaintiff's answer to interrogatories filed as aforesaid, shall be submitted to a Judge for determining as to their sufficiency, within fourteen days from the service thereof, and if not the answer shall be held good.

11. Impertinence in any of the proceedings in any equity cause shall not be excepted to, but a Judge may, on application, direct the costs incurred thereby to be paid by the party introducing the same.

12. All answers, pleas, disclaimers, and examinations, shall be taken without commission or other formality than is required in the swearing and filing of an affidavit; and all returns to commissions or other documents shall be engrossed on paper, subscribed by the persons to whom directed, and delivered by the Solicitor to the Clerk, enclosed in a sealed envelope;