

COURT OF CHANCERY REGULATION (IRELAND) ACT, 1850.

RETURN to an Order of the Honourable The House of Commons,
dated 1 April 1851;—for,

RETURNS “ of the DRAFT GENERAL ORDERS submitted by the LORD CHANCELLOR of *Ireland* to the MASTER OF THE ROLLS in *Ireland*, for his Approval, under the Court of Chancery Regulation (Ireland) Act, 1850 :”

“ And also, the DRAFT GENERAL ORDERS prepared by the MASTER OF THE ROLLS in *Ireland*, under the said Act.”

DRAFT GENERAL ORDERS submitted by the LORD CHANCELLOR of *Ireland* to the MASTER OF THE ROLLS in *Ireland*, for his Approval, under the Court of Chancery Regulation (Ireland) Act, 1850.

Dated the day of 18 .

THE Right Honourable *Maziere Brady*, Lord High Chancellor of Ireland, by and with the advice and assistance of the Right honourable *Thomas Berry Cusack Smith*, Master of the Rolls, doth hereby, in pursuance of an Act of Parliament passed in the 13th and 14th years of the reign of Her Majesty QUEEN VICTORIA, intituled, “ An Act to regulate the Proceedings in the High Court of Chancery in Ireland,” and in pursuance of all other powers in him vested, order and direct in manner following; (that is to say)—

I.

THAT all cause petitions, interrogatories, answers to interrogatories and affidavits filed in the office of the Deputy Keeper of the Rolls, under the said Act, shall be written on post-paper bookwise, with a sufficient margin; and the Deputy Keeper of the Rolls shall cause the same to be bound up at the end of each term, in separate volumes appropriated to each class of documents, with an index to each; and the date of filing the original cause petition shall be marked on every set of interrogatories, answers to interrogatories and affidavits filed in the said office by the solicitor lodging the same, in order that a proper reference thereto may be made in the margin of said original petition, which reference the Deputy Keeper of the Rolls shall cause to be made accordingly.

II.

That the solicitor for the party, on the day he shall file a cause petition, shall lodge a docket in the office of the Clerk of Appearances and Writs, stating the title of such petition, and the name of the person for whom he is concerned, and in what character he appears therein; and the Clerk of Appearances and Writs shall proceed thereon, as directed by the 190th of the General Orders of the 27th day of March 1843, in respect to the dockets therein mentioned.

III.

That every cause petition presented, and all affidavits filed under the said Act, shall be drawn without unnecessary or irrelevant statements, repetitions, impertinence, prolixity or scandal, and such parts alone of records, deeds and documents as it shall be necessary to refer to, shall be set out therein, and the

same and all other matters contained in any petition or affidavit shall be stated as concisely and simply as possible, consistently with a clear statement of the facts; and the solicitor and counsel by whom the same may be prepared shall have strict regard to this Order in the preparation thereof; and all petitions and affidavits, interrogatories and answers to interrogatories shall be signed by a solicitor before they are permitted to be filed; and all petitions and interrogatories shall be signed by counsel; and it shall be in the power of the Court at any stage of the proceedings under said petition, and to the Masters in relation to matters of which the costs shall be in their discretion, to order that any increased costs which may have been or shall be occasioned to either party by any departure from this Order shall be borne by the petitioner or respondent, as the case may be.

IV.

That the Deputy Keeper of the Rolls shall receive cause petitions under the said Act, though not verified by the petitioner, in the form given in the Schedule thereto; but in such cases an affidavit shall be filed with the petition, stating the special reasons why such verifying affidavit is not annexed, and containing such statements in verification of those stated in the petition as it may be in the power of the person making such affidavit to depose to: provided, however, that no affidavit shall be requisite in verification of a cause petition presented on behalf of Her Majesty, in the name of and signed by Her Majesty's Attorney or Solicitor General.

V.

That the petitioner may in all cases file such further or additional affidavits as he may think proper in verification of the matters stated in a cause petition, or any of them, but subject to the discretion of the Court as to his using the same, and as to any costs thereof; and in like manner and on the same terms, the respondent may file further or additional affidavits in support of any which he may make in answer to the petition, and notice of the filing of all such affidavits shall be given according to the course and practice of the Court.

VI.

That in the prayer of every cause petition, the persons shall be named against whom any account, payment, conveyance or other direct relief is sought, and such persons only shall be deemed the respondents thereto as shall be so named in such prayer.

VII.

That in every petition presented to the Court under the said Act, with respect to the branches of jurisdiction specified in the 15th section of the Act, or with respect to any other branches of the said jurisdiction to which, by any General Order, the provisions of that section may be directed to apply, it shall be stated that, to the knowledge or belief of the petitioner, there has not already been any Decree or Order, nor is there any other proceeding by bill or petition pending for the like purpose, and the petitioner shall not be entitled to a summary Order under the said section on any petition which shall not contain such statement.

VIII.

That it shall not be necessary or proper that any person should be served with notice in the first instance of a cause petition, who would or ought properly to be only made a notice party to a suit by bill for the same purpose, according to the provisions of the 15th, 23d, 24th, 25th and 26th of the General Orders of the 27th day of March 1843.

IX.

That in all cases in which the petitioner prays for the foreclosure and sale, or for the sale of lands for payment of incumbrances, the petitioner shall not make any person a respondent in said petition save the owner of the land, and when such petition seeks an account of personal estate, the person representing such personal estate; and if notice shall be served of such petition, no other person shall in the first instance be served therewith.

X.

That the term "the owner of the land" shall mean any person, save as hereinbefore mentioned, who by the rules and practice of the Court is a necessary party to

to a suit for foreclosure and sale, or for the sale of lands for payment of incumbrances : provided always, that no incumbrancer, whether by mortgage or otherwise, or any person in whom an estate shall be vested solely as a trustee for such incumbrancer, shall be deemed to be " the owner of the land " within the meaning of this Order.

XI.

That the notice of every cause petition being filed, shall be in the form set forth in the Schedule annexed to these Orders, or in substance to the same effect.

XII.

That a petitioner shall not be at liberty to amend a cause petition except by a Special Order, and in the manner which may be thereby directed, and no supplemental petition shall be filed without leave of the Court.

XIII.

That any person served in Ireland with notice of a cause petition may enter an appearance thereto in the office of the Clerk of Appearances and Writs, at any time within eight days from the service of such notice, and exclusive of the day of such service (or if the notice is served out of the jurisdiction of the Court, within such period as shall be specified in the Order authorizing such service), and in default of such appearance being so entered, it shall not be necessary for the petitioner to serve the party so neglecting to appear with notice of any further proceedings on such petition, unless the Court or Master in the matter shall otherwise specially direct, or the Court shall give leave on special motion that such appearances may be entered on any day after the time hereby limited ; but the respondent shall notwithstanding be at liberty to file affidavits in answer to the petition, and to appear on the hearing thereof and defend his right therein.

XIV.

That where any Order shall be made for liberty to file interrogatories to be answered by either the respondent or the petitioner, the Court may, if it shall think fit, direct that the costs of such Order and of the proceedings thereon shall be reserved or stand over to the hearing of the petition, and in all such cases the Court shall fix the time within which it shall be the duty of the petitioner to set down the petition for hearing.

XV.

That cause petitions shall be set down for hearing by a docket to be lodged in the Registrar's Office, signed by the solicitor thereto, and stating the names of the petitioner and respondent therein, and distinguishing thereon who shall have been served with notice of the petition ; and in the case of parties who have appeared, stating the names of their solicitors ; and a copy of the petition shall at the same time be lodged with the Registrar ; and notice of the petition being so set down shall be given to all parties served with notice of the petition, and who shall have entered appearances thereto, and the Registrar shall set down such petitions for hearing, on the lodgment of the docket and copy of the petition, without any Rule or Order.

XVI.

That the petitioner shall be at liberty to set down a cause petition for hearing at any time after the expiration of 14 days from the service thereof, exclusive of the day of such service, against any party served in Ireland, or in case of a party served out of Ireland, or where interrogatories shall be filed at any time after the expiration of such period, as shall be specified in the Order for such services, or for leave to file the interrogatories ; and in case of petitions already filed, on which such Orders may have been made, at any time after the expiration of three months from the time of service thereof.

XVII.

That the times for hearing cause petitions, and the order in which they shall be heard, having regard to the times at which they shall be set down for hearing, and the times for hearing applications for summary Orders thereon, shall be regulated by the Lord Chancellor as he may from time to time think proper ; and no separate petition shall be necessary on any application for liberty to set down a

cause petition for hearing which shall not have been duly entered in any regular list of such petitions.

XVIII.

That in case the petitioner in a cause petition shall not appear at the time appointed for hearing his petition, the same shall stand dismissed, and with costs, to be paid to any party served with notice thereof and appearing thereon, but the same may be reinstated on a special application, and on such terms as may be just.

XIX.

That exceptions for insufficiency in the answer to any interrogatories filed in the matter of a cause petition, shall be taken and dealt with in like manner as exceptions for insufficiency in any answer of a defendant in a suit may be taken and dealt with : provided always, that the respondent or petitioner, or other person made a party to the petition matter, as the case may be, shall not be at liberty to decline answering any interrogatories exhibited in the matter of a cause petition under the said Act, merely because the same relate to or inquire of matters not stated in said petition, or in any affidavit filed in support of or in opposition to it.

XX.

That objections to any cause petition for impertinence, prolixity or scandal shall be taken and dealt with according to the 70th and 71st of the General Orders of the 27th day of March 1843, in respect to the like objections to pleadings in suits, except that a copy of the notice thereof shall be duly served on the solicitor of the petitioner within 14 days from notice being served of the petition being filed.

XXI.

That the hearing of a cause petition under the said Act shall not be stayed by reason of objections taken for impertinence, prolixity or scandal in any affidavit filed in support of or in opposition thereto, but such affidavit may be answered and otherwise dealt with on the hearing of the petition, as provided in reference to affidavits on motions, by the 72d of the General Orders of the Court of the 27th day of March 1843.

XXII.

That in case of any examination had by *viva voce* or written testimony, under any Order made on such petition, it shall not be any ground of objection to a witness that he has already made an affidavit in the matter of such petition.

XXIII.

That any summary Order made without notice on a petition presented under the said Act, as authorized by the said 15th section, may be discharged by the Court on motion, and with or without costs, against the petitioner ; or in case it shall appear that such Order was obtained on any suppression of facts of which the solicitor of the petitioner had notice, then with costs against such solicitor, or against both the petitioner and solicitor, as may be just.

XXIV.

That every cause petition which shall not have been set down for hearing for the space of two whole terms after the commencement of the time at which it might have been so set down against any party, according to the regulations hereinbefore made, shall thereupon, without any Rule or Order, stand dismissed ; and any party on whom notice thereof shall have been served shall be at liberty, after the last day of the second of such terms, on production of the notice served on him, to enter a side-bar rule for payment by the petitioner of his costs in such matter, and for the taxation thereof ; but the Court may, on special motion, reinstate such petition on such terms as shall be just ; and where by reason of the filing of interrogatories by the petitioner or respondent, or the necessity of service on any other party, or on any party out of the jurisdiction of the Court, the petitioner shall be precluded from setting down the petition for hearing, as against some of the parties thereto, for a longer period than that at which he would have been entitled to set it down against any other or others of them, he may enter in the Registrar's Office a caveat against the dismissal of the petition, stating the date of the Order for filing interrogatories, or service out of the jurisdiction, or the

the time of service of any other party, as the case may be, the names of the parties mentioned in any such Order, and the times fixed therein ; or by the 16th foregoing Order, in case of petitions already presented, until the expiration of which he is not to be at liberty to set down the petition ; and such caveat, unless set aside by the Court on special motion or withdrawn, shall be in full force until the expiration of two whole terms after the time so fixed, or after the time of service on any other party, as the case may be, and no longer, without Special Order of the Court.

XXV.

That the said Act shall be applicable to all suits now pending in the Court, so far as to enable any party who may be entitled to file a supplemental bill or bill of revivor in any such suit to proceed by petition for that purpose, where the case does not admit of a suggestion under the 29th section of the statute ; and every such petition shall be proceeded with in the same manner as any other cause petition filed under the said Act.

XXVI.

That every suggestion to be filed under the 29th section of the Act shall be entitled in the cause or matter to which it shall refer, and shall be in the words or to the effect following :

“ The said *A. B.*, the plaintiff [or petitioner, as the case may be, above named], pursuant to the statute in that behalf, suggests and gives the Court to be informed, that the interest of *C. D.*, who was a party to the same as defendant or respondent, as the case may be, has been transmitted to and is now vested by the decease of the said *C. D.* in *E. F.*, his heir at law, or executor, &c., as the case may be, or by the bankruptcy or insolvency of the said *C. D.* in *E. F.*, his assignee, or in *E. F.*, by conveyance from the said *C. D.*, bearing date the day of ” [or in like brief form of statement, according to any other mode of transmission of interest].
“ And the said *A. B.* thereupon prays, that the said cause or petition, &c., may proceed against the said *E. F.*”

XXVII.

That it shall be lawful to any incumbrancer, on whom notice shall be served of the petition for the first time after any order of reference made thereon, or who shall come into the Master's Office and file a charge under an Order of Reference made on the petition of a creditor by mortgage or other incumbrance, and who shall succeed in establishing a demand thereunder, to file a discharge (with the sanction of the Master before whom such Order of Reference shall be pending), disputing the petitioner's demand or title or the amount thereof, and relying on any matter which such incumbrancer might have relied on if he had been made a respondent in such matter, and had been served with notice as such ; and the Master shall make such order in relation to the costs incurred in such proceeding as he shall consider to be just : provided always, that in case the Master or the Court shall decide that nothing is due to the petitioner, or that he has no title to maintain the petition, the proceedings in the matter shall not be thereby discontinued ; but it shall be lawful for the Master or the Court to give the conduct thereof to any other party who shall have established a demand, and be willing to undertake same ; but in case no incumbrancer shall undertake the conduct of such matter, then the Master shall report, that in his opinion there is nothing due to the petitioner, or that he has no title to maintain the petition, for the reasons to be mentioned in such report, and that no incumbrancer is willing to accept the carriage of such petition-matter, to which report the petitioner shall be at liberty to object ; and in case the petitioner submits to such report, or having objected thereto, in case the Court shall decide against the petitioner, then the petition shall be dismissed, with costs, to such of the parties as the Court shall direct ; but this Order is not to be construed as affecting the powers vested in the Masters under any General Order of Reference made under the 15th section of the Act.

XXVIII.

That no summary or other Order of the Court on a cause petition, directing any reference thereon, shall be held to preclude any party, to whom notice of such petition shall be given for the first time after the making of such Order, from

insisting in the Master's Office on any defence he may have against the petitioner's demand, whether founded on any statute of limitations or otherwise.

XXIX.

That it shall be lawful for the Court, upon special motion, or to the Master, under any reference to him, according to the 15th section of the Act, to order and direct any person, not being a party to a petition under said Act, to bring into Court for the purpose of such matter, any deeds, papers or documents in his custody, power or possession, subject to his lien thereon, if any, or to allow inspection and copies or extracts to be taken of same, in the like manner in which, if such person had been named a respondent in such matter, he might have been ordered to bring same into Court, or allow inspection as aforesaid; and it shall also be lawful for the Court, upon special motion, to appoint a Receiver over any lands in the petition mentioned, of which any incumbrancer may be in receipt of the rents, in the same manner as if such incumbrancer had been named a respondent in such matter; and the said parties respectively shall, after the service of notice of the application for any of the above purposes, be deemed parties to such petition in the same manner as if they had been named respondents therein, and served with notice of the said petition as such; and if the Court shall be of opinion that the affidavit made by any such party or incumbrancer to oppose such application shall be evasive, or shall omit to answer any material facts stated in the affidavit on which the motion shall be grounded, the Court may reserve the costs of such motion, and may permit interrogatories to be filed for the examination of such party or incumbrancer.

XXX.

That in any case where a petition shall be presented under the said Act, the Court may from time to time, whether any Order interlocutory or final may have been made upon said petition, or any proceedings may have been taken thereon in the Master's Office, direct such further service of the notice of said petition as the Court may think fit; and service of such notice being made, the party so served shall, from the time of such service, become a party to the said proceedings as effectually as if he had been named as a respondent in the petition; and the Court may make an Order that such party shall be bound by the proceedings already had, or such other Order as to the Court may seem just.

XXXI.

That every person who shall file a charge in the Master's Office under any Order to be made under said Act, shall be deemed to be a party to such petition as fully and effectually as if he had been made a respondent thereto, and served with notice of said petition; but the death, marriage, bankruptcy or insolvency of such person, or any change of interest, shall not cause such petition to become either abated or defective, but the proceedings thereon may be continued by or against the person to whom the interest of such party may have been thereby transmitted; provided that this Order shall not have the effect of entitling any person filing a charge to appear at the further hearing of the petition, unless in cases where, according to the course of the Court, a person filing a charge in the Master's Office, under a decree in an ordinary suit, would be permitted to appear on the further hearing of the cause.

XXXII.

That any incumbrancer who shall file a charge under any Order of Reference made under said Act, and who is entitled to insist on being redeemed, may by his said charge require the petitioner to redeem him; and if the petitioner shall not within three months after the date of the Master's Report or Order, pay to the said incumbrancer such sum as the Master shall find to be due to him, together with such sum for costs as the Master shall direct, the said incumbrancer shall be at liberty to apply to the Court that the petition should be dismissed, with costs, as against such incumbrancer.

XXXIII.

That the Taxing Master shall not tax the costs of any charge or statement of facts filed by any petitioner under an Order of Reference made under said Act, unless

unless the Master in the matter shall certify in writing upon said charge a statement of facts, that it was filed by his direction, or that it was in his opinion proper to file same, and the Master shall in signing such certificate have regard to the 17th section of the said Act.

XXXIV.

That in all reports of debts or incumbrances the Master shall not introduce any statements respecting the particulars of such debts or incumbrances, or the creation thereof or title thereto, unless so far as it may be necessary to state a special point when the same shall be submitted relating to any such debt or incumbrance in particular, but their reports shall briefly refer in general terms to a schedule of such debts and incumbrances to be annexed to such report, which schedule shall state in proper columns the name of the creditor, the date and nature of the debt, and of the security for the same; the sums due thereon for principal, interest and costs respectively; the total sum due, and the order of priority of each such debt or incumbrance, with such observations thereon as the Master may deem necessary; and the Masters shall settle a proper form of such schedule as soon as may be practicable, and submit the same to the Lord Chancellor for his approval; and this Order shall apply to all references under Decrees or Orders, cause petitions and other matters now pending, as well as to all future cause petitions and other proceedings.

XXXV.

That upon any summary or other reference to the Master in the matter of a cause petition which prays a sale of any lands, tenements or hereditaments for payment of incumbrances, where it shall appear by inspection of any schedule of such incumbrances submitted to him, and verified as he may direct, or by examination of the charges filed in the office, that it will be necessary that a sale should be had for such payment, and that such sale ought not to be delayed until the account of incumbrances shall be finally taken, it shall be in the power of the Master to make a conditional Order for such sale to be made absolute at such time, and on service of such notices as he shall deem expedient, and to make such Order absolute accordingly, if no sufficient cause to the contrary shall be shown; and the Master shall thereupon proceed to such sale, at a time to be fixed by him, and all proper parties shall be bound to concur therein, and do all necessary acts in relation thereto, as upon a decree for a sale pronounced according to the ordinary course of the Court; and upon every such reference it shall be the duty of the Master to make such investigation in order to a sale in the first instance, and at as early a period as practicable, and to call on the parties having the carriage of the proceedings, and on all other parties, and require them to supply him with such statements and schedules of the incumbrances, statements of title, rentals and other documents as may enable him to determine on the propriety of such immediate sale.

XXXVI.

That it shall be the duty of the Masters to see that all proceedings under references in cause petitions shall be carried on in their offices with due diligence by the party having the carriage thereof; and in any case where they shall be of opinion that such party is guilty of unreasonable delay, they shall examine into the same; and if they shall find it necessary, with a view to the effective and diligent conduct of the proceedings, may transfer the carriage thereof, without any special application for the purpose, to any solicitor concerned for a party or incumbrancer whom they may think most fitted to be intrusted therewith.

XXXVII.

That all affidavits of service of notice of any petition or motion or other proceedings under the said Act, and all affidavits filed under any Order of Reference, or in any interlocutory proceedings therein, or for any purpose relating thereto, save those filed by or on behalf of the petitioner in support of or by or on behalf of any respondent in answer to the petition to be used on the first hearing thereof, or on any adjournment thereof (which are to be filed in the Rolls Office as directed by the said Act), shall be filed in the office of the Clerk of the Affidavits, according to the course of the Court, as affidavits in causes and matters have been heretofore filed.

XXXVIII.

The Deputy Keeper of the Rolls is authorized to take the following fees :

	£.	s.	d.
For filing and entering a cause petition - - -	-	-	10 -
For every amendment thereof - - -	-	-	2 6
For filing and entering every affidavit, set of interrogatories, or answers to interrogatories - - -	-	-	10 -
For filing and entering every suggestion - - -	-	-	2 6
For attested copies, searches and certificates, the same fees as directed by the schedule of fees now in force in the said office.			

And the Deputy Keeper of the Rolls shall keep separate and distinct accounts of all fees and sums of money paid in his office in respect of all cause petitions, affidavits, interrogatories and other matters relating thereto, and shall pay into the Bank of Ireland, to the credit of the Accountant-general of the Court, all fees and sums of money so to be received, after deducting thereout all sums lawfully paid for copying any documents for which such fees may have been paid, according to the rates by law allowed for the same in his office, or for binding or books, or for other incidental matters connected with such proceedings, to be allowed from time to time by the Master of the Rolls; the amount so received and paid to be verified by affidavit, to be sworn before one of the Masters of the Court; and the several sums so paid in shall be from time to time paid to the account called the "Suitors' Fee Fund Account."

XXXIX.

That, save so far as it is not otherwise specially provided by the foregoing Orders, or may be provided under any Order to be made by the Masters under the authority of the said Act, or by any future Order, the general Rules and Orders and the course and practice of the Court shall apply to all cause petitions and other proceedings under the said Act, where the same may be properly applicable thereto.

RECEIVERS.

XL.

That the Masters, in the selection of Receivers in any cause petition or other matter, shall not be bound to appoint the person or any of the persons nominated to him by the parties thereto, or any of them, but shall be at liberty, having regard to the nature, extent and local situation of the property, to appoint some competent person of their own selection whom they may consider to be more eligible for the office than any of those so nominated; and in such appointment and selection, whether from the persons nominated by the parties or otherwise, the Masters shall take care, as far as may be practicable, to intrust the duty of Receiver to persons whose places of residence, and qualifications in reference to the management of property and otherwise, may render them the fittest in their judgment to be so intrusted.

XLI.

That the Masters shall require from every party nominating a person for a Receivership a statement of the age, residence, and present or former profession, business or occupation of such person, and of such other particulars respecting him, as the Masters by any General Order agree upon, as requisite to be known; and they shall not appoint any practising barrister or solicitor to the office.

XLII.

That in order to enable them to obtain the services of competent persons in the office of Receiver, it shall be in the power of the Masters, at the expense of the estate, to cause advertisements to be published for proposals by persons willing to undertake the office, and they shall in such advertisements define the local limits within which such persons must be resident, in order to their being eligible.

XLIII.

That in the selection of Receivers, the Masters shall also, as far as practicable, have regard to any existing appointments of other Receivers over adjoining or neighbouring estates, with a view to placing two or more estates in the same district

district under the management of one properly qualified person, in the nature of a District Receiver; and the Masters, as the case may require, shall judge what would be the fittest and most convenient extent of such district, and shall communicate together thereon; and where it may be practicable in such cases of joint appointments, they may reduce or vary the rate of poundage to be paid to such common or District Receiver out of each estate, as circumstances may admit.

XLIV.

That in no case shall the Guardian and Receiver in a minor matter, directly or indirectly, employ the same solicitor, nor shall either employ the partner or apprentice of the solicitor of the other.

XLV.

That Receivers shall be bound to keep such rent and other books as shall be required by any General Order to be made by the Masters, and to produce the same from time to time to the Masters, as they may direct, or to any other parties whom the Masters by any General or other Order may permit to inspect the same; and he shall also conform to all directions which shall be given by the Masters as to the form of tenants' receipts, notices to tenants, reports and statements to be made by him respecting the estate, forms of rentals and accounts, and all other documents and proceedings connected with his office.

XLVI.

Upon the hearing of the summons for appointing a Receiver, the Master, if he thinks fit, shall nominate some solicitor connected with the cause or matter, whose duty it shall be to attend the passing of the Receiver's accounts, to inquire into statements of facts, and perform such other acts in relation to the Receivership as the Master shall direct; and the Receiver shall be bound to comply with any directions to be given by the Master in reference to such solicitor. And the Master shall be at liberty, if he shall think fit, and if he shall be satisfied that such solicitor has properly and efficiently discharged his duty, but not otherwise, to make an Order on the Receiver to pay such solicitor a certain sum for the costs of such attendances out of the funds in his hands, but not to exceed in any one year the sum of 10*l*.

XLVII.

That all reports on statements made respecting the management or letting of lands under the 145th of the General Orders of the 17th day of March 1843, shall stand confirmed in the same manner as reports under interlocutory Orders, according to 137th of the same General Orders.

XLVIII.

That the Masters in their respective offices shall have jurisdiction and authority to hear and determine and make Orders upon the following matters:—

The furnishing of rentals by the inheritor or other parties.

The number of sureties for a Receiver, and the amount in which such surety should be bound.

The lodgment by Receivers of statements of their receipts and disbursements at or for any particular period, as may be deemed necessary and intermediate between the times of his regularly accounting.

The investment or other application of any balance which may appear by any such statement to be in the hands of a Receiver.

Applications for liberty to make abatements of rent to tenants, and by tenants for such abatements.

The accounting by a Receiver at any shorter time than the periods of 13 or 15 months prescribed by the General Rules of the Court, as may be expedient.

Discharging persons from Receivership who fail to perfect their recognizances in the time fixed for that purpose, or to comply with any Order duly made by the Master.

DRAFT GENERAL ORDERS UNDER THE

SCHEDULE TO WHICH THE FOREGOING ORDERS REFER.

THE COURT OF CHANCERY (IRELAND) REGULATION ACT, 1850.

A. B. - - - - - Petitioner.
 C. D. (and others) - - - - - Respondents.

TAKE NOTICE, That a cause petition has been filed by the above-named petitioner on the _____ day of _____ in the office of the Deputy Keeper of the Rolls of Her Majesty's High Court of Chancery in Ireland, by which it is prayed that, &c. [*Insert a copy of the prayer of the Petition.*] And you are served with this notice in order that if you think proper you may file any affidavit or affidavits on your behalf in respect to the matters stated therein, and appear at the hearing of such petition, as you may be advised. And your attention is directed to the copies annexed hereto of so much of the General Orders of the Court as relates to the entering appearances to and the hearing of cause petitions under the said Act, for your guidance in relation to the said petition and this notice. Dated this _____ day of _____

E. T., Solicitor for the Petitioner.

[*State the registered lodgings in Dublin of the Solicitor.*]

Annex a copy of the 13th and 16th of the foregoing General Orders.

Note.—If interrogatories are annexed to the petition, a copy of them is to be served with the notice, and the notice should state that such interrogatories have been annexed to the petition, and that the answer of the respondent is required thereto within two months from the filing thereof (or within three months, in case of service out of the jurisdiction of the court); and the notice of any interrogatories being filed after the filing of the petition should contain the same statement. A copy of the interrogatories, and of the order for liberty to file the same, should in all cases be served with the notice thereof.

Where notice of the petition shall not be served before the same is set down for hearing, the notice of it to be thereafter served should state the stage in which the proceedings then are, and any matters of which the Court or Master in ordering such service may direct to be contained therein; and the statement of the purpose and object of such service should be varied according to the facts; and the notice in such cases should also contain the following additional matter; viz., "And you are to take notice, that by the first section of the statute above referred to, it is enacted, that the person served with notice of a cause petition shall from the time of such service become a party to the proceedings, and be bound thereby in all respects as if a bill or information had been filed, and such person had appeared to a subpoena to appear and answer." And it will not be necessary in such cases to annex to the notice copies of the said 13th and 16th Orders.

Maziere Brady, C.

DRAFT GENERAL ORDERS prepared by the Right Hon. *Thomas Berry Cusack Smith*, Master of the Rolls in Ireland, under the Provisions of the 13th and 14th Vict. c. 89, "The Court of Chancery (Ireland) Regulation Act, 1850."

I.

WHERE any person shall apply to the Lord Chancellor by petition, under the provisions of "The Court of Chancery (Ireland) Regulation Act, 1850," in any case where the petitioner is or claims to be—

1. A legal or equitable mortgagee, or person entitled to a charge or incumbrance affecting property, seeking foreclosure and sale, or sale, or otherwise to enforce his security;
2. A person entitled to a rent-charge, and seeking to have the arrears thereof paid by the appointment of a Receiver, or by the sale of the lands on which the rent-charge is charged;
3. A person entitled to redeem any legal or equitable mortgage, or any lien seeking to redeem same;

4. A creditor

Petitions under the 13th and 14th Vict. c. 89, in the several cases in this Order mentioned, shall be in the short form applicable to each case set forth in Schedule (A.)

4. A creditor upon the estate of a deceased person seeking payment of his debt out of the deceased's real and personal assets :

5. A legatee upon the estate of a deceased person seeking payment of his legacy out of the deceased's real and personal assets :

6. A creditor upon the estate of a deceased person seeking payment of his debt out of the deceased's personal assets :

7. A legatee under the will of any deceased person seeking payment or delivery of his legacy out of the deceased's personal assets :

8. A residuary legatee, or one of the residuary legatees of any deceased person seeking an account of the residue, and payment or appropriation of his share therein :

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

10. An executor or administrator of any deceased person seeking to have the personal estate of such deceased person administered under the directions of the Court :

11. A person entitled to the specific performance of an agreement for the sale or purchase of any property seeking such specific performance :

12. A person entitled to an account of the dealings and transactions of a partnership dissolved or expired seeking such account :

13. A person entitled to an equitable estate or interest, and seeking to use the name of his trustee in prosecuting an action for his own sole benefit :

The petition in the said several cases shall be in the form and to the effect set forth in Schedule (A.) hereunder written, as applicable to the particular case, or as near thereto as circumstances may permit.

The object of the 1st, 2d, 3d, 4th, 5th, 6th and 25th Orders, and of Schedules (A.) and (C.), is to reform the system of equity pleading. If no Orders are issued on this subject, a petition with interrogatories would be, after a short time, as was stated in the House of Commons, a bill under another name.

II.

If any of the cases enumerated in Order I. involve or are attended by such special circumstances affecting either the estate or the personal conduct of the respondent as to require special relief, or if it be necessary that other matters should be stated and put in issue in addition to those contained in the said forms respectively, the petitioner shall be at liberty to frame his petition accordingly.

If any of the cases enumerated in Order I. involve special circumstances, or if it is necessary to put other matters in issue besides those contained in the forms in Schedule (A.), the petition may be framed accordingly.

III.

Provided always, that if a petition for any of the purposes to which the forms set forth in Schedule (A.) are applicable, shall be framed otherwise than in accordance with the form applicable thereto, and it shall appear to the Court on the hearing of such petition that the petition should have been framed to the effect of the form in said Schedule applicable to the case, the Court may order that the increased costs occasioned by such proceeding, beyond the amount of costs which would have been sustained in proceeding according to the said forms, shall be borne and paid by the petitioner.

Provided always, that if any petition enumerated in Order I. be not framed in the form stated in Schedule (A.), the Court may order the petitioner to pay the additional costs.

IV.

That every petition enumerated in Order I. which shall not be in the form or to the effect set forth in Schedule (A.), as applicable to the particular case, and also all other petitions and all affidavits filed under said Act, shall be drawn without repetitions, impertinence, prolixity or scandal; and such parts of records, deeds and documents as shall be pertinent and material shall be alone set out therein; and such parts so set out, as well as all other matters contained in any petition or affidavit, shall be abstracted and stated as concisely as possible, consistently with a clear statement of the facts; and every petition filed under the said Act shall be signed by counsel; and if the Court shall, on the hearing of the petition, be of opinion that any petition or affidavit is prolix or scandalous, the Court may make such Order, in respect to the costs occasioned by such prolixity or scandal, as to the Court shall seem fit.

Every petition under the Act not enumerated in Order I., or in which the form in Schedule (A.) shall not be adopted, and every affidavit, shall be drawn as concisely as is possible, and all petitions shall be signed by counsel.

V.

That the statements in all petitions under the said Act shall be divided into short and separate paragraphs, as conveniently as may be, which shall be

The statements in a petition shall be divided into short and separate paragraphs, which shall

be numbered consecutively; and interrogatories shall be divided and numbered in like manner.

numbered consecutively, 1, 2, 3, &c.; and the interrogatories, if any, which shall be annexed to the petition, or filed, shall also be divided in like manner, and numbered consecutively, beginning from the last number of the paragraphs in the statement; and such of the interrogatories, if any, as each respondent is required to answer, shall be specified in a note at foot of the interrogatories or petition, in the form or to the effect following; that is to say, the respondent, C. D., is required to answer the interrogatories numbered respectively 11, 12, 13, &c. (or as the case may be); and the respondent, E. F., is required to answer the interrogatories numbered respectively 14, 15, &c. (or as the case may be).

The object of having the statements in the petition divided into short paragraphs, numbered 1, 2, 3, &c., will appear by referring to the 25th Order, and to Schedule (C.)

VI.

Costs of motion to annex or file interrogatories under 8th section of Act, and proceedings thereupon, may be reserved until hearing of petition.

That if a motion shall be made under the 8th section of the said Act for liberty to annex interrogatories to any petition presented under said Act, or to any affidavit filed by way of answer to such petition, or to file interrogatories to be answered by the petitioner or respondent respectively, and the Court shall make an Order, giving liberty to annex or file same; the Court may, by such Order, direct that the consideration of the costs of the said motion and Order, and of said interrogatories, and the proceedings thereon, and of the liability of the petitioner to pay the additional costs occasioned by said interrogatories, shall stand over until the hearing of the said petition.

It is difficult for the Court, on a motion made under the 8th section of the Act, to determine at that stage of the proceedings whether it is proper that interrogatories should be filed. The reservation of the question of the costs until the hearing would be calculated to prevent such motions being made except in proper cases. Interrogatories were frequently annexed to bills for the purposes of rendering the pleading prolix, and thus increasing the costs of the suit.

VII.

Counsel shall, in cases enumerated in the 15th section of the Act, direct whether or not notice shall be served; and shall in all cases of petitions under the Act, where notice is to be served, state at the foot of the petition the names of the parties to be served.

That when any petition is presented to the Court with respect to any of the branches of jurisdiction in the 15th section of the said Act mentioned, counsel who shall sign the petition shall state in writing at the foot of the petition whether or not notice thereof shall be served. And in every case of a petition under said Act (unless in the said cases enumerated in the said 15th section, where counsel shall direct that no notice shall be served), the counsel who shall sign the petition shall at the foot thereof state the name of every person to be served with the said petition, and every petition shall be entitled in the name of the petitioner and in the name of the respondent or respondents, and in the matter of the Act.

VIII.

What parties are to be made respondents, and served, where a petition prays for the sale of land.

That in all cases in which the petition prays for the foreclosure and sale, or for the sale of land for the payment of incumbrances, it shall not be necessary for the petitioner to make any person respondent in said petition, save *the owner of the land*, and where such petition seeks an account of personal estate, the person representing such personal estate; and if notice shall be served of said petition, it shall not be necessary to serve any other person with notice thereof, unless the Court shall otherwise direct; and if the petitioner shall make any other person a respondent, the costs occasioned thereby, and the costs of all proceedings consequential thereon, shall be paid by the petitioner, unless the Court shall otherwise direct.

This Order is taken from the bill prepared in 1847, which was laid by the Master of the Rolls before the Receiver Committee, and is printed in the Appendix to their Report. In the case of bills filed for the sale of lands for payment of incumbrances, all incumbrancers were usually made either answering or notice parties. Cases have occurred in Ireland where there have been more than 100 defendants. This led to enormous expense and great delay, arising from the frequent abatements of the suit. Under this Order it would be seldom necessary in such suits to serve more than four or five persons.

IX.

Definition of the term "the owner of the land."

That the term, "the owner of the land," in the 8th Order shall mean any person, save as hereinafter mentioned, who, by the rules and practice of courts of equity in Ireland, is a necessary party to a suit for the foreclosure and sale, or for the sale of lands for the payment of incumbrances: provided always, that no incumbrancer, whether by mortgage or otherwise, or any person in whom any estate shall

shall be vested solely as a trustee for such incumbrancer, shall be deemed to be "the owner of the land" within the meaning of the 8th Order, unless such incumbrancer shall be in the actual possession or receipt of the rents and profits of said lands, otherwise than by a Receiver or Sequestrator appointed by the Court.

The mode of definition in this Order has been adopted for this reason: the evil to be remedied is the making incumbrancers parties. If it is attempted to define affirmatively the term "owner of the land," it will give rise to questions of law. By excluding incumbrancers from the definition, the evil will be remedied, and the question as to what *other* parties should be served will be decided by the existing rules of equity.

X.

That petitions under said Act shall be verified by the affidavit of the petitioner, unless as hereinafter mentioned.

Petition to be verified by petitioner, unless in cases mentioned in 11th, 12th, 13th and 14th Orders.

XI.

That petitions under said Act filed by the Attorney or Solicitor General in his official character, and where there shall be no relator, need not be verified; but where there shall be a relator, the petition may be verified by the affidavit of such relator.

Petitions by Attorney or Solicitor General need not be verified, unless as herein stated.

XII.

That petitions under said Act filed in the name of a person found to be of unsound mind, may be verified by the affidavit of the committee of such person; when filed by a corporation, by the affidavit of any officer of said corporation.

Petitions by persons of unsound mind, and corporations, how verified.

XIII.

That every petition to be presented under said Act, save as in the 14th Order mentioned, may be verified by affidavit annexed thereto, or subscribed at the foot thereof, to the effect set out in the Schedule annexed to said Act; and no costs of any further or additional affidavit in verification in the first instance shall be allowed, except in injunction petitions, unless specially allowed by the Court.

Short form of affidavit, when to be adopted.

XIV.

That where the petitioner or other person hereinbefore authorized to verify the petition is unable, by reason of absence from the United Kingdom, or from being an infant, or from any other cause, to verify same, any person acquainted with the facts shall be at liberty to make the affidavit to verify, but such affidavit shall not be in the short form set forth in the Schedule to the Act; and the party making such affidavit shall state the reason why it is not verified in the manner directed by the preceding Orders; and the written authority of the petitioner or other person who shall have directed the solicitor to present such petition shall be also verified. And if the Court shall be of opinion, on the hearing of the petition, that the petition should have been verified in the manner authorized by the 10th, 11th, 12th and 13th Orders, or in any other manner, the Court may make such Order as to the further verification of the petition, and as to the costs consequent thereon, as to the Court shall seem just.

Mode of verification where petitioner, or persons hereinbefore authorized to verify, are unable to do so.

XV.

That when any petition under said Act is presented to the Court with respect to any of the branches of jurisdiction in the 15th section of said Act mentioned, where counsel shall state at foot of the petition that notice is not to be served, the petitioner may forthwith set down the cause for hearing, and such petition, if set down on or before the last day of term, shall be heard during the then sittings, unless the Court shall otherwise direct.

Petitions presented under 15th section, and which shall be heard *ex-parte*, may be set down for hearing on or before the last day of term, and shall be heard during the then sittings, unless the Court shall otherwise direct.

XVI.

If in the case of any petition in the last Order mentioned, or upon any motion for an *ex-parte* Order, any fact which it was material that the Court should have been informed of shall be suppressed, or if any material fact shall be misrepresented, the *ex-parte* Order which shall be so obtained shall be deemed irregular, and the Court shall be at liberty to set aside such *ex-parte* Order with costs, on

Ex-parte Orders irregular where any material fact shall be suppressed or misrepresented, and may be set aside with costs.

the ground of such suppression or misrepresentation, such costs to be paid by the petitioner, or if the solicitor is the party responsible for such suppression or misrepresentation, by the solicitor, as the Court may think just.

This Order has been founded on principles laid down by Lord Cottenham and Lord Langdale. See *De Feucheres v. Dawes*, XI. Beavan, 47, and *Cooper v. Lewis*, 2 Phillips, 180.

XVII.

Form of Orders made under 15th section of the Act.

That Orders made under the 15th section of said Act shall not refer it to the Master to consider "the matter of the petition, and proceed thereon pursuant to the said statute," but the Order shall state the matters which the Master is to inquire and report in respect of; said Order to be made either with or without any special directions with reference to the matter of the petition, as to the Court may seem fit.

The necessity of this Order will appear from the Observations at the end of the Schedules, pages 38, 39.

XVIII.

If *Ex-parte* Order obtained in any case in the 15th Order mentioned, the respondent shall be entitled to obtain such Order to stay the proceedings as he would have been entitled to obtain if notice of moving the petition had been served upon him.

That if an *ex-parte* Order shall be obtained in any case in the 15th Order mentioned, the respondent shall be entitled to make such application either to stay the proceedings or otherwise, and upon such terms as the Court may deem just, as the respondent would have been entitled to make if notice of moving the petition had been served upon such respondent, and such *ex-parte* Order had not been made: provided always, that such application shall be made without any delay after the said respondent shall have been first aware of such *ex-parte* Order.

This Order is necessary; it having been held by the Lord Chancellor of Ireland that a respondent who has not been served with any notice of the petition, and against whom an *ex-parte* Order is obtained, can not move to stay the proceedings, although he offers to pay the entire demand of the petitioner, and all costs. This practice would produce great injustice.

XIX.

The notice of moving a petition under the Act to be in the form and to the effect set forth in Schedule (B.)

That the notice of moving a petition under said Act shall be in the form and to the effect in that behalf set forth in Schedule (B.) hereunder written, with such variations as circumstances may require; but the Court shall not be bound to set aside or stay the proceedings in consequence of any inaccuracy in the notice, unless the Court shall consider that the respondent was misled thereby, and unless the Court shall so think fit.

XX.

Service of respondent out of the jurisdiction.

Where a respondent in any suit is out of the jurisdiction of the Court—

1. The Court, upon application, supported by such evidence as shall satisfy the Court in what place or country such respondent is or may probably be found, may order that the notice of moving the cause petition may be served on such respondent in such place or country, or within such limits as the Court thinks fit to direct.

2. Such Order is to limit a time (depending on the place or country within which the notice is to be served) after service of the notice, within which such respondent is to file his affidavit by way of answer to the petition.

3. At the time when such notice shall be served, the petitioner shall also cause such respondent to be served with a copy of the Order giving the petitioner liberty to serve the notice; and if the respondent shall reside out of the United Kingdom, the petitioner shall also cause a copy of the petition to be served on the respondent.

This Order is taken from the 33d of the English Order of the 8th May 1845. The construction of the English Order came under the consideration of Vice-Chancellor Wigram in the case of *Whitmore v. Ryan*, 4th Hare, 612: the authority of which case has been recognized by Lord Cottenham and Lord Langdale, 2 Phillips, 1. It is of importance that the Court of Chancery in Ireland should have the same authority as to serving parties out of the jurisdiction, as is exercised by the Court of Chancery in England, under the English Order.

XXI.

Notice of moving cause petitions served under the 19th or 20th Orders, how to be entered.

That when a respondent shall be served with notice under the 19th or 20th Orders, the petitioner shall cause an affidavit of the service thereof to be filed in the proper office of this Court; and the Clerk of the Appearances, on production of an attested copy of such affidavit, shall permit the petitioner's solicitor to enter in

in a book, to be kept in the office of the Clerk of the Appearances for that purpose, a memorandum of such service, and of the time when such service was made, which memorandum shall be in the following form:—

<p>A. B., Petitioner; C. D., Respondent; and in the matter of the Court of Chancery (Ireland) Regulation Act, 1850.</p>	}	<p>Memorandum, that the Respondent, C. D., was, on the day of 185 , duly served with notice pursuant to the 19th (or 20th, as the case may be) General Order of the Court, as appears by the affidavit of filed the day of 185 .</p>
<p>Dated this day of 185 .</p>		
<p style="text-align: right;">E. F., Solicitor for Petitioner. [Residence.]</p>		

It is desirable to have an entry recorded of the service of the notice on the respondent, as there will be no Order under the Statute analogous to the Order to take the bill *pro-confesso*.

XXII.

That where a respondent shall file an affidavit by way of answer to the cause petition, the solicitor whose name shall be signed to such affidavit, or any solicitor who shall be appointed in his place pursuant to the practice of the Court, shall be served with notice of any motion made in the matter of said petition; and if the respondent is desirous of being served with notice of any motion which may be made prior to his filing such affidavit, or if the respondent shall not think it necessary to file any such affidavit, but may desire to be served with notice of the proceedings in the cause, he shall be at liberty to enter a special appearance in the office of the Clerk of the Appearances in the following form:—

Notices of motion, &c. to be served on the solicitor for the respondent, whose name is signed at foot of affidavit, filed by way of answer, or upon solicitor named in memorandum of special appearance.

<p>A. B., Petitioner; C. D., Respondent; and in the matter of the Court of Chancery (Ireland) Regulation Act, 1850.</p>	}	<p>C. D. appears to the petition for the purpose of being served with notice of all proceedings therein. Dated this day of 185 . E. F., Solicitor for said Respondent. [Residence.]</p>
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And thereupon, and after service of notice of such special appearance on the petitioner's solicitor, the party entering such appearance shall be entitled to be served with notice of all proceedings in the petition matter.

XXIII.

Where notice of the petition shall be served upon the respondent, the respondent shall be at liberty to file an affidavit by way of answer to said petition within the periods following; that is to say, within [twenty] days after the service of notice of the petition, if served with notice in Ireland; and if the respondent is resident out of Ireland, within such time after the service of notice of the petition as the Court shall, in the Order made under the 20th of these Orders, direct; and if no affidavit by way of answer shall be filed within said periods respectively, or in case of interrogatories being filed or annexed to the petition, within such period as shall be stated in the Order of the Court made pursuant to the 24th Order, the petitioner shall be at liberty, at the expiration of said periods respectively, or if there are several respondents, at the expiration of the period within which the affidavits by way of answer of all the respondents should be filed, to set down said petition to be heard; and upon such hearing the affidavit to verify shall be considered sufficient evidence of the several matters of fact and documents in the petition stated or referred to, unless the Court shall otherwise direct; and the respondent shall not be at liberty to file an affidavit after the petition shall be set down to be heard, without the leave of the Court upon special motion: provided always, that if the petition shall be amended in pursuance of the 40th Order, the petition shall not be set down until the additional time, if any, allowed to the respondent to file his affidavit by way of answer to the petition so amended shall have expired.

Course of proceeding on cause petitions where notice of moving same shall be served.

The period for answering a bill, where the subpoena is served on a defendant in Ireland, is two months after appearance, &c.; 20 days would appear to be sufficient if no interrogatories are filed.

The necessity of not permitting a respondent, without the leave of the Court, to file an affidavit by way of answer after the cause is set down to be heard is, that one of the modes

of delaying a suit where a bill was filed was postponing the filing of the answer until after the cause was set down to be heard *pro-confesso*. The answer has been sometimes filed on the same day the cause was called on for hearing; and, according to the practice of the Court, the Court was bound to strike out the cause on its appearing that the answer was filed—great delay was the consequence.

XXIV.

When an Order is made under the 8th section of the said Act, giving liberty to annex or file interrogatories, the Order shall direct the time within which the said interrogatories shall be answered.

That if a motion shall be made under the 8th section of the said Act, for liberty to annex interrogatories to any petition presented under said Act, or to any affidavit filed by way of answer thereto, or to file interrogatories to be answered by the petitioner or respondent respectively, and the Court shall make an Order giving liberty to annex or file same, the Court shall, by such Order, direct the time within which such interrogatories shall be answered; and if such interrogatories are to be answered by the respondent, and an order shall be made, giving liberty to annex or file same before the respondent shall have filed his affidavit by way of answer, the said respondent shall answer such interrogatories in said affidavit so to be filed by way of answer in the manner directed in Schedule (C.) hereunder written.

XXV.

The affidavit filed by the respondent by way of answer shall be prepared according to the directions contained in Schedule (C.); and all matters in the petition which the petitioner is not required to prove shall be taken to be admitted.

That the affidavit filed by the respondent by way of answer to the petition shall be prepared according to the directions contained in Schedule (C.) hereunder written, and shall be signed by counsel; and the several matters of fact and documents stated and referred to in the petition, which the respondent shall not by his said affidavit require the petitioner to prove, shall be taken to be admitted by the respondent, and notice of the filing of such affidavit shall be given to the petitioner without delay.

This Order, and the directions in Schedule (C.), will lead to the affidavit by way of answer being concisely drawn and framed on a much better principle than has hitherto been adopted. The mode of putting matters in issue will be short and intelligible; and the matters in dispute between the petitioner and respondent will in general be reduced to a narrow point, and much expense will be saved in proving the case of each party.

XXVI.

If in any of the cases enumerated in Order I. a respondent shall file an affidavit by way of answer, without any probable cause of defence, &c., the Court may at the first hearing order the respondent, or his solicitor, to pay the costs.

If in any of the cases enumerated in Order I. a respondent shall file an affidavit by way of answer, and the Court shall, upon the hearing of the petition, consider that such respondent had not any probable ground of defence, or that the respondent put the petitioner on proof of any matter or document which ought not to have been disputed; or if the Court shall consider that the affidavit by way of answer was filed for the purpose of delay, in said several cases the Court may make an Order at the first or other hearing of the petition, declaring such respondent or his solicitor liable to pay all or such part of the costs incurred up to and including such hearing, as the Court may think just; and the Court shall be at liberty to make such Order, although the respondent may be a trustee or personal representative, or a party to whom costs are usually awarded.

This Order will check the filing of affidavits by way of answer in the class of cases where there is in general no defence.

XXVII.

The petitioner shall lodge with his solicitor all deeds, &c., stated or referred to in his petition which shall be in his power or possession; and the respondent shall be entitled, without any Order, to inspect same, and also to move for copies thereof without a cross petition.

That the petitioner shall, at or before the time of filing his cause petition, lodge with his solicitor all deeds, documents and papers stated or referred to in his petition, or the schedules thereto, which shall be in his power, custody or possession, and the respondent shall be at liberty at all reasonable times, and without any Order of the Court, to inspect such deeds, documents and papers so lodged with the petitioner's solicitor, and to take extracts therefrom; and the respondent shall be at liberty, without filing a cross petition, to move that the petitioner shall furnish the respondent with copies of all or any of said deeds, documents or papers, upon payment to the petitioner's solicitor therefor, at the rate of one penny halfpenny for each office sheet of the copies so required, and the Court shall thereupon make such Order as shall appear to the Court to be just.

Under the practice in England and Ireland, a defendant or respondent must file a cross bill or a cross petition for the purpose in this Order mentioned. This leads to very unnecessary expense, and to delay.

XXVIII.

XXVIII.

If the affidavit filed by way of answer by the respondent does not put the petitioner upon proof of any matter of fact or document stated or referred to in the petition or the schedule thereto, and if the petitioner does not dispute any matter of fact or document stated or referred to in such affidavit or the schedule thereto, the petitioner may, when the period within which all the respondents should file such affidavit by way of answer has elapsed, set down said petition for hearing; and a respondent who shall not have filed such affidavit shall not be at liberty to do so after the cause shall have been so set down, without the Order of the Court on special motion.

If the affidavit by way of answer shall not put the petitioner on proof of any matter of fact or document stated in the petition; and if the petitioner shall not dispute any matter of fact or document stated in such affidavit, he may set down the cause petition for hearing.

XXIX.

If the affidavit filed by way of answer by the respondent shall put the petitioner upon proof of any matter of fact or document stated or referred to in the petition or the schedule thereto, or if the petitioner shall dispute any matter of fact or document stated or referred to in the affidavit filed by way of answer, or the schedule thereto, the petitioner shall be at liberty to serve a notice upon any respondent who shall have filed such affidavit, in the form or to the effect in Schedule (D.) hereunder written; but such notice, if there shall be more than one respondent, shall not be served until after the expiration of the time allowed to the other respondent or respondents who shall not file any such affidavit to file same; and a respondent who shall not have filed such affidavit shall not be at liberty to do so after such notice shall have been served, unless by leave of the Court on special motion.

If any matter of fact or document disputed by petitioner or respondent, the petitioner shall serve notice in the form in Schedule (D.).

Under the system in operation in England [and in Ireland until the recent statute], if a plaintiff disputes any matter in defendant's answer, a replication must be filed, the effect of which is to put the defendant on proof of every matter in his answer. It appears to be quite necessary that some proceeding should be taken to join issue where facts are in dispute, but the service of the notice in the form in Schedule (D.) will confine the issue to the facts really in dispute, and will save expense as to the proofs to be made.

XXX.

That the several matters of fact and documents stated and referred to in the affidavit filed by the respondent by way of answer, which the petitioner shall not by such notice require the respondent to prove, shall be taken to be admitted by the petitioner.

The several matters of fact and documents stated in the affidavit by way of answer, which the petitioner shall not by such notice require the respondent to prove, shall be taken to be admitted.

XXXI.

That if the respondent shall put the petitioner, or the petitioner put the respondent, on proof of any matter of fact or document, and the Court shall at the hearing of the petition consider that any matter of fact or document, upon proof of which the petitioner or respondent respectively shall have been put, ought not to have been disputed, the Court may make such Order in relation to the costs of such proof as to the Court may seem just.

If the petitioner or respondent shall put the other on proof of any matter of fact or document which the Court shall consider ought not to have been disputed, the Court may make such Order as to the costs of such proof as to the Court may seem just.

This Order will operate as a check on either party disputing facts capable of proof, and will thus prevent expense.

XXXII.

That when a petitioner shall serve a respondent with a notice under the 29th Order, he shall cause an affidavit of the service thereof to be filed in the proper office of the Court, and the Deputy Keeper of the Rolls, on production of an attested copy of such affidavit shall permit the petitioner's solicitor to enter in a book, to be kept for that purpose, a memorandum of such service, and of the time when such service was made, which memorandum shall be in the following form:—

Notice served under the 29th Order, how to be entered on record.

A. B., Petitioner;
C. D., Respondent;
and in the matter of the Court of Chancery (Ireland) Regulation Act, 1850.

Memorandum, that the Respondent, C. D., was on day of 185 duly served with a notice pursuant to the 29th General Order of the Court, as appears by the affidavit of filed the day of

185 , and which notice is as follows:—

[Set out the Notice.]

Dated this day of 185 .

E. F., Solicitor for Petitioner.
[Residence.]

It is of course proper that the Notice in Schedule (D.) joining issue should be entered on record.

XXXIII.

Made of proving matters in issue between petitioner and respondent.

That after the service of the notice in the 29th Order mentioned, the petitioner and any respondent may, in pursuance of the 12th section of the said Act, proceed to prove any matter or document, upon the proof of which they may have been respectively put, either by affidavit or by the examination of a witness or witnesses upon interrogatories, or may enter a side-bar rule for the examination of a witness or witnesses *viva voce* at the hearing, as hereinafter directed.

The Court, being bound by the provisions of the 12th section of the Act, must of course follow the section without inquiring into the policy of *all* its provisions.

XXXIV.

Mode of examining witnesses who shall be examined on interrogatories.

That the examination of witnesses upon interrogatories shall be regulated by the General Orders of the 27th of March 1843, in relation thereto; the service of the notice under the 29th of these Orders to be considered as equivalent, under the 85th of said General Orders of 1843, to the joining of issue, for the purpose of entitling each party to serve the notice, and proceed as in the said Orders of 1843 mentioned.

XXXV.

Side-bar rule to examine witness *viva voce* at the hearing.

That the petitioner or respondent may, at any time after the service of the notice in the 29th Order mentioned, and before the passing of publication, enter and serve a side-bar rule in the form in Schedule (E.), hereunder written, for the examination of any witness *viva voce* at the hearing of the petition; and such side-bar rule shall describe each witness by name, place of residence, and addition, and shall state the matter in relation to which it is intended to examine such witness as in said Schedule directed.

XXXVI.

When expenses of examining witnesses *viva voce* shall be disallowed.

That the Court shall be at liberty to disallow the expenses of any witness or witnesses examined *viva voce* at the hearing, as to matters which could have been proved with less expense and equal advantage by affidavit, or examination upon interrogatories.

This Order is necessary, as otherwise a witness, to prove a deed or other matter, might be brought from the country and kept in Dublin at great expense; where the deed or other matter might be proved at much less expense by affidavit, &c.

XXXVII.

Passing of publication.

That publication shall pass without Rule or Order at the expiration of six weeks after service of notice, under the 29th Order, unless such time shall expire in vacation, or is enlarged by Order.

It is of course necessary to limit the period within which the proofs should be made by the petitioner and respondent.

XXXVIII.

Passing of publication.

If the said period of six weeks shall expire in vacation, publication shall pass without Rule or Order after the rising of the Court on the first day of the ensuing term, unless the time is enlarged by Order.

XXXIX.

No affidavit under 33d Order, or examination of witness, or side-bar rule entered to examine witness *viva voce* after publication has passed, without Special Order.

That no affidavit shall be filed which shall be made under the provisions of the 33d Order, nor shall the examination of any witness upon interrogatories be commenced, nor shall any side-bar Order for the examination of a witness *viva voce* be entered or served after publication shall have passed, without the Order of the Court on special motion.

This Order is necessary, as otherwise, on the eve of the hearing of a cause petition, an affidavit might be made, &c., seeking to supply all the defects in the proof of a cause.

XL.

Amendment of petitions.

That a petition shall not be amended except by a Special Order, and in the manner which may be thereby directed; and if time is to be allowed to answer such amendment, the Order shall specify the time so to be allowed, and no supplemental petition shall be filed without the leave of the Court.

The course of practice adopted on the amendment of cause petitions will be found laid down in the case of *Graves v. Holland*, 1 Irish Equity Reports, New Series, 123.

XLI.

That the solicitor for the petitioner, when he shall set down a cause petition for hearing under the 15th, 23d or 28th Orders, shall lodge with the Registrar the rolls certificate, and a docket containing the name of the cause petition, and of the solicitor for any respondent who shall have entered a special appearance pursuant to the 22d Order; and the docket shall state that the petition is to be set down under the 15th Order, or the 23d Order, or 28th Order, as the case may be; and if to be set down under the 23d Order, the docket shall state the date of the service of the notice of the petition upon each respondent, and that the time for filing the affidavit by way of answer, or for answering the interrogatories, if any, by each respondent has expired; and if the petition is to be set down under the 28th Order, the docket shall state the date of the service of the notice of the petition upon each respondent who shall not have filed an affidavit by way of answer, and that the time for filing the affidavit by way of answer, or for answering the interrogatories, if any, by each such respondent has expired; and the Registrar shall at all times set down such cause petition without any Order, and according to the priority that each docket is lodged with him; and such petition shall be heard during the then sittings, if set down on or before the last day of term, unless the Court shall otherwise direct; and notice that the cause has been set down for hearing shall be served four days before the hearing of said petition on any respondent who shall have filed an affidavit by way of answer, or shall have entered a special appearance under the 22d Order.

Mode of setting down cause petitions for hearing under the 15th, 23d or 28th Orders.

XLII.

That in cases not falling within the 15th, 23d or 28th Orders, the solicitor for the petitioner shall cause the solicitor for any respondent who shall have filed an affidavit by way of answer, or entered a special appearance, with notice to the effect and at the time hereinafter mentioned; and such notice shall state that the petition has been set down, or will be set down, to be heard on or before the second day of the following term, as the case may be; and such notice shall be served 10 days before the said petition shall be heard; and if publication is under the 37th and 38th Orders to pass on the first day of the then next term, such notice may be served before publication shall have passed.

Service of notice of the setting down the cause for hearing.

The effect of this Order will be to expedite the hearing of a cause petition by allowing notice of the hearing to be served before the passing of publication.

XLIII.

That the solicitor for the petitioner, when he shall set down a cause petition for hearing in cases not within the 15th, 23d or 28th Orders, shall lodge with the Registrar the rolls certificate, and an office copy of the memorandum entered under the 32d Order, and a docket containing the name of the cause petition, and the solicitor for any respondent who shall have filed an affidavit by way of answer, or entered a special appearance; and the docket shall state the date of the service of notice of the petition upon any respondent who shall not have filed such affidavit or entered such appearance, and that the time for filing the affidavit by way of answer, or for answering the interrogatories, if any, by each such respondent has expired; and the docket shall also state the date of the service of the notice in the 42d Order mentioned; and the Registrar thereupon shall at all times set down such cause petition without any order, and according to the priority that each docket is lodged with him; and any cause petition, except cause petitions set down under the 15th, 23d or 28th Orders, which shall be set down after the second day of term, or where the notice under the 42d Order shall not have been served 10 days before the second day of term, shall not be entitled to be heard in that term unless by Order of the Court; but such cause petitions shall stand in the list to be heard according to their priority in the next term.

Mode of setting down cause petition in cases not falling within the 15th, 23d or 28th Orders.

XLIV.

That a respondent shall not be entitled to the costs of appearing at the hearing of a cause petition, on the ground that notice of such petition, or notice under the 42d Order, may have been served on such respondent, unless the Court shall consider that there was reasonable cause for the said respondent so appearing.

Respondent not entitled to costs of appearing hearing, although served with notice, unless there was reasonable cause for his so appearing.

XLV.

Practice as to exceptions for insufficiency of answer to interrogatories.

That the practice as to exceptions for insufficiency of the affidavit filed by the respondent, by way of answer to interrogatories annexed to the petition or filed, shall be regulated by the 74th, 75th, 76th, 77th, 78th, 79th and 80th of the General Orders of the 27th of March 1843, save that the period of six weeks in the 75th of said Orders shall be reduced to 21 days; and the practice as to exceptions for insufficiency of the affidavit of the petitioner, filed by way of answer to interrogatories under said Act, shall be the same.

XLVI.

Such exceptions not to state interrogatories at length, but to refer to the numbers annexed thereto. Respondent or petitioner not to be at liberty to decline to answer interrogatories, on the ground that there is no express statement to ground same.

Provided always, that exceptions taken to affidavits filed by the petitioner or respondent in answer to interrogatories shall not set out the interrogatories at length which it is alleged are insufficiently answered, but shall only refer to the numbers annexed to the interrogatories; and provided also, that the respondent or petitioner, or other person made a party to the petition matter, as the case may be, shall not be at liberty to decline answering any interrogatories merely because the same relate to, or interrogate as to matters not expressly stated in the petition, or in the affidavit filed by way of answer thereto, as the case may be; but the Court, at the hearing of the petition, may reject the answer to any interrogatories which relate to matter not relevant or in issue, and may make such order as to the costs incurred by such irrelevant interrogatories as to the Court shall seem just.

The rule that every interrogatory must be founded on some distinct statement in the bill or petition leads to much prolixity.

XLVII.

Cause petition not heard within a year, to stand dismissed without costs without any Order of the Court, unless time extended by Order.

That if at the expiration of one year after the filing of a cause petition the said petition shall not have been heard by the Court, the same and all the proceedings thereon shall, at the expiration of such year, and without any Order of the Court, stand dismissed without costs for want of prosecution, unless, upon application to the Court by motion before such period, the Court shall think fit to allow the petitioner further time to prosecute his said petition: provided always, that the Court shall have authority, on special motion, in cases dismissed under this Order, to restore such cause petition, and the several proceedings had thereon, on such terms as the Court shall consider just.

The period under the present practice is *ten* years. This order will render it impossible for the petitioner to delay the original hearing of the petition for any considerable time.

XLVIII.

Respondent at liberty to move to dismiss petition for want of prosecution after the expiration of one month from the time when the petitioner might set down the cause, &c.

That the respondent, if the petitioner shall not proceed with said cause petition, shall be at liberty, after the expiration of one month after the time when the petitioner might have served the notice in the 29th Order mentioned, or might have set down the cause to be heard under the provisions contained in these Orders, to move upon notice that the said petition be dismissed with costs for want of prosecution; and the Court shall thereupon dismiss such petition, unless the petitioner shall appear upon such notice, and satisfy the Court that due diligence has been used by him, or unless the Court shall think fit to allow the petitioner to serve such notice as in the 29th Order mentioned, or to set down said petition for hearing, or take such other proceedings as may be necessary for the hearing of said petition without further delay.

The respondent may within the year press forward the case under this Order.

XLIX.

Incumbrancer filing charge, and establishing demand to be at liberty, with the sanction of the Master or Court, to file discharge disputing petitioner's demand: course of proceeding thereon.

That it shall be lawful for any incumbrancer who shall file a charge in the Master's Office under an Order of Reference, and who shall succeed in establishing a demand thereunder (with the sanction of the Master before whom such Order of Reference shall be depending, or of the Court), to file a discharge disputing the petitioner's demand, and relying on any matter which such incumbrancer might have relied on if he had been made a respondent in such matter, and had been served with notice; and the Master shall make such Order in relation to the costs incurred in such proceeding as he shall consider to be just: provided always, that in case the Master or the Court shall decide that nothing is due to the petitioner,

petitioner, the proceedings in the matter shall not be thereby discontinued; but it shall be lawful for the Master or the Court to give the carriage of the proceedings to any other incumbrancer who shall have established a demand, and shall be willing to undertake the carriage of the same; but in case no incumbrancer shall undertake the carriage of the proceedings, then the Master shall report that, in his opinion, there is nothing due to the petitioner, for the reasons to be mentioned in such report, and that no incumbrancer is willing to accept the carriage of the proceedings—to which report the petitioner shall be at liberty to object; and in case the petitioner submits to such report, or, having objected thereto, in case the Court shall decide against the petitioner, then the petition shall be dismissed with costs to such of the parties as the Court shall direct.

The necessity of this Order arises from the 8th Order. As incumbrancers are not to be made parties, a petition might be filed by the petitioner on foot of some old satisfied incumbrance by collusion between him and the respondent.

This Order is taken from the bill prepared in 1847, and laid by the Master of the Rolls before the Receiver Committee, and printed in the Appendix to their Report.

L.

That the Court may, upon special motion, order and direct any person, not being a party to a petition under said Act, to bring into Court, for the purposes of such matter, any deeds, documents or papers in his custody, power or possession, subject to his lien thereon, if any, or to allow inspection and copies or extracts to be taken of same, in the like manner in which, if such person had been named a respondent in such matter, he might have been ordered to bring same into Court, or allow inspection as aforesaid; and if the Court shall be of opinion that the affidavit made by such party shall be evasive, or shall omit to answer any material fact stated in the affidavit on which the motion shall be grounded, the Court may reserve the costs of such motion, and may permit interrogatories to be filed for the examination of such party; and in case of exceptions being taken to the affidavit filed in answer to such interrogatories, the practice as to such exceptions shall be the same as is provided by the 45th and 46th Orders: provided always, that nothing in this Order contained, or the pendency of the proceedings thereunder, shall prevent or delay the petitioner proceeding with the cause petition under any other Order of the Court.

Court on special motion to be at liberty to order person not a party to a petition to bring in deeds, &c.

This Order is also consequent on the 8th Order, dispensing with certain parties to petitions for sale of lands. See the said bill, prepared in 1847.

LI.

That every person who shall file a charge in the Master's Office under any Order to be made under said Act, shall be deemed to be a party to such petition as fully and effectually as if he had been made a respondent thereto, and served with notice of said petition; but the death, marriage, bankruptcy or insolvency of such person, or any change of interest, shall not cause such petition to become either abated or defective.

Every person filing a charge in the Master's office to be deemed a party to the petition, but no abatement to be caused by death, &c.

LII.

That in any case where a petition shall be presented under the said Act, the Court may from time to time, whether any Order, interlocutory or final, shall have been made upon said petition, or any proceedings taken thereon in the Master's Office, direct such further service of said petition as the Court may think fit; such notice to be in the form and to the effect in that behalf set forth in Schedule (F.) hereunder written, with such variations as circumstances may require; but any inaccuracy in such notice shall not invalidate the proceedings, or render same void, unless the Court shall otherwise direct; and service of such notice being made, the party so served shall, from the time of such service, become a party to the said proceedings as effectually as if he had been named a respondent in the petition; and the Court may make an Order that such party shall be bound by the proceedings already had, or such other Order as to the Court may seem just.

Where necessary parties not in the first instance served with notice of the petition, the Court may at any stage of the proceedings direct service of notice on such party, and that he may be bound by the proceedings already taken, or may make such other Order as the Court shall consider just.

LIII.

That any incumbrancer entitled to insist on being redeemed, who shall file a charge under any Order of Reference made under said Act, may by his said charge require the petitioner to redeem him; and if the petitioner shall not, within three months after the date of the Master's report, pay to the said incumbrancer

Where incumbrancer is entitled to be redeemed, he may by his charge in the Master's Office require to be redeemed; and if the petitioner shall not pay the sum

ascertained to be due within three months after the report, the incumbrancer may move that the petition shall be dismissed with costs as against him.

brancer such sum as the Master shall find to be due to him, together with such sum for costs as the Master shall direct, the said incumbrancer shall be at liberty to apply to the Court that the petition should be dismissed with costs as against such incumbrancer.

This Order is consequent upon the 8th Order, which renders it unnecessary to make the mortgagee a party to the petition.

LIV.

Mode of entitling notices of motion in any cause petition.

That every notice of motion made in the matter of any petition presented under said Act, shall in the title thereof, over the name of the parties, petitioner and respondent, be further entitled "cause petition," and every Order made on such notice shall be entitled in like manner.

LV.

Cause petitions, affidavits by way of answer, interrogatories, and answers to interrogatories, to be filed in Rolls Office; all other affidavits to be filed in office of Clerk of Affidavits.

That all cause petitions and all affidavits of the respondent filed by way of answer, and interrogatories and answers to interrogatories in the matter of any such petition, shall be filed in the office of the Deputy Keeper of the Rolls in Ireland, as directed by the 10th section of said Act; and all other affidavits shall be filed in the office of the Clerk of Affidavits according to the present course of the Court.

[An Order should be here inserted under said section, providing a table of fees to be received by the Deputy Keeper of the Rolls, in respect of such petitions, &c.]

LVI.

Side-bar rules.

That the several side-bar rules set forth in the Appendix to the General Orders of the 27th of March 1843, shall and may be adopted in proceeding under the said Act, so far as same are applicable to the proceedings thereunder, and consistent with these Orders; and the Registrar shall be at liberty to render such side-bar Orders applicable to proceedings under said Act, by inserting the word "petition" instead of "bill," "petitioner" instead of "plaintiff," "respondent" instead of "defendant," in such side-bar Orders, and to make such other clerical amendments as may be necessary in entering such side-bar Orders; and the Registrar shall be at liberty to apply to the Court in any case of difficulty which may arise.

LVII.

Court shall have power to enlarge time, and make amendments in any proceeding, &c.

That the Court may in its discretion allow any proceeding to be taken or act done, although the period limited by these Orders for taking such proceeding or doing such act may have elapsed, or the Court may enlarge such time, and the Court may supply an omission in any proceeding; and whenever any proceeding fails to conform in any respect to these Orders or to the said Act, the Court shall have power to permit an amendment of the proceeding, so as to make it conformable to these Orders or to the said Act.

This and some other of these Orders have been suggested by provisions in the American statute.

MASTERS' OFFICES.

LVIII.

Mode of ascertaining who is to be the Master in rotation to whom references in cause petitions are to be made.

That the solicitor for the petitioner, on the day he shall file a cause petition, shall lodge a docket in the office of the Clerk of Appearances and Writs, stating the title of such cause petition; and the Clerk of the Appearances and Writs, in proceeding under the 2d General Order of the 3d of January 1845, is to take the same proceedings under said Order in relation to such cause petition as if it were an original bill, for the purpose of ascertaining the Master in rotation to whom all Orders of References in the matter of such cause petition are to be referred; and the Registrars shall be at liberty from time to time to require a return to be made by the Clerk of Appearances and Writs of the Masters, to whom references in each cause petition and each ordinary petition are to be made, if such return shall be found necessary, to enable the Registrars to make the returns to the Masters on each Wednesday, as hereinafter directed: provided always, that the Clerk of Appearances and Writs, from and after the appointment of one of the Masters to be the Receiver Master, as hereinafter directed, shall not introduce the

the name of such Master as the Master in rotation in any cause petition, or in any cause or matter.

See Observations on this and the subsequent Orders at the end of the Schedules, page 37. These Orders would include cases not within the Court of Chancery (Ireland) Regulation Act, 1850, but it is not advisable that there should be duplicate Orders.

LIX.

That the Registrars and Assistant Registrar of the Court shall on every Wednesday send a return to each of the Masters respectively of all Orders of Reference made to each such Master respectively in the previous week, from Monday to Saturday, both inclusive; and such return shall state the date of the Order according to its priority, the name of the cause or matter, the name of the solicitor having the carriage of the Order, the nature of the Order, and whether made by the Lord Chancellor, the Master of the Rolls, or by Side-bar Rule; such return to be in the form and to the effect in Schedule (G.) hereunder written.

Registrars to send to each Master on every Wednesday a return of all Orders of Reference made to him during the previous week.

LX.

If the Registrar's Office shall not be open on any Wednesday, the said return shall be made on the Wednesday next after the opening of the office, and shall include every case in which an Order of Reference shall have been made, up to and including the previous Saturday, and which shall not have been included in the next preceding return.

If Registrar's Office not open on any Wednesday, return to be made as herein directed.

LXI.

That the Masters' Examiners respectively shall without any delay, and in books to be kept for that purpose, enter the Orders of Reference contained in the said returns, and make out term lists of said Orders in the manner hereinafter directed.

Masters' Examiners to make entries of such returns in books to be kept for such purpose, as herein directed.

LXII.

That the term lists shall be divided into short cause lists and long cause lists, the short cause list to be composed of such causes and matters as, from their nature, are not likely to require much time; and the long cause list to be composed of such causes and matters as, from the nature of the business to be transacted, are likely to require a more lengthened attendance; the entry of the cases in the short or the long cause lists respectively to be regulated by the Examiner, with the Master's concurrence.

Short cause and long cause term lists to be made out by Masters' Examiners.

LXIII.

That each short cause term list and each long cause term list shall contain all Orders of Reference made to the Masters respectively, during the term and following vacation, from the first day of each term to the day previous to the next term, both days inclusive.

Term lists to include Orders of Reference in the following vacation.

LXIV.

That each term list shall be made out in the manner directed in Schedule (H.) hereunder written, and shall contain in the first column the date of the Order of Reference, according to its priority; secondly, the name of the cause or matter; thirdly, the name of the solicitor having the carriage of the Order; fourthly, the nature of the Order of Reference; fifthly, whether the Order was made by the Lord Chancellor, the Master of the Rolls, or by Side-bar Rule; and a sixth column shall be headed "Dates of the several Meetings under each Order;" a seventh column shall be headed "Date of the Report or Reports made under the Order;" and an eighth column headed "Whether Case struck out from neglect or non-attendance of Solicitor, and Date when so struck out."

The term lists to be made out by the Masters' Examiners, as directed in Schedule (H.)

LXV.

That the Master shall have authority to direct the transfer of cases from the long cause list to the short cause list, and from the short cause list to the long cause list respectively; and if such transfer shall be made, the Master's Examiner shall enter the case in the list to which it shall be so transferred, according to the priority of the date of the Order of Reference in such case.

Master may direct cases to be transferred from long to short cause list, &c.

LXVI.

That the Master's Examiner shall divide such long cause term lists and such short cause term lists into sub-lists, each of which shall contain such number of

Master's Examiner to divide the long and short cause term lists into sub-lists, each sub-list not to contain more than 30 cases.

cases (not exceeding 30) as the Masters shall consider best calculated for the quick despatch of business; and such sub-lists of each term shall be numbered consecutively, Sub-list No. 1, Sub-list No. 2, and so on, with a heading stating the term list from which it is taken.

LXVII.

Masters to fix times for hearing such lists.

That the Masters shall appoint such days and times for the hearing of such long cause lists and short cause lists respectively as may be most convenient for the quick despatch of business, and shall have publicity given before each term as to the days and times when particular classes of business will be heard and disposed of.

LXVIII.

Each sub-list to be called over twice; and each case and each sub-list to be disposed of in its order as far as practicable.

That each sub-list shall be called over twice, and each case in such sub-list shall, as far as is practicable, be disposed of in its order; and each sub-list, so far as is practicable, shall be disposed of before the next sub-list shall be entered upon.

LXIX.

If solicitor having the carriage of the proceedings shall not appear on the first or second calling of the sub-list, or shall not be ready to proceed, case shall be struck out.

That if the solicitor having the carriage of the proceedings shall not appear on the first or second calling of such sub-list, the case shall be struck out; or if he shall appear and shall not produce a copy of the Order of Reference and the summons, and be ready to proceed, the case shall also be struck out, unless the said solicitor shall, by affidavit or otherwise, satisfactorily account for his not being ready to proceed; and it shall be the duty of the solicitor having the carriage of the proceeding to attend when the case shall be called on, without being served with any summons or notice for that purpose.

LXX.

If case struck out in consequence of neglect of solicitor, the Master shall not have jurisdiction to reinstate same.

If a case shall be struck out in consequence of the non-attendance of the solicitor having the carriage of the proceedings, or in consequence of his not being ready to proceed, the Master shall not have any jurisdiction to reinstate such case after he shall have risen on the day on which the case shall be so struck out.

LXXI.

Where case struck out from neglect of solicitor, he shall not be entitled to be paid costs between party and party, or solicitor and client, &c.

That where a case shall be so struck out in consequence of such solicitor not appearing on the calling of such sub-list, or not being ready to proceed, he shall not be entitled to recover or be paid any costs either between party and party or between solicitor and client of the Order of Reference, or any proceedings had thereunder, unless the Court shall otherwise direct; and the Court shall have authority to order such solicitor or his client to pay the costs which may have been incurred by any other party, upon the obtaining of such Order of Reference, and in the proceedings in the Master's Office.

LXXII.

Court to have authority to reinstate case on application of such solicitor or of his client, and on what terms.

That the Court shall have authority, on special motion, on the application of the solicitor by whose neglect or default such case was struck out, or on the application of his client, to order that such case so struck out shall be reinstated and restored to its place in such sub-list, or placed in such other sub-list as the Court may think fit to direct; and the Court may make such Order as to the payment of costs personally by such solicitor, and as to his forfeiture of costs between solicitor and client, in consequence of his neglect, and may order him to pay costs to any respondent or other person who may have appeared in the Master's Office, as to the Court may seem just.

LXXIII.

Court to have authority to reinstate case on application of third party, and on what terms.

That any party interested in carrying on the proceedings in such case so struck out shall be at liberty to apply to the Court, on special motion, to reinstate and restore such case to its place in the sub-list, and that such party may have the carriage of the proceedings; and the Court may, on such motion, make such Order as to the Court shall seem just; but the reinstating or restoring such case shall not entitle the solicitor by whose neglect or default the case was struck out to any costs forfeited under the provisions of the 71st Order; and such solicitor shall be personally liable to pay any costs consequent upon his neglect or default, and the costs of such motion, if the Court shall so think fit.

LXXIV.

LXXIV.

That the solicitor having the carriage of the proceedings shall be at liberty, if the Master shall so think fit, to serve a summons for a meeting before the case shall be called on in its regular course, to take the general directions of the Master as to the course of proceeding to be adopted; and at the time so appointed by the said summons, the Master shall regulate the manner of the execution of the order of reference, and shall then direct whether the proceedings thereunder are to be on charge or discharge, or in any other and what manner; and shall then fix the time within which the respective parties or others are to file charges or to bring in statements of facts, if he shall deem such mode of proceeding proper; and the Master shall also direct the necessary advertisements for all third persons entitled to the benefit of the Order, and the period at which same shall be made; and shall also point out which of the several proceedings may be properly going on *pari passu*, and which parties are entitled to attend such proceedings respectively.

Summons to take Master's general directions may be served, if he shall so think fit, before the case shall be called on in its regular course.

LXXV.

That if the Master shall find it necessary to adjourn any case which shall be called on in its turn in each sub-list, for the purpose of witnesses being examined, or on any other ground, the case shall hold its place in such sub-list, and shall be called on on the day to which it shall be so adjourned; and the Master's Examiner shall take care to have the case entered in the list for such day; and the provisions in the 69th, 70th and 71st Orders shall apply where the case shall stand adjourned to any future time, and where the solicitor having the carriage of the proceedings shall not appear or shall not be prepared to proceed at the time to which such case shall be adjourned or further adjourned.

Course of proceeding where case adjourned.

LXXVI.

That the Master's Examiner shall each day enter in the sixth column of the long cause term list and short cause term list respectively, kept in pursuance of the 61st, 62d, 63d and 64th Orders, and of Schedule (H.), the dates of each meeting in each cause and matter; and when the Master's report shall be signed in any case, the Examiner shall enter the date of the signing the report or reports in the seventh column of said lists respectively, as in Schedule (H.) directed; and if a case is struck out from the neglect or non-attendance of the solicitor having the carriage of the proceedings, the words "struck out" shall be entered in the eighth column, and the date when struck out, as in Schedule (H.) also directed.

Entries to be made by Master's Examiner of proceedings each day, as in Schedule (H.) directed.

LXXVII.

That the Master shall, as soon as conveniently may be, have long cause lists and short cause lists made out of all cases in arrear, up to the commencement of the first term lists made out in pursuance of these Orders, and which lists shall be called "Arrear Long Cause List" and "Arrear Short Cause List," and such lists shall be respectively made out according to the dates of the several decrees or orders of reference, and in the manner in Schedule (H.) directed; and the several directions hereinbefore contained, as well in relation to the division into sub-lists, and as to disposing of same, as also all other directions, shall be applicable to such arrear lists, save that the Registrars need not make any return to the Masters in respect of such arrear lists: provided always, that until such arrear lists shall be made, nothing herein contained shall prevent the Masters' proceeding with any Orders of Reference so in arrear, according to the present practice.

Arrear long cause lists and arrear short cause lists to be made out, as hereby directed.

LXXVIII.

That the Masters shall have lists made out of cases in which they exercise jurisdiction, without any Order of Reference, in such manner as they may think fit to direct, which lists shall be termed "Masters' Lists," and which shall be disposed of at such times as the Masters may direct.

Lists to be made out called "Masters' Lists," as herein directed.

LXXIX.

That nothing in these Orders contained shall prevent the Masters hearing out of their order cases of a very pressing character; such, for example, as cases of exceptions for insufficiency, and objections for prolixity, impertinence and scandal, or other proceedings which the Masters may consider of a peremptory character.

Peremptory cases may be heard out of their order.

LXXX.

Annual returns to be made to Parliament as herein.

That on the 1st of February in each year, if Parliament be then sitting, and if not, within one week after the then next meeting of Parliament, the Masters shall make returns to both Houses of Parliament of the several proceedings had before them during the year preceding and ending the 31st December before the date of the return; which returns shall be made up from the books kept under the directions in the 61st, 62d, 63d, 64th and 77th Orders contained, and in the form in Schedule (H.), with any additional information as to business done in relation to the list called the "Masters' List," and not under Orders of Reference as may be necessary to make the return complete, such return to be in place of the return required to be annually made by the Masters to the Lord Chancellor, in pursuance of the 4 & 5 Will. 4, c. 78, s. 16, and in place of the return required by the 114th General Order of the 27th of March 1843.

The returns which the Masters are directed to make by the 4 & 5 Will. 4, c. 78, have not been regularly made. The Master of the Rolls is not aware whether any return was made to the Lord Chancellor in Michaelmas Term 1850, as directed by that Act; but no previous return has, it is believed, been made to the Lord Chancellor, except for the year ending Michaelmas 1849. That return does not contain the information which it is necessary the public should have. No return at all has, it is believed, been made to the Lord Chancellor under the 114th of Sir E. Sugden's Orders. The return in this Order, if correctly made, would enable Parliament each year to be aware of the exact state of business in each Master's Office, and what business had been disposed of in the previous year.

LXXXI.

Masters to make Orders as to issuing of summonses.

That the Masters shall make such Orders as to the issuing of summonses, and when same shall be served, and as to the form of same, as may be necessary to carry into effect these Orders.

LXXXII.

Masters to state in schedule to reports the dates of the several meetings.

That the Masters shall in every report, whether under the Court of Chancery (Ireland) Regulation Act, 1850, or not, and which shall be made after the date of these Orders, state in a schedule thereto the dates of the several meetings had before them under the Decree or Order of Reference.

This Order would enable the Court to ascertain, when each report was brought before it, whether these Orders were followed.

ORDERS RELATING TO RECEIVERS.

LXXXIII.

One of the Masters to be appointed Receiver Master.

That the Lord Chancellor shall, on or before the _____ day of 1851, appoint one of the Masters in Ordinary to be Receiver Master.

See the observations explanatory of these Orders, page 37.

LXXXIV.

All Orders of Reference relating to Receivers, or to the management of estates under the Court, to be made to such Receiver Master.

That all Orders of Reference for the appointment of a Receiver, or which relate to such office, or which relate to the management and letting of estates under the Court, shall be made to such Receiver Master; and the entire of the duties now performed by the Masters in Ordinary, in relation to Receivers, and the management or letting of estates held under the Court, and incidental to such management and letting, shall be performed by such Receiver Master, or under his directions.

LXXXV.

No Orders of Reference to be made to the Receiver Master as Master in rotation.

That from and after the appointment of one of the Masters in Ordinary to be such Receiver Master, no Order of Reference shall be made to such Receiver Master as the Master in rotation; but the Orders of Reference to be made to such Receiver Master shall relate to the particular class of duties to be performed by such Receiver Master as hereinbefore mentioned, or as may be directed by any further Order to be made on that subject.

LXXXVI.

All business pending in the offices of the four other Masters relating to Receivers, &c., to be transferred to office of Receiver Master.

That the Lord Chancellor, at such time or times as he shall think proper for that purpose, shall direct all or such part of the business pending in the office of the four other Masters as relates to the duties so to be performed by the Receiver

Receiver Master, to be transferred to his office, and the further proceedings thereon to be had before such Receiver Master.

LXXXVII.

That the Receiver Master shall have authority, with the sanction and approval of the Lord Chancellor and the Lords Commissioners of Her Majesty's Treasury, to appoint a person to be Assistant Receiver Master, and also to appoint an Accountant, and such number of Clerks as may be necessary (subject to such sanction and approval as aforesaid), for the due discharge of the business of the office of such Receiver Master.

Appointment of Assistant Receiver Master, Accountant and Clerks.

LXXXVIII.

That the said Assistant Receiver Master, Accountant and Clerks, shall be paid such salaries respectively as the Lords Commissioners of Her Majesty's Treasury may consider to be reasonable, the salary of such Assistant Receiver Master not to exceed the sum of [600*l.*] a year, of the said Accountant [400*l.*] a year, and of said Clerks [150*l.*] a year each.

Salaries of such officers.

LXXXIX.

That in order to provide a fund for the payment of said salaries, the Receiver Master shall, on the passing of each Receiver's account, direct such poundage as the Lord Chancellor shall approve of, not exceeding pence in the pound on the net sum received by the Receiver since the passing of his previous account (after payment of head rent, poor rate, tithe rent charge and other necessary outgoings, if any), to be transferred to an account to be opened in the Bank of Ireland, with the privity of the Accountant-general, entitled "Poundage Fund to pay Salaries in Office of Receiver Master."

Mode in which such salaries to be paid.

XC.

That if in consequence of sales made by the Commissioners for the sale of Encumbered Estates in Ireland, or of the provisions of any Act of Parliament which may be passed in relation to the appointment of Receivers, or the management of estates under the Court, or for any other reason, the services of such Assistant Receiver Master, Accountant and Clerks, or of some or any of them, may be dispensed with, the appointment of any such person or persons to said offices shall not entitle them, or any of them, to claim any compensation, by reason of their services not being further required.

If the services of such officers shall not be further required, they are not to be entitled to compensation.

XCI.

That the Receiver Master shall, as soon as conveniently may be, after he shall have been appointed to discharge the duties hereinbefore mentioned, lay before the Lord Chancellor, for his approval, such General Orders as the Receiver Master shall consider to be necessary to insure the appointment of proper persons to the office of Receiver, and for the proper and efficient management of estates under the Court: provided always, that said Orders shall be laid before both Houses of Parliament within a fortnight after they shall have been approved of by the Lord Chancellor, if Parliament shall be then sitting, and if not, within one week after the then next meeting of Parliament; and provided always, that nothing herein contained shall prevent the Lord Chancellor, with the assistance of the Master of the Rolls, making such Orders, under the provisions of the 31st section of said Act, as may be necessary to insure the better and more efficient management of estates under the control of the Court of Chancery.

Receiver Master to lay before Lord Chancellor General Orders to insure the appointment of proper persons to be Receivers, and the efficient management of estates under the Court.

XCII.

That the following words in these Orders shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say, "land" shall mean lands, tenements and hereditaments, of whatever nature or tenure; "incumbrance" or "incumbrances" shall mean any mortgage, judgment, portion, debt, legacy or any other charge or security whatsoever, in any way affecting lands, whereby a gross sum of money is secured to be paid on an event or at a time certain; "incumbrance" shall mean any person entitled to such incumbrance; whenever any word is used importing the singular number only, the same shall extend and

Interpretation Order.

be applied to several persons and things as well as to one person and thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

[Some other General Orders would be necessary, which, from pressure of business, the Master of the Rolls has not as yet had time to prepare.

Some observations, explanatory of the Orders which relate to the Master's Office, and to Receivers, will be found at the end of the Schedules.]

A P P E N D I X.

SCHEDULE (A.)

FORM I.

PETITION BY A LEGAL OR EQUITABLE MORTGAGEE, OR PERSON ENTITLED TO A CHARGE OR INCUMBRANCE AFFECTING PROPERTY, SEEKING FORECLOSURE AND SALE, OR SALE.

Cause Petition.
P. R., Petitioner;
R. T. and *R. S.*, Respondents;
 and in the matter of the Court of
 Chancery (Ireland) Regulation Act,
 1850.

To the Right honourable the Lord High Chancellor
 of Ireland.

The humble Petition of *P. R.* [State addition and
 residence.]

1. Your petitioner humbly sheweth, that under and by virtue of an indenture of mortgage [or other document or security, as the case may be], and by virtue of a judgment, which securities are designated by the letters (a) and (b) [or, as the case may be] in Schedule [A.] hereunder written, one *C. D.* was entitled, as mortgagee, to certain property in said Schedule mentioned, and as judgment creditor, to a charge on certain property in said Schedule also mentioned.
2. That the time for payment of the sums secured thereby respectively has elapsed.
3. That the right, title, estate and interest in said securities are now vested in the petitioner by virtue of the documents designated by the letters (c), (d) and (e), [or as the case may be] in Schedule [B.] hereunder written.
4. That the equity of redemption of the mortgaged property, and the estate and interest in the property subject to said judgment [or, as the case may be] became and are vested in the respondents under and by virtue of the documents designated by the letters (f), (g) and (h) [or, as the case may be] in Schedule [C.], hereunder written.
5. That there is contained in Schedule [A.], column 7, a statement of the sums due to petitioner for principal and interest, on foot of the securities in said Schedule set forth.
6. That the several statements in said Schedules respectively are true in every particular, and no deed or document in the said Schedules mentioned is in the power, custody or possession of petitioner, except those stated to be in his possession, or in the possession of his solicitor.
7. Your petitioner prays that he may be paid said sums, and the costs of this suit, and in default thereof, that the equity of redemption in the property mortgaged may be foreclosed, and the said property may be sold, and that the property which is subject to said judgment may also be sold, and that the produce of the sales may be applied to pay the debts affecting the properties respectively, and petitioner's costs; and for that purpose that all proper directions may be given, and accounts taken; and petitioner prays general relief.

SCHEDULE [A.]

	1. Date of Security and Parties thereto; and when Registered.	2. Lands [or other Property, as the case may be] included in or affected by the Security.	3. Estate or Interest of the Original Debtor in the Lands or other Property at the Date of the Security.	4. Quantity of the Estate or Interest of the Original Debtor included in or affected by the Security.	5. Sum secured by the Security, and the Rate of Interest payable thereon.	6. Period when Security payable.	7. Sum due, and to what Period, distinguishing Principal from Interest.	8. In whose Possession the Security or the Evidence thereof is,
(a)	Deed of Mortgage, dated 1st January 1840, between <i>A. B.</i> , of in the County of of the first part, and <i>C. D.</i> , of in the County of of the second part. Registered 1st February 1840.	The Lands of Black- acre, containing 500 acres, situate in the Barony of and in the County of	<i>A. B.</i> , at the date of Mortgage, seised in fee of the Lands of Blackacre [or as the case may be].	Mortgage in fee [or for 99 years, or for the lives of <i>A. B.</i> and <i>C.</i> , as the case may be].	1,000 <i>l.</i> , with Interest, at five per cent.	Payable 1st November 1840.	1,000 <i>l.</i> Principal, with 50 <i>l.</i> for one year's Interest, up to and for the 1st January 1851.	Mortgage in the possession of Pe- titioner's Solici- tor.
(b)	Judgment obtained in the Court of Queen's Bench on the 1st May 1844, by the said <i>C. D.</i> , against the said <i>A. B.</i> Registered- 1st December 1844.	The Equity of Re- demption in the said Lands of Black- acre; and the Lands of Whiteacre, con- taining 300 acres, situate in the Ba- rony of in the County of	<i>A. B.</i> , when Judgment obtained seised in fee of the Equity of Redemption in the Lands of Black- acre, and seised for lives renewable for ever in the Lands of Whiteacre, under Lease made to him by <i>J. W.</i> , dated 1st June 1841.	The entire Estate and Interest of <i>A. B.</i> in Blackacre, subject to the said Mort- gage. The entire Estate and Interest of <i>A. B.</i> in White- acre.	1,000 <i>l.</i> , with Interest, at six per cent.	Payable 1st July 1844. Stay of ex- ecution to that day.	1,000 <i>l.</i> Principal, with 120 <i>l.</i> for two years' Interest, up to and for 1st January 1851.	Attested Copy of Judgment in pos- session of Peti- tioner's Solicitor.

DRAFT GENERAL ORDERS UNDER THE

SCHEDULE [B.]

	1. Date and Nature of Document, and when Registered.	2. Parties thereto.	3. Security assigned.	4. In whose Possession the Document in Column 2, or the Evidence thereof, is.
(c)	1st March 1845. Deed. Registered 2d March 1845.	<i>C. D.</i> , the Mort- gagee in Schedule [A.] mentioned, 1st part. <i>E. F.</i> , of in the Co. of 2d part.	The Mortgage in Schedule [A.] men- tioned.	In possession of Petitioner.
(d)	1st June 1846. Deed. Registered 4th June 1846.	<i>G. H.</i> , executor of the last Will or Tes- tament of the said <i>E. F.</i> and <i>I. K.</i> , heir- at-law of said <i>E. F.</i> , 1st part. The Petitioner, <i>P. R.</i> , of the 2d part.	The Mortgage in Schedule [A.] men- tioned.	Lost. The secondary evi- dence thereof is a Copy of said Deed, and the attested Copy of the Memorial of the Re- gistry thereof, in the possession of the Pe- titioner's Solicitor.
(e)	20th September 1845. Deed.	<i>C. D.</i> , the Conusee of the Judgment in Schedule [A.], 1st part. The Petitioner, <i>P. R.</i> , 2d part.	The Judgment in Schedule [A.] men- tioned.	The attested Copy of the Memorial of the Assignment in the pos- session of Petitioner's Solicitor.

SCHEDULE [C.]

	1. Date and Nature of Document, and when Registered.	2. Parties thereto.	3. Property assigned and devised.	4. In whose Possession the Document in Column 2, or the Evidence thereof, is.
(f)	2d of February 1845. Deed. Registered 10th of February 1845.	<i>A. B.</i> , in Schedule [A.] mentioned, of the 1st part. The Respondents, <i>R. T.</i> and <i>R. S.</i> , 2d part.	All the Estate and Interest of <i>A. B.</i> in the Lands of Black- acre, subject to the Mortgage.	In possession of the Respondents.
(g)	4th July 1845. Deed. Not Registered,	Said <i>A. B.</i> , 1st part. <i>Y. Z.</i> , of in the Co. of 2d part.	Whiteacre.	In possession of the Respondents.
(h)	3d April 1849. Will.	Testator, <i>Y. Z.</i> , died on the day of 18 .	Whiteacre.	Lodged in the Prerogative Court.

J. S., Solicitor for Petitioner.
[Residence.]

H. S., Counsel.

The Respondents, *R. T.* and *R. S.*, are to be served with notice of the Petition.

H. S., Counsel for Petitioner.

[Short forms of Petition, in the other cases referred to in Order I., have been prepared upon the same principle as the above form.]

SCHEDULE (B.)

SCHEDULE (B.)

FORM OF NOTICE OF PETITION TO BE SERVED UNDER THE NINETEENTH OF THE
GENERAL ORDERS.

P. R., Petitioner ;
R. T. and *R. S.*, Respondents ;
and in the matter of the Court of
Chancery (Ireland) Regulation Act,
1850.

Sir,
Take notice, that a Petition was filed in this matter
on the day of 18
against you and the respondent, *R. S.*, which prays
as follows :—

Form of notice of
Petition to be served
upon a Respondent in
Ireland.

[Set out the prayer of the Petition ;]

and you are hereby informed, that you are at liberty, if you have any defence to the said petition, to file an affidavit by way of answer thereto, within (a) [twenty] days after the service of this notice. [And you are required within said time to answer on oath the interrogatories annexed to the petition (or filed the day of 18 as the case may be.) (a)]

J. S., Solicitor for the Petitioner.

[Residence.]

To the Respondent, *R. T.*,
of [addition and residence.]

(a) If an order shall be made for liberty to annex or file interrogatories before the service of this notice, add the words in brackets; and, instead of [twenty] days, insert the time mentioned in such Order within which the interrogatories are to be answered.

No. 2.

P. R., Petitioner ;
R. T. and *R. S.*, Respondents ;
and in the matter of the Court of
Chancery (Ireland) Regulation Act,
1850.

Sir,
Take notice, that a Petition was filed in this matter
on the day of 18
against you and the respondent, *R. T.*, which prays
as follows :—

Form of notice of Peti-
tion to be served upon
a Respondent resident
out of Ireland.

[Set out the prayer of the Petition ;]

and you are hereby informed, that you are at liberty, if you have any defence to the said petition, to file an affidavit, by way of answer thereto, within [(a)] after the service of this notice. [And you are required, within said time, to answer on oath the interrogatories annexed to the petition (or filed on the day of 18 as the case may be) (b)]; and you are herewith served with a copy of the Order of the Court, bearing date the day of 18 giving liberty to serve you with this notice out of the jurisdiction of the Court.

J. S., Solicitor for Petitioner.

[Residence.]

To the Respondent, *R. S.*,
of [addition and residence.]

(a) The 20th Order directs that the Order of the Court, giving liberty to serve a respondent out of the jurisdiction, shall limit the time, after service of the notice, within which the respondent is to file an affidavit by way of answer. The blank should be filled up from said Order.

(b) The words in brackets are to be added, if interrogatories have been annexed to the petition or filed. If it should happen that the Order, giving liberty to answer the interrogatories, has given a longer time to answer than the Order made under the 20th General Order, the blank marked (a) should be filled up with such longer period.

DRAFT GENERAL ORDERS UNDER THE

SCHEDULE (C.)

DIRECTIONS FOR THE PREPARATION OF AFFIDAVITS FILED BY THE RESPONDENT BY WAY OF ANSWER.

Instructions for preparing the affidavit by way of answer.

A. B., Petitioner ;
L. M., Respondent ;
 and in the matter of the Court of Chancery (Ireland) Regulation Act, 1850.

Affidavit by way of answer of *L. M.*, of [state addition and residence], the respondent in this matter.

The respondent, *L. M.*, [state addition and residence], by way of answer to the petition in

this matter, maketh oath and saith,—

FIRST.

That his defence in point of law to the said petition is as follows:—(a)

(a) *First*.—State in ordinary language, and without repetition, and as concisely as is possible, consistent with clearness, the defence of the respondent [if any] in point of law, and without reference to any document or the evidence to sustain such defence, except so far as may be necessary to make the defence intelligible; and if the legal defence is only applicable to a portion of the petition, the portion to which it is applicable should be shortly referred to; and if the respondent insists that the petition and the documents, if any, referred to therein do not authorize the petitioner to sue, the specific grounds of objection should be shortly stated.

SECONDLY. (b)

The said respondent puts the petitioner upon proof of the paragraphs in his petition numbered 2, 4, 7, [or as the case may be], and puts the petitioner upon proof of the following documents; viz., the deeds of the 2d of February 1842, and of the 1st July 1843; and the letters of the 2d and 5th of January 1847, and 1st March 1848, referred to in the petition and the schedule thereto [or as the case may be].

(b) *Secondly*.—If the respondent disputes any matter of fact or documents stated or referred to in the petition, he is to put the petitioner on proof thereof in the manner herein stated.

THIRDLY. (c)

The respondent relies on the deeds, documents and paper writings [or as the case may be] in the Schedule hereunder written, in support of his said defence, and saith, that no deed, document or paper writing [or as the case may be] in the said Schedule mentioned, is in the custody, power or possession of the respondent, except those stated in said Schedule to be in the possession of the respondent or his solicitor, and the said Schedule is, as respondent believes, true in every particular.

(c) *Thirdly*.—The respondent is to refer to any deeds, documents or paper writings which he relies upon in the manner or to the effect hereby directed, and without stating the contents of same.

FOURTHLY.

The respondent relies on the following facts in support of his said defence, and saith,—

- 1st. (d)
- 2d.
- 3d.
- 4th.
- 5th.
- 6th., &c.

(d) *Fourthly*.—The respondent shall state in ordinary language, and without repetition, and as concisely as is consistent with clearness, the facts upon which he relies in support of his legal defence, and the statement shall be divided into short and separate paragraphs, as conveniently as may be, which shall be numbered consecutively 1, 2, 3, &c.; and if it shall be necessary to state the contents of any records, deeds or documents, such parts alone as shall be pertinent and material shall be set out, and the part so set out shall be abstracted and stated as concisely as is possible; and the names of the several parties to deeds and documents shall not be repeated, but the deed or document shall be referred to merely by its date, as stated in the schedule to the affidavit.

FIFTHLY.

And the respondent, in answer to the interrogatories annexed to the petition, saith he admits, &c., [or as the case may be].

Fifthly.—If interrogatories have been annexed to the petition or filed before the affidavit by way of answer shall be sworn, the answers to such interrogatories shall be here inserted, and the answer to each interrogatory shall have a number prefixed corresponding with the interrogatory.

SCHEDULE

COURT OF CHANCERY REGULATION (IRELAND) ACT, 1850. 33

SCHEDULE to the AFFIDAVIT filed by the Respondent, *L. M.*, by way of Answer to the Petition.

1. Date and Nature of Document.	2. Parties thereto, or who have signed same.	3. In whose Possession the Document in Column 2, or the Evidence thereof, is.
1st January 1842. Deed.	<i>A. B.</i> , of the first part. The Respondent, <i>L. M.</i> , of the second part.	In the possession of the Re- spondent.
2d October 1845. 3d February 1846. Letters.	In the handwriting of, and signed by, the Petitioner.	In the possession of Respondent's Solicitor.
4th July 1847. Articles of Agreement.	<i>F. G.</i> , of the one part. The Respondent, <i>L. M.</i> , of the other part.	In the possession of John Styles, of in the county of , gentleman.

L. P., Solicitor for Respondent.
[Residence.]

W. D., Counsel for the Respondent.

SCHEDULE (D.)

FORM OF NOTICE TO BE SERVED UNDER THE TWENTY-NINTH ORDER.

No. 1.

If the affidavit by way of answer filed by the respondent, shall put the petitioner on proof of any matter of fact or document stated or referred to in the petition; and if the petitioner does not dispute any matter of fact or document stated or referred to in the said affidavit filed by way of answer, or the schedule thereto, the form of notice under the 29th Order shall be as follows, or as near thereto as circumstances will permit:—

A. B., Petitioner;
L. M., Respondent;
and in the matter of the Court of Chan-
cery (Ireland) Regulation Act, 1850.

Sir,
Take notice, that the petitioner will proceed,
within the period allowed by the General Orders
of the Court from the date of the service of this
notice, to prove the paragraphs in the petition,
and the documents therein referred to, upon the proof of which he has been put by the
affidavit, by way of answer, of the respondent, *L. M.*, filed the day of
18 .

F. B., Solicitor for the Petitioner.
[Residence.]

No. 2.

If the affidavit by way of answer filed by the respondent, shall not put the petitioner on proof of any matter of fact or document stated or referred to in the petition; and if the petitioner disputes any matter of fact or document stated or referred to in the said affidavit filed by way of answer, or the schedules thereto, the form of notice under the 29th Order shall be as follows, or as near thereto as circumstances will permit:—

A. B., Petitioner;
L. M., Respondent;
and in the matter of the Court of Chan-
cery (Ireland) Regulation Act, 1850.

Sir,
Take notice, that the petitioner puts the re-
spondent, *L. M.*, upon proof of the paragraphs
in the statement in his affidavit filed by way of
answer, numbered 3, 5, 8, [or as the case may
be,] and puts the said respondent upon proof of the following documents in the said affidavit
and the schedule thereto, set forth, viz. —

[Here set forth the dates of the documents;]

and the petitioner, if so advised, will proceed to give evidence to disprove such paragraphs
and documents.

F. B., Solicitor for the Petitioner.
[Residence.]

No. 3.

If the affidavit by way of answer filed by the respondent, shall put the petitioner on proof of any matter of fact or document stated or referred to in the petition; and if the petitioner disputes any matter of fact or document stated or referred to in the said affidavit filed by way of answer, or the schedules thereto, the form of notice under the 29th Order shall be as follows, or as near thereto as circumstances will permit:—

<p><i>A. B.</i>, Petitioner; <i>L. M.</i>, Respondent; and in the matter of the Court of Chancery (Ireland) Regulation Act, 1850.</p>	}	<p>Sir, Take notice, that the petitioner will proceed, within the period allowed by the General Orders of the Court from the date of the service of this notice, to prove the paragraphs in the petition, and the documents therein referred to, upon the proof of which he has been put by the affidavit, by way of answer, of the respondent, <i>L. M.</i>, filed the day of 18 ; and the petitioner puts the said respondent upon proof of the paragraphs in the statement in his said affidavit, numbered 2, 6, 7, [or as the case may be;] and the petitioner also puts the respondent upon proof of the following documents in the said affidavit, and the schedule thereto, set forth, viz.—</p>
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[Here set forth the dates of the documents;]

and the petitioner, if so advised, will proceed to give evidence to disprove such last-mentioned paragraphs and documents.

F. B., Solicitor for the Petitioner.
 [Residence.]

SCHEDULE (E.)

No. 1.

FORM OF SIDE-BAR RULE TO BE ENTERED BY THE PETITIONER UNDER THE
THIRTY-FIFTH ORDER.

<p><i>A. B.</i>, Petitioner; <i>L. M.</i>, Respondent; Court of Chancery (Ireland) Regulation Act, 1850.</p>	}	<p>day of 185 , upon motion of Mr. Solicitor for <i>A. B.</i>, the petitioner. It is ordered by the Court that the said <i>A. B.</i> be, and he is hereby at liberty to produce <i>R. N.</i> [the residence and addition of the</p>
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witness is to be stated with clearness, so as to lead to no difficulty in ascertaining who is the person to be examined,] to prove at the hearing of this cause petition the paragraphs in the petition, numbered 1, 4, 6, [or as the case may be,] and to disprove the paragraphs in the affidavit filed by the respondent, *L. M.*, by way of answer to the petition, numbered 7, 9, 11, [or as the case may be,] and the said *R. N.* will also be produced to prove the following documents. [Describe the documents in issue by their dates.]

[Care must be taken not to attempt to mislead the respondent as to the matters to be proved or disproved *visà voce*, as the petitioner or his solicitor may be fixed with costs if any such attempt shall be made.]

No. 2.

FORM OF SIDE-BAR RULE TO BE ENTERED BY THE RESPONDENT UNDER THE
THIRTY-FIFTH ORDER.

<p><i>A. B.</i>, Petitioner; <i>L. M.</i>, Respondent; Court of Chancery (Ireland) Regulation Act, 1850.</p>	}	<p>day of 185 , before motion of Mr. Solicitor for <i>L. M.</i>, the respondent. It is ordered by the Court that the said <i>L. M.</i> be, and he is hereby at liberty to produce <i>S. B.</i> [the residence and addition of the</p>
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witness to be stated with clearness, so as to lead to no difficulty in ascertaining who is the person to be examined,] to prove at the hearing of this cause petition the paragraphs in the affidavit by way of answer filed by the said *L. M.*, numbered 3, 7, 10, [or as the case may be,] and to disprove the paragraphs in the petition, numbered 4, 6 and 7, [or as the case may be,] and the said *S. B.* will also be produced to prove the following documents. [Describe the documents in issue by their dates.]

[Care must be taken not to attempt to mislead the petitioner as to the matters to be proved or disproved *visà voce*, as the respondent or his solicitor may be fixed with costs if any such attempt shall be made.]

SCHEDULE (F.)

FORM OF NOTICE TO BE SERVED UNDER THE FIFTY-SECOND ORDER.

A. B., Petitioner ;
 L. M., Respondent ;
 Court of Chancery (Ireland) Regulation
 Act, 1850.

Sir,
 Take notice, that a petition was filed in this
 matter on the day of 185 ,
 [state here, from the Rolls Certificate, the dates
 of the affidavits by way of answer, if any, which
 may have been filed, and by whom ; if any Order has been made by the Court, state that an
 Order has been made, and state its date, but not any part of its contents ; and if a Report
 has been made, by the Master, state its date, and state the date of each important pro-
 ceeding, but without setting forth any part thereof] ; and you are at liberty to inspect copies
 of said several documents at my office ; and you are further required to take notice, that you
 will, under the 52d General Order of the Court, become, by the service of this notice, a
 party to the several proceedings had in this cause, as effectually as if you had been named a
 respondent in the petition, and will be bound by the several proceedings already had, unless,
 within ten days after the service hereof, you shall show good cause to the contrary. [State
 the documents on which the motion is grounded.]

J. S., Solicitor for the Petitioner.
 [Residence.]

SCHEDULE (G.)

FORM of the RETURN to be made to the MASTERS respectively by the REGISTRARS, in pursuance
 of the Directions contained in the Fifty-ninth Order.

Easter Term, 1851 [or as the case may be].

This Return is made by the Registrars to Master Henn, [or as the case may be,] to whom the
 several Cases in this Return stand referred, in pursuance of the 59th Order of the Court.

Date of the Order of Reference according to its priority.	Name of Cause or Matter.	Name of the Solicitor having the Carriage of the Proceedings.	Short Statement of the Nature of the Order of Reference.	Whether made by the Lord Chancellor, the Master of the Rolls, or by Side-bar Rule.
15 April 1851	A. B., Plaintiff ; C. D., Defendant.	John Styles -	Order of Reference to allocate Funds.	Master of the Rolls.
16 April 1851	E. F., Petitioner ; G. H., Respondent ; Cause Petition.	William Jones	Order of Reference in foreclosure Petition, directing the usual Accounts.	Lord Chancellor.
16 April 1851	I. K., Plaintiff ; L. M., Defendant.	Henry Barry -	Order of Reference to report whether good Title can be made to Purchaser.	Side-bar Rule.
16 April 1851	In the matter of N. O., a Minor.	John Williams	Usual Order of Refer- ence to make Minor Ward of Court.	Lord Chancellor.
17 April 1851	P. Q., Petitioner ; R. S., Respondent ; 5 & 6 Will. 4, c. 55.	Thomas Ward	Order of Reference to appoint Receiver.	Master of the Rolls.
17 April 1851	In the matter of T. U., Petitioner, and the Trustee Relief Act, 1848.	James Hope -	Order of Reference under said Act to ascertain who en- titled to the Sum invested.	Master of the Rolls.
17 April 1851	In the matter of V. W., Petitioner, and the Trustee Act, 1850.	Robert Ellis -	Reference to appoint new Trustees.	Master of the Rolls.

SCHEDULE (H.)

FORM in which the Master's Examiner is to enter the Orders of Reference, under the Provisions of the Orders 61, 62, 63, 64 and 77.

* *Easter Term, 1851, and subsequent Vacation.*

LONG CAUSE LIST [or Short Cause List, as the case may be].

1. Date of Order of Reference, according to its Priority.	2. Name of Cause or Matter.	3. Name of the Solicitor having Carriage of the Proceedings.	4. Short Statement of the Nature of the Order of Reference.	5. Whether made by the Lord Chancellor, or the Master of the Rolls, or by Side-bar Rule.	6. Dates of the several Proceedings under the Order of Reference.	7. Date of the Report or Reports made under said Order.	8. Whether Cause struck out from Neglect or Non-attendance of Solicitor, and if so, when struck out.
15 April 1851 -	A. B., Plaintiff; C. D., Defendant.	John Styles - -	Order of Reference to allocate Funds.	Master of the Rolls	The Master's Examiner to enter date of each Meeting in this column, as directed by the General Order.	The Master's Examiner to enter dates of Report in this column, as directed by the General Order.	Where Case struck out from neglect of Solicitor, insert the words "struck out," and the date, as directed by the General Order.
16 April 1851 -	E. F., Petitioner; G. H., Respondent. Cause Petition.	W. Jones - -	Order of Reference in foreclosure Petition, directing the usual Accounts.	Lord Chancellor.			
17 April 1851 -	In the matter of T. U., Petitioner, and the Trustee Relief Act, 1848.	James Hope - -	Order of Reference under said Act to ascertain who entitled to the Sum invested.	Master of the Rolls.			

* The Long Cause List and the Short Cause List, entered by the Master's Examiner in books pursuant to the 77th Order, instead of being headed Easter Term, 1851, or any other Term, shall be headed as directed by said Order, "Arrear Long Cause List," or "Arrear Short Cause List" [as the case may be].

OBSERVATIONS upon the ORDERS which relate to RECEIVERS and to PROCEEDINGS in the MASTERS' OFFICES.

THE evils of the present system of management of estates under the control of the Court of Chancery is generally admitted: how those evils are to be remedied is another question. In the able Report of the Committee of the House of Commons on the state of the law as respects the appointment of Receivers, and the effect of the present regulations of Courts of Equity in the management of estates under their control, it is stated that it may be collected from the evidence that nearly *one-tenth* of the rental of Ireland is under the management of Courts of Equity. The importance of the question cannot, therefore, be disputed. The sales under the Incumbered Estates Act have not relieved the Court to any extent, when compared with the vast amount of property under its control, and some efficient and *speedy* remedy is loudly called for. In the absence of legislation on the subject, it appears to the Master of the Rolls that the appointment of one of the Masters to be Receiver Master, would effect a great reform in the present system. Since the Report of the Committee was made, the business of the Equity Exchequer has been transferred to the Court of Chancery, and a fifth Master has been appointed. At present the responsibility as to the efficient management of estates and the appointment of proper persons to the office of Receiver, is *divided* between the five Masters; and either from pressure of business in their offices, or from other causes, nothing can be worse than the management of estates under the present system.

The five Masters have made reports to the Lord Chancellor on the subject. One of the Masters states in his report, that *more than one-half of his time* is occupied with that class of business; and all appear to concur in the opinion, that one Master could not perform all the duties of a Receiver Master. But that opinion must be considered, having regard to the little assistance at present afforded to the Masters in the discharge of their duties; and if an Assistant Receiver Master, together with an Accountant, and a sufficient staff of Clerks was appointed, there can be no doubt that one Master could discharge the duties of Receiver Master. In the report of Master Murphy to the Lord Chancellor, he points out the evils of the existing practice, and the several remedies which ought, in his opinion, to be applied. If a Receiver Master were appointed, a code of rules could be easily prepared, founded on Master Murphy's report, which, if carried out by *one* of the Masters, on whom an exclusive responsibility would rest, a vast improvement on the present system would, before long, be introduced. The expense which would be incurred in paying the Assistant Receiver Master and the rest of the staff, would, probably, not amount to 2,000 *l.* a year, and a poundage of a few pence in the pound on the net receipts would be fully sufficient to meet all such charges. The poundage in each case to meet those charges would be considerably less than the saving which would be effected in costs and other expenses, by the efficient management of estates under the control of the Court.

If the present Masters dislike to undertake the duties of Receiver Master, it should be understood, if one of those gentlemen would, for the present, undertake the office, that on the first vacancy which should occur the duty would be cast on the new Master.

The General Orders prepared by the Master of the Rolls, which relate to Receivers, have been confined to the appointment of a Receiver Master and the regulations necessarily consequent thereon; as Orders for the efficient management of estates under the control of the Court, and the appointment of proper persons to the office of Receiver, could be more satisfactorily settled (as proposed by the 91st Order) on consultation with the Receiver Master; and the able report of Master Murphy would render the preparation of such Orders a matter of not much difficulty. Any Orders which may be issued which leave to the five Masters the divided responsibility of appointing Receivers and managing the estates under the control of the Court, would, for reasons not necessary to go into, be of little use.

If a Receiver Master was appointed, Attorneys' clerks, menial servants, and other improper persons could not be appointed to the office of Receiver. A great advantage would follow from the appointment of a Receiver Master, in addition to the reform which would take place in the management of estates under the Court. One of the Masters, in his report to the Lord Chancellor, has stated (as has been already observed) that *more than one-half of his time* is occupied with the duties connected with the appointment of Receivers and management of estates. The consequence of the time thus occupied is, that the other business of the Masters' Offices is in a great state of arrear. A Return was moved for last Session, by the Member for Middlesex, of much importance, but which has not been made. If it had been made, it would have shown the state of business in the Masters' Offices. By appointing a Receiver Master, the other four Masters would be greatly relieved, and the business of their offices, unconnected with the management of estates and appointment of Receivers, would be more rapidly disposed of.

As to the Orders which relate to the Masters' Offices, it is well known that the principal delay in a suit both in England and Ireland is in the Master's Office. No reform will be of much value which does not provide some remedy for such delay. One cause of delay is, that the Masters have not sufficient assistance. Additional assistance could be given to the Masters by a short Act of Parliament, without any additional expense to the public. Each of the Masters has an officer called the Master's Examiner, and a Clerk. The time of the Masters' Examiners is stated to be much occupied in taking affidavits, [all affidavits sworn in Dublin being taken before them,] and by the duties imposed on them by the 4 Geo. 4, c. 61. The Examiners *in chief* have not much to do, in consequence of the effect of the Court of Chancery (Ireland) Regulation Act, 1850; whereas the duties of the Masters' Examiners

Examiners are, [it is believed,] or will be, much increased thereby. The examinations in aid of proceedings in the Master's Office ought to be carried on by the Examiners *in chief*, instead of by the Masters' Examiners, which would involve no expense to the public : and the Clerk of the Affidavits, in whose office all affidavits are filed, should have authority to take all affidavits filed in his office, and this would also relieve the Masters' Examiners, and enable them to assist the Masters in the discharge of their duties. The Master is at present without any officer to take down any Order or afford any efficient assistance, the time of the Masters' Examiners being so much occupied by their other duties. Whether the Masters would require further assistance than what I have stated, I am unable to say, but the course which I have thus alluded to, could be adopted by a short Act of Parliament, which would involve no additional expense whatever, as the effect would only be to transfer a portion of business from an overworked department of the Court, to a department which has but little to do at present. The present practice of swearing an affidavit in a different office from that in which it is filed is objectionable, as it might be altered after it is sworn before the Master's Examiner, and before it is taken to the office of the Clerk of Affidavits to be filed. If the Masters' Examiners are relieved from the performance of the duties above mentioned, they would have time to attend to the directions contained in the General Orders prepared by the Master of the Rolls which relate to the Masters' Offices. With respect to those orders, one great evil of the present system is this :—if an Order of Reference is made, it is optional with the solicitor having the carriage of the proceedings to take the Order to the Master when he thinks fit. The Order is in force for a year, and may be renewed by the Court after the year, in which case it is in force for another year ; and the client is often led to believe that the Masters are responsible for a delay which has arisen entirely from the neglect of the solicitor to lodge the Order in the Master's Office, and issue a summons. After the Order is lodged, the case is often carried on according to the convenience of the solicitor. If the plan proposed by the above General Orders, which relate to the Masters' Offices, is adopted, each case *must* be called on in its order, and must be disposed of without delay, [save so far as the disposal of Orders of Reference of a previous date render delay inevitable,] or struck out.

Under these Orders a Return must be made in each year to Parliament, which, on referring to the form Schedule (H.), will enable any person to know the exact state of the arrear in the Masters' Offices, and what has been done in the previous year. No effectual reform can take place in the Masters' Offices in England or in Ireland, until business is carried on in the several cases according to the dates of the Orders of Reference, and until *publicity* be given to the course of proceeding upon them, by such a Parliamentary Return. If an arrear arises from an insufficient number of Masters to do the business, the annual return would at once ascertain that fact. No person except the Masters could form a conjecture at this moment as to the extent of arrear in the Masters' Offices in Ireland ; several years sometimes elapse between the Order of Reference and the Report.

If the Orders of Sir Edward Sugden, of the 27th March 1843, had been acted upon by the Masters, the delays at present complained of could not have taken place to the extent they have. The 113th and 114th Orders of Sir Edward Sugden, which were framed for the express purpose of having the neglect of any solicitor in carrying on the proceedings under Orders of Reference brought before the Court, have, it is believed, never been acted on, except in one instance. The Return moved for last Session by the Member for Middlesex, (if the Order of the House of Commons had been complied with by the Masters,) would have shown the non-compliance with the 114th Order of Sir Edward Sugden. A very important Order of Sir Edward Sugden, viz., the 141st Order, has been disobeyed by the Masters' Examiners. Another matter to which it is right to advert is this :—The course of practice introduced by the Lord Chancellor, under the 15th section of the Court of Chancery (Ireland) Regulation Act, 1850, will cause expense and much delay, if it shall be persevered in. Cases falling under that section are set down for hearing before the Lord Chancellor, and in general heard without notice to any person ; and his Lordship has already made upwards of 200 Orders under such section. The form of the Order is this :—" His Lordship doth order that it be referred to the Master of this Court in rotation, to consider the matter of the said Petition, and proceed thereon pursuant to the Statute." The Lord Chancellor decides *nothing* but what his Secretary could easily ascertain by reading over the petition ; that is, that the case falls within the 15th section, and there is the very unnecessary expense incurred of a hearing in Chancery. The great objection to the practice, however, is this, that it throws the duty performed before the statute, by the Lord Chancellor or the Master of the Rolls, upon the Masters who are overworked. Under the Order of Reference, the cause petition is heard before the Masters as if they were Vice-Chancellors : notice is given to the respondents, counsel must attend, and the Master may dismiss the petition for want of equity ; or if he does not do so, he is in substance, if not in form, to refer it to *himself* to inquire and report as to the matters which the original Orders of Reference ought to have referred it to him to inquire in relation to. The 15th section of the statute, which was intended to diminish expense and prevent delay, will, according to the form of Order now made under it, accumulate expense and promote delay. The Masters have more than they can do without being thus deputed to hear Chancery causes ; and the addition of more than 200 causes thus already sent to the Masters to hear, together with those which will hereafter be sent to them, if this course of practice shall be continued, will overwhelm the Masters with a class of business not properly belonging to them, and prevent their discharging those duties which do properly belong to them, and which the suitors are so much interested in having performed without delay. An officer of
the

the Court stated to the Master of the Rolls this day, that one of the Masters informed him that the original hearing of one of those cases thus sent to him under the 15th section, would, he believed, occupy *several days*, and nothing would be decided by the Master on such hearing, in case he does not dismiss the petition, except that the petitioner was entitled to an Order in the nature of a Decretal Order, and that the Master was to refer it to *himself* to make the usual inquiries, but the inquiries would, of necessity, be directed to stand over to a future time. The 17th General Order prepared by the Master of the Rolls is to put an end to this practice.

The course of practice adopted by the Lord Chancellor in cases not falling within the 15th section, appears from the case of *Glascock v. Ross*, 1 Irish Equity Reports, New Series, 50. The effect of that practice will be to lead to two hearings in Chancery instead one, and to a vast amount of expense, and to great delay.

T. B. C. Smith,
Master of the Rolls.

9 April 1851.

COURT OF CHANCERY REGULATION
(IRELAND) ACT, 1850.

RETURNS of the DRAFT GENERAL ORDERS
submitted by the LORD CHANCELLOR of *Ireland*
to the MASTER OF THE ROLLS in *Ireland*, for his
Approval, under the Court of Chancery Regula-
tion (Ireland) Act, 1850:—And also, the DRAFT
GENERAL ORDERS prepared by the MASTER
OF THE ROLLS in *Ireland*, under the said Act.

(*Mr. Osborne.*)

Ordered, by The House of Commons, to be Printed,
28 April 1851.
