

**THE NEW PRACTICE OF THE COURT OF  
CHANCERY AS REGULATED BY THE ACTS FOR  
THE IMPROVEMENT OF THE JURISDICTION  
OF EQUITY, FOR ABOLISHING THE OFFICE OF  
MASTER, FOR RELIEF OF THE SUITORS, AND  
THE GENERAL ORDERS OF COURT**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649657223

The New Practice of the Court of Chancery as Regulated by the Acts for the Improvement of the Jurisdiction of Equity, for Abolishing the Office of Master, for Relief of the Suitors, and the General Orders of Court by James O'Dowd

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Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

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**JAMES O'DOWD**

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THE  
NEW PRACTICE  
OF  
THE COURT OF CHANCERY,

AS REGULATED

BY THE ACTS

*For the Improvement of the Jurisdiction of Equity,*

15 & 16 Vict. c. 86;

*For Abolishing the Office of Master,*

15 & 16 Vict. c. 80;

*For Relief of the Suitors,*

15 & 16 Vict. c. 87;

AND

*The General Orders of Court:*

WITH

*INTRODUCTION, NOTES, THE ACTS,*

THE NEW GENERAL ORDERS,

AND

A COPIOUS INDEX.

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By JAMES O'DOWD, ESQ.,

BARRISTER AT LAW.

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LONDON:  
BUTTERWORTHS, 7, FLEET STREET,  
Law Booksellers and Publishers.

1852.

TO  
THE RIGHT HONOURABLE  
SIR JOHN ROMILLY,  
MASTER OF THE ROLLS,  
Es. Es. Es.,  
IN ADMIRATION OF  
HIS EMINENT JUDICIAL QUALITIES  
AND  
HIS EARNEST AND ENLIGHTENED EXERTIONS  
TO AMEND THE LAW  
AND  
IMPROVE THE ADMINISTRATION OF JUSTICE,  
*The following Pages*  
ARE MOST RESPECTFULLY INSCRIBED  
BY  
THE AUTHOR.

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## P R E F A C E.

No apology can be necessary for the publication of these pages. The convenience of an early issue of the new Chancery Statutes and the General Orders in a compendious form, and with the usual aids to reference, will not, it is hoped, be denied. It would have been easy to compile a treatise of more apparent pretension. The size could have been enlarged by the introduction of a succession of comments, contrasting the new system with that which it supersedes. But this would serve only to perpetuate impressions of the past, which it becomes obviously essential to obliterate rather than reproduce. Another expedient might have been resorted to for the purpose of gaining some reputation amongst the undiscerning. The author could have pressed into the service of the new acts an array of cases, decided under the departed *régime*. This, too, would ill accord with the simplicity of his design, and he hopes to be pardoned for adding, the conscientiousness of his intention, which aims at no more than is indicated in the title-page. Whether he shall hereafter undertake the more responsible task, which the accumulation of judicial decisions under the new acts, and those immediately preceding them, may render necessary, and to which he would gladly



dedicate a portion of his leisure, will in a great measure depend upon the indulgence that may be extended to the present unpretending volume.

It remains to be added, that the substance of the General Orders has been, as far as possible, incorporated with the analysis of the sections of the statute to which they relate. The seven additional Orders of Court are not introduced into the preliminary part of the Treatise, because of their being not strictly connected with, or dependent upon, any particular provisions of the Acts themselves. These latter Orders may, therefore, be generally referred to as relating to the time within which an appeal shall be allowed from a decree, order or dismissal, or a rehearing of the case on which such decree, order, or dismissal is founded—to the time within which decrees, orders and dismissions shall be enrolled—to the mode in which the order of the court may be obtained for such enrolment after the prescribed time shall have elapsed—to the entering of caveats against such enrolment, their prosecution within a limited number of days, and the consequence of not prosecuting them—to the time beyond which no enrolment of any decree, order or dismissal shall under any circumstances be allowed; and lastly, to the power of the Lord Chancellor, whether sitting alone, or with the Lords Justices, to enlarge the periods appointed for a rehearing, an appeal, or an enrolment.

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