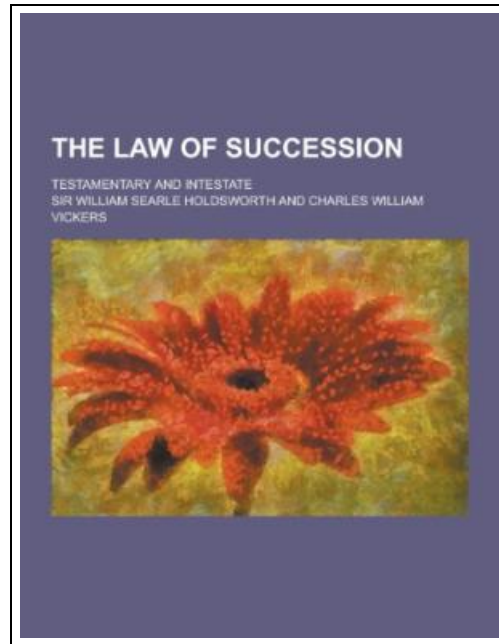


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THE LAW OF SUCCESSION; TESTAMENTARY AND INTESTATE



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Theclassics.us, United States, 2013. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1899 edition. Excerpt: . II. THE JURISDICTION AND PROCEDURE OF THE CHANCERY DIVISION. The jurisdiction and procedure of the Chancery Division may be treated under the following heads: --(1) Actions for general administration--(a) Begun by writ, (6) Begun by originating summons; (2) Special kinds of relief given chiefly by originating summons; (3) Insolvent estates. It is proposed in the first place to describe, in all its stages, an action for general administration begun by writ. The procedure in such an action is the rule: other forms of procedure are exceptions to or modifications of it. 1. Actions For General Administration. (a) Begun by writ. The proceedings in such actions are divided into three parts: --(i) The proceedings up to judgment; (ii) The proceedings conducted in chambers by the master, consequential on the judgment; (iii) The proceedings in Court on further consideration. (i) The proceedings up to judgment. Any person interested in the due administration of the estate, e.g. a creditor or a legatee, can bring an action to have the estate administered by the Court. The first step is to issue a writ, claiming this, against the executor or administrator. The defendant then appears. The plaintiff issues his statement of claim; the defendant issues his defence; the plaintiff replies usually by joining issue on the defence. 3. 1 Formerly called Chief Clerks. 2 App. II. 3 App. II. B. The evidence is usually given by way of affidavit; but unless the parties agree to do this...



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