

where the Bank claims any interest in or lien on the stock, or, where further discovery is sought from the Bank than as by this Rule provided.

Order XLVI, Rule 11B.

10. The certificate referred to in the last preceding Rule shall be furnished by the Bank on a request in writing, signed by the proper officer of the Court, and the solicitor to the applicant, and shall state the amount of the stock required to be transferred, in whose name the stock is standing, and if it be particularly required, but not otherwise, when the stock, or any part thereof was transferred, and by whom.

Order XLVI, Rule 11c.

*Fees on Proceedings under last Preceding Rule.* [39 & 40 Geo. 3, c. 36, ss. 1 and 2.]

11. The fees of or incidental to any proceeding under the last preceding Rule shall be the same as heretofore or such other fees as may be prescribed.

Order XLVI, Rule 11D.

*Order Restraining Transfer of Stock.* [39 & 40 Geo. 3, c. 36, s. 1; 5 Vict., c. 5, s. 4.]

12. The Court or a Judge upon the application of any party interested may restrain any company from permitting the transfer of any stock standing in the name of any person in the books of the company, or from paying any dividends thereon, and any order made under this Rule shall specify the stock, and the amount thereof, to be affected thereby, and the name of the person in which the same is standing.

*Order may be Discharged or Varied.* [5 Vict., c. 5, s. 4.]

13. Any order made under the last preceding Rule may be discharged or varied upon the application of any party interested.

Order XLVI, Rule 14A.

*Amendment of Rule 14.*

14. In Order XLVI, Rule 14, the words "as a writ of *distringas* duly issued under the Act "5 Vict., c. 5, s. 5, would have had against the "Bank of England" are hereby repealed, and the words "as if the office copy of the affidavit and the duplicate of the filed notice had been "served upon the company as by Rule 4 of this "Order provided" are substituted therefor.

Order XLVI, Rule 14B.

*Vacating Registration of lis pendens.* [30 & 31 Vict., c. 47, s. 2.]

15. Where any action or proceeding has been registered as a *lis pendens* against any person, if the action or proceeding is at an end, or if the Court or a Judge is satisfied that the *lis pendens* has been improperly registered, the Court or a Judge may order the vacating of the registration thereof without the consent of the party by whom it was registered.

Order XLVI, Rule 14c.

*Fees on Vacating Registration of lis pendens.* [30 & 31 Vict. c. 47, s. 2.]

16. Where any order is made under the last preceding Rule the proper officer shall, upon the filing of an office copy of the order, enter a discharge of the *lis pendens* on the register, and may issue certificates of the entry of discharge, and the fees payable for the entry of the discharge and for the certificates thereof shall be the same as heretofore, or such other fees as may be prescribed.

Order XLVIII B.

*Actions on Penal Bonds.*

*Further Breaches.* 8 & 9 Will. 3, c. 11, s. 8. 3 & 4 Will. 4, c. 42, ss. 16, 18.

17. (1.) In any action on a penal bond for the breach of any covenant contained therein in

respect of which there may be further breaches, the writ may be indorsed with a claim for the amount of the penal sum mentioned in the bond, and judgment may be entered for the plaintiff for that amount as security against further breaches, but execution on the judgment shall be limited to the amount of the damages which the plaintiff is found to have sustained by reason of the breach of covenant, and costs.

*Ascertainment of Damages on Further Breaches.*

(2.) The Court or a Judge upon the *ex parte* application of a plaintiff who has obtained a judgment for the amount of the penal sum mentioned in a bond under the last preceding Rule, upon affidavit by himself or his solicitor that judgment has been obtained as therein provided, and that since the judgment was obtained further breaches have been committed, may order the defendant to appear before the Court or a Judge, or an officer of the Court, as the Court or Judge appoints, to show cause why any damages sustained by the plaintiff by reason of the said further breaches should not be assessed under a writ of inquiry or in any other way in which the Court or Judge may direct, and by the same or any subsequent order may order that execution limited to the amount of the said damages and costs shall issue on the said judgment; provided that the plaintiff shall not in any case recover by way of damages more than the amount of the penalty mentioned in the bond.

*No Statement of Claim when Defendant does not Appear.*

(3.) If the defendant fails to appear to the writ no statement or claim shall be delivered, and the plaintiff may at once deliver particulars of the alleged breaches to the defendant or his solicitor and proceed as mentioned in the last preceding Rule.

*Proviso.*

(4.) Provided that where the writ in an action is indorsed with a claim for the full amount of any penal sum mentioned in a bond, payment into court shall be admissible to particular breaches only, and not to the whole action.

Order LIV, Rule 4B.

*Form and Issue of Originating Summons.*

18. An originating summons shall be in the Form No. 1A, B, C, or D, Appendix K, or in the Forms G or H, Appendix K, to these Rules, with such variations as circumstances may require. It shall be prepared by the applicant or his solicitor, and shall be sealed in the Central Office, or in Probate matters in the Probate Registry or in Admiralty matters in the Admiralty Registry, and when so sealed shall be deemed to be issued. The person obtaining the summons shall leave at the Central Office, Probate Registry, or Admiralty Registry, as the case may be, a copy thereof, which shall be filed and stamped in the manner required by law. In Probate and Admiralty matters the signature of the President shall be deemed to be equivalent to sealing.

Order LIV, Rule 4c.

*Appearance to Originating Summons.*

19. The parties served with an originating summons shall, except as hereinafter provided, before they are heard, enter appearances in the Central Office, or in Admiralty matters at the Admiralty Registry, and give notice thereof. A party so served may appear at any time before the hearing of the summons. If he appears at any time after the time limited by the summons for appearance he shall not, unless the Court or a Judge shall otherwise order, be entitled to any further time for any purpose, than if he had appeared according to the summons.