

398. The costs of a motion are always in the discretion of the Court. If in disposing of any motion the Court say nothing as to costs, each party shall pay his own costs, and no subsequent application can be made for them.

399. Where a party fails on a motion from a substantial defect in his case, as shown in his affidavits, he cannot apply again on amended affidavit unless, under special circumstances, leave to apply again be expressly given by the Court. If leave be given, it may be on such terms as the Court shall think reasonable and just.

400. If any order be fraudulently or improperly obtained, the same and any proceedings under it may be set aside by the Court upon motion.

401. The order obtained on any motion shall be drawn up by the party in whose favour such order has been made, and submitted to the proper officer for approval, and, when approved, shall be sealed with the seal of the Court and filed with the writ of summons and other proceedings in the actions; and duplicates of such orders may be issued to any person applying therefor.

PETITIONS.

402. The rules as to service of notice of motions, setting down motions, and as to reading affidavits relating thereto, and as to costs, and as to orders made thereon, shall apply *mutatis mutandis* to petitions.

403. Every petition shall be verified by affidavit in the following form: "I, A.B., make oath and say that so much of the foregoing petition as relates to my own acts is true, and so much thereof as relates to the acts and deeds of any other person I believe to be true."

APPLICATIONS IN CHAMBERS.

404. A Judge sitting in chambers may exercise any power granted by statute, or these rules, to the Court or a Judge thereof other than powers which are expressly provided to be exercised in open Court, and may adjourn the hearing of any matters in which he has such power from Court to chambers or from chambers to Court.

405. Every application to a Judge sitting in chambers shall be made in a summary manner by summons, or, if made *ex parte*, a notice of the intended application shall be delivered to the proper officer, at the latest during office hours on the day preceding the day on which it is intended to apply.

406. During the absence of a Judge, or during the inability of a Judge to act from any cause whatever, the Registrar of the Supreme Court shall have the same authority and jurisdiction as a Judge at chambers to hear and decide on applications for further time for defendants to file statements of defence and to adjourn the trial.

407. Any person affected by any order or decision of a Registrar may appeal therefrom to a Judge at chambers.

408. An appeal from a Registrar's decision shall be no stay of proceedings, unless so ordered by the Registrar.

409. A Judge's order may be reviewed and rescinded by the Court, except where the jurisdiction of the Court is excluded by express enactment, or where the order has been made upon written consent.

410. The rules as to service of notice of motions, setting down and hearing motions, and as to reading affidavits relating thereto, and as to costs, and as to orders made thereon, shall apply *mutatis mutandis* to proceedings in chambers.

ACCOUNTS, INQUIRIES, ETC.

411. On hearing any summons for directions as to any accounts, inquiries, acts, and proceedings that may have been ordered by the judgment in any action, the Judge hearing such summons, if satisfied by proper evidence that all persons ordered to be served with notice of the judgment under Rule 81 have been so served, may give such directions as to such accounts, inquiries, acts, and proceedings, as he may consider necessary.

412. When an order for accounts has been obtained prior to judgment under Rule 113, all necessary directions as to taking the accounts may be given at the time of making the order for taking such accounts.

413. If, on hearing any summons under Rule 411, it shall appear that, by reason of absence or any other sufficient cause, service of notice of judgment upon any person not a party to the action ordered to be served under Rule 81 cannot be made, or ought to be dispensed with, the Judge may, if he think fit, dispense with such service, or may at his discretion order substituted service or notice by advertisement in lieu of service.

414. Accounts may be ordered to be taken before the Registrar, or before an accountant, or before the Registrar and an accountant.

415. When accounts have been ordered to be taken before the Registrar alone, the Registrar shall have power to decide summarily on all disputed items under £10, and all disputed items over that amount shall be referred to a Judge.

416. When accounts have been referred to an accountant, or the Registrar and an accountant, the accountant or the Registrar and the accountant, as the case may be, shall have power to decide summarily on all disputed items of account: Provided that either party, the accountant or the Registrar and the accountant, may refer any items he or they may think proper to the decision of a Judge; and all items of account as to which the Registrar and accountant disagree shall be so referred.

417. When any items have been referred to a Judge under either of the last two preceding rules, the party disputing or seeking to surcharge the account may issue a summons to the accounting party to appear before a Judge in chambers to be examined orally touching the disputed items of account, for the purpose of elucidating and completing the account, and at such examination no person shall be present other than the Judge, the parties to the action, and the counsel and solicitors of the parties.