

- (2) The process received with such letter of request, and
- (3) The evidence of service upon the person named in such letter of request duly sworn to before and verified by a Notary Public duly appointed for Ontario under his hand and official seal;

And I certify that such service so proved, and the proof thereof are such as are required by the law and practice of the Supreme Court of Judicature for Ontario, regulating the service of legal process in Ontario, and the proof thereof.

And I certify that the cost of effecting such service amounts to the sum of \$

Dated this            day of            191 .

1321. The Court or Judge may order the examination for discovery at such place and in such manner as may be deemed just and convenient of an officer residing out of Ontario of any Corporation party to any action. Service of the order and of all other papers necessary to obtain such examination may be made upon the Solicitor for such party, and if the officer to be examined fails to attend and submit to examination pursuant to such order, the Corporation shall be liable, if a plaintiff, to have its action dismissed, and if a defendant, to have its defence struck out and to be placed in the same position as if it had not defended.

PASSED DECEMBER 23, 1911.

1322. (1) When an application is made to a Judge in Chambers, under section 110 of the Ontario Judicature Act, and it appears to him that the action is one which ought to be tried without a jury, he shall direct that the issues shall be tried, and the damages assessed without a jury, and in case the action has been entered for trial, shall direct the action to be transferred to the non-jury list.

(2) The refusal of such an order by the Judge in Chambers shall not interfere with the right of the Judge presiding at the trial to try the action without a jury. Nor shall an order made in Chambers striking out a jury notice interfere with the right of the Judge presiding at the trial to direct a trial by jury.

(3) The Judge presiding at a jury sittings, or a jury and non-jury sittings, in Toronto, may in his discretion strike out the jury notice and transfer the action for trial to a non-jury sittings, and this power may be exercised, notwithstanding that the case is not on the peremp'tory list for trial before the said Judge.