

nearest Justice of the Peace or any judicial officer having power to investigate the matter or adjudicate thereupon.

XXV. There shall be payable to the Clerks and bailiffs on every proceeding in the Division Courts holden in pursuance of this Act, such fees as are set down in the Schedule to this Act annexed marked B, and a table of such fees shall be hung up in some conspicuous place in the office of each Clerk, and the fees on every proceeding shall be paid in the first instance by the party on whose behalf such proceeding is to be had on, or before such proceeding, and if not so paid, the payment thereof may be enforced by order of the Stipendiary Magistrate, in the same way as any judgment of the Court can be recovered; and if any Clerk, bailiff or other officer employed in putting this Act or any of the powers thereof into execution, shall exact, take or accept any fee or reward whatsoever, other than and except such fees as aforesaid, for or on account of any thing done or to be done by virtue of this Act, or any account whatsoever relative to putting this Act into execution, every such person so offending, shall, upon proof thereof before the said Court, be for ever incapable of serving or being employed under this Act, in any office of profit or emolument, and shall be also liable to damages to the party aggrieved.

Fees to Clerks and bailiffs.

Penalty for exacting undue fees.

XXVI. The plaintiff in any suit brought in the said Division Courts shall enter a copy, and if necessary, copies of his demand or claim in writing, which shall be numbered according to the order in which it shall be entered, and thereupon a summons bearing the number of the demand or claim on the margin thereof, shall be issued, and it shall be in substance in the form to the Schedule to this Act annexed, marked D, and a copy of such summons to which shall be attached a copy of the plaintiff's account or of the particulars of his demand, as the case may be, and the notice in the said Schedule of such demand or account or claim, shall be served on the defendant ten days at least before the day on which the Division Court shall be holden at which the cause shall be tried; and the delivery of such copies of summons and account or demand to the defendant, or delivery thereof to his wife or servant or any grown person being an inmate of his dwelling-house or usual place of abode, trading or dealing, shall be deemed a good service of such summons, account or demand; Provided always that personal service of such summons on the debtor shall be necessary in all cases where the amount or damages sued for exceed the sum of forty shillings.

Mode of commencing suits.

Particulars of demand.

Service of process, how made.

Proviso: personal service in certain cases.

XXVII. Either of the parties to a suit may obtain from the Clerk of the Division Court wherein the same shall be brought, or from any Division Court Clerk within the temporary Judicial District, a summons in the form in Schedule marked D, requiring the attendance of a witness resident within the temporary Judicial District with or without a clause requiring the production of books,

Subpoenas for witnesses.