

III.

That, at the opening of the Court on each Juridical day in Term, all Defendants who by writ shall be legally summoned then and there to appear in person, or by Attorney, for whom no appearance shall have been entered; and all Defendants who by writ shall be legally summoned then and there to appear in their own proper persons shall of course, without any motion for that purpose, be called, and that in like manner upon each Juridical day in Term, which with respect to any Defendants, shall under the 3d Section of the Provincial Statute 41, Geo. III. chap. 7, be the *tertius dies post*, such last mentioned Defendants and each of them, at the opening of the Court upon such day, shall of course, and without any motion for that purpose, be called.

IV.

That on each Juridical day of Term, when and so soon as the Defendants mentioned in the next preceding article shall have been called, the Court shall proceed to hear all such motions as shall be offered by the Queen's Counsel and Barristers, who shall be present in Court, and habited as hereinafter is directed; each making in succession, according to his precedence and seniority at the Bar respectively, one motion, until the whole shall be heard, and in like manner hear all petitions which shall be so offered. That the Court shall then proceed to the hearing and examination of all matters whatsoever especially appointed by any Rule or Order of the Court for the day, and thereafter to the hearing of all issues in fact and in law, which shall be raised by the pleadings in any cause.

V.

That in each Superior Term there shall be two days set apart for the examination of witnesses, in causes in which the Plaintiff shall proceed by default or *ex parte*; which shall be the tenth and eleventh Juridical days of each Term respectively; and upon any such day no issue of fact or law, which shall be raised by the pleadings in any cause, shall be heard; unless such issue shall by some Rule or Order of the Court, be appointed especially for hearing upon such day: and all such issues of fact or law, as are hereinbefore mentioned, shall be heard upon any