

chapter seven, shall extend to Division Courts and to summonses and process issued therefrom, provided that service of summons may be effected on a Railway Company by delivering a copy thereof to the Secretary, at his office, or to a Station Master, or Clerk of the defendant at any station or office of the Company within the County in which the summons issues.

As to service on Railway Companies.

VI. Where the defendant is living or serving on board any steamboat or vessel, it shall be sufficient service to deliver the summons issued from any Division Court to the person on board, who is at the time of such service apparently in charge of such steamboat or vessel, if the defendant on being inquired for cannot be found, and the affidavit of such service must embrace such allegations.

Service on persons living or serving on boats or vessels.

VII. A Barrister or Attorney retained by or on behalf of a party to any suit or proceeding in a Division Court (but without any right of exclusive or pre-audience) or by leave of the Judge any other person allowed by the Judge, may appear instead of the party and address the Court but subject to such regulations as the Judge may from time to time prescribe for the orderly and speedy transaction of business; Provided that no Barrister or Attorney shall be entitled to recover more than five dollars for appearing or acting on behalf of any other person, in any suit or proceeding in the said Court or before the Judge thereof; and the Judge shall have power from time to time to determine in what case the expense of employing a Barrister or Attorney, should be allowed in taxation of costs, and shall settle and regulate the amount in each case, not exceeding five dollars, as aforesaid, to be so allowed, and such amount so settled shall be costs in the cause recoverable, in the same way as other costs in the said Courts.

Barristers, &c., may appear in Court subject to regulations to be made by Judge.

Proviso as to fees to be taken.

VIII. The Judge of each Division Court in Upper Canada shall, in proceeding to dispose of the lists of suits prepared under the thirty-fourth section of "The Upper Canada Division Courts Act of 1850," cause each suit to be called in the order numerically in which it appears therein, and the names of the parties respectively to be openly announced, by first calling the plaintiff until he answers, and then the defendant, in all causes in which confession of judgment has not been given, and the calling or announcement of the number the suit bears shall not be sufficient to authorise proceedings therein; and if any suit has been proceeded with or disposed of, on the calling of the number only, and any party complains of not having been called by name, and of having been therefore taken by surprise, a new hearing shall be forthwith awarded to him, and shall take place immediately, if the opposite party be present and ready for the trial, if not, an adjournment of the trial shall be made until the next Court, without costs to either party.

Proceedings to be taken for hearing of suits.

IX. Hereafter it shall not be lawful for any Clerk of a Division Court in Upper Canada to issue an execution or other process upon a judgment therein, unless such judgment shall have been previously openly pronounced in Court (if the matter has been then and there decided), or if otherwise, has been proceeded upon according to the terms of the thirty-ninth section of "The Upper Canada Division Courts Act of 1850," and any execution or other process issued without such formalities being observed, shall be void, and render the Clerk

Execution not to be issued before judgment first pronounced in Court.

Otherwise to be void.