

Court may have issues tried by a jury, without any feigned action.

Proceedings in such cases;

Or the Court of Chancery may itself try any such issue by a jury : and in what manner, &c.

In suits for foreclosure or sale of mortgaged property, process may be served on attorney of a judgment creditor ;

Or upon such creditor himself.

Service of process on defendant absent without the jurisdiction.

Allowance and proof of service.

XIII. In any case in which the said Court shall require any issue or issues to be tried by a jury, it shall not be necessary that any feigned action shall be commenced in a Court of Law ; but such issue or issues shall be tried at the Assizes or at the sittings of any County Court in Upper Canada, in the same manner as issues are tried in actions brought in the Superior Courts of law or in the County Courts, upon an office copy of the decree or order directing the trial of such issue or issues being entered for trial at such sittings or assizes, in the same manner as *Nisi Prius* records are entered, and the finding of the jury shall be endorsed upon such office copy and signed by the presiding Judge, and the same shall then be transmitted to the Registrar of the Court of Chancery ; or instead of directing an issue to be tried at law, the said Court of Chancery may try any such issues by a Jury without the intervention of a Court of Common Law, and for that purpose may issue a precept or order directed to the Sheriff of such County as the Court may see fit, requiring such Sheriff to strike and summon a Jury in as nearly as may be the same manner as is provided by the Jury Acts for summoning Petit Jurors for Superior Courts of Common Law, and in such case, if either party desires or the Court or Judge directs that the trial should be by a special Jury, a special Jury shall be struck and summoned in (as nearly as may be) the same manner as for the Superior Courts of Common Law ; and at any such trial, whether by a Common or special Jury, one Judge or more of the said Court of Chancery may preside.

XIV. In any suit now depending or which may hereafter be instituted in the said Court of Chancery by any mortgagee or by any person having a charge on real property, or by any judgment creditor, for the foreclosure or sale of any property, and to which suit any judgment creditor or creditors of the mortgagor or of the person liable to the charge or of the judgment debtor may be necessary or proper parties, it shall be sufficient to serve the process of the said Court, whether the same be an office copy of the bill or an office copy of the decree or decretal order, upon the attorney of such creditor in the action at Law in which such judgment shall have been recovered, and personal service upon the judgment creditor shall not be requisite ; but it shall not be obligatory upon a plaintiff in any such suit in Chancery to serve such attorney, but such plaintiff may elect to serve the judgment creditor personally.

XV. Any absent defendant may be served with a copy of any bill or proceeding in the said Court, although without the jurisdiction of the said Court, without any application being previously made to the said Court for the allowance of such service, but no such service shall be allowed except upon proof to the satisfaction of such Court that such service has been made and upon order allowing the same.