

tue of a judgement, or an execution, or attachment, or unless, in other cases, an order for dispensing with personal service is obtained under this Act.

- 5 **8.** In case a party to be served is a Corporation, the service shall be made in the same manner either as a Writ of summons at Law or as a Bill in Chancery is now served on a Corporation. Service on a Corporation.
- 10 **9.** In case a party to be served, is an infant whose father is living, or who has a guardian duly appointed by his father or by a court of competent authority in Upper Canada, both the infant and the father or guardian shall be served; and if the father of the infant is dead, and the infant has no such guardian as above mentioned, the infant shall not be liable to be foreclosed under this Act. Where an infant is a party
- 15 **10.** In case any of the parties to be served avoid service of the notice or for some other reason are not found to be served therewith, an order for substitutional service may be obtained *ex parte*, from any Judge of the Court of Chancery, or if the party is shewn to reside within the jurisdiction of any County Court, then from a Judge of such County Court. If parties avoid service. Judge's order.
- 20 **11.** Such order shall be made on an affidavit or a deposition, entitled in the matter of this Act, and shewing to the satisfaction of the Judge that the party applying is entitled to proceed under this Act against the party to be served, also what the value of the property is, and what amount is due on the security thereof, and shewing likewise any other facts which may be necessary to satisfy the Judge of the propriety of making the order. Affidavit for Judge's order.
- 25 **12.** The service ordered may be by delivering or mailing the notice and order at such place, or to such person, and in such manner generally, as the Judge thinks best, or by publishing the same in such newspaper or newspapers, and for such number of times (once or oftener,) as the Judge directs, or by both methods conjointly; and in case of publishing oftener than once, or in more newspapers than one, the time of the last publication under the order shall be the time when the service on the party shall be deemed complete; and the notice may be modified to suit the circumstances. Service under Judge's order.
- 30 **13.** It shall be deemed, for the purposes of this Act, the duty of every one not residing or being in Upper Canada, but having or claiming to have any interest in the equity of redemption of lands in Upper Canada, to appoint or have appointed, an Attorney or Agent in Upper Canada, in respect of such land, and to give notice of such appointment to all concerned. Persons not residing in U. C. to have agents there for purposes of this Act.
- 40 **14.** In case any of the parties named in the notice to be served, reside out of Upper Canada, the service shall be ordered to be made on their Agent, Attorney, or Solicitor in Upper Canada, if such there be. Service on agents, &c.
- 45 **15.** If the parties have neglected to appoint or make known, an Agent, Attorney, or Solicitor who may be served, the service may be ordered to be by publication of the notice and order in the "Canada Gazette" and in some local paper in Upper Canada, unless the estate to be redeemed appears to the Judge to be worth considerably more to the Mortgagee than the amount payable by the party to be served for the redemption thereof; but if worth considerably more, the Judge may order such other service or publication as seems just. Service by publication.
- 50