

Proviso.

Books of parties, how receivable.

Evidence limited to demand stated.

Court may adjourn the case for further evidence, &c.

Affidavits, how sworn.

Judgments to be final; but Court may non-suit plaintiff, or allow new trial.

Proviso : as to new trials.

Decision to be pronounced in

affidavit of any party or witness in the said suit resident without the limits of the temporary Judicial District ; Provided that the said Stipendiary Magistrate before he shall be required to pronounce judgment may, in his discretion, require any such party or witness to answer on affidavit any interrogatories that may be filed in the cause ; and in such suits the Stipendiary Magistrate may also, in his discretion, upon proof of and being satisfied with the general correctness of the party's books, receive the books of both plaintiff and defendant in evidence, and may give judgment on such evidence for any sum not exceeding ten pounds.

XXXIII. No evidence shall be given by the plaintiff or defendant on the trial of any cause as aforesaid, or of any cause of action, claim or set-off, except such as shall be stated and contained in the demand, account, claim, or set-off entered as before directed ; but the Stipendiary Magistrate shall have power, if he thinks it conducive to the ends of justice so to do, to adjourn the hearing of any cause in order to permit either party to summon or produce further testimony, or to serve or give any notice which may be necessary to enable such party to enter more fully into his case or defence, or from any other cause which said Stipendiary Magistrate may deem reasonable upon such conditions as to the payment of costs and admission of evidence or other equitable terms as to him may seem meet.

XXXIV. All affidavits to be used in the said Division Courts or before the Stipendiary Magistrate, may be sworn before him or before any Clerks of the said Division Courts, any Commissioner for taking affidavits in either of the Superior Courts of Common Law at Toronto, or before any Justice of the Peace.

XXXV. Every order and judgment of any Division Court holden under this Act, except as herein provided, shall be final and conclusive between the parties, but the Stipendiary Magistrate shall have power to non-suit the plaintiff in any case in which satisfactory proof shall not be given to him entitling either the plaintiff or the defendant to the judgment of the Stipendiary Magistrate, and any plaintiff may elect to be non-suited and insist thereon ; and the Stipendiary Magistrate shall also in every case whatever have the power, if he shall think fit, to order a new trial to be had upon such terms as he shall think reasonable, and in the meantime to stay the proceedings ; Provided such new trial be applied for at furthest within fourteen days, and good ground be shown therefor by the party so applying, and the costs of any action or proceeding under this Act shall be paid by or apportioned between the parties in such manner as the Stipendiary Magistrate shall think fit, and if not so apportioned, the costs shall abide the event of the action or proceeding.

XXXVI. Every decision of the Stipendiary Magistrate shall be openly pronounced in Court as soon as may be after the hearing