

(B)

Notice to Sheriff.

To B. W., Esquire, Sheriff, (*or other Officer, as the case may be*) You are required to draw and summon twenty four Grand and twenty one Petit Jurors, (*or* Petit Jurors, *as the case may be*), to attend at a Court to be holden in your County, at the Court House in , on the day of instant (*or next*).—Dated the day of , A. D. 18 .

J. C. Clerk (*or Deputy Clerk*)
of the Circuit (*or Sitzings.*)

(C)

Notice to Sheriff.

To B. W., Sheriff, (*or other Officer, as the case may be*) : You are required to draw and summon Petit Jurors to attend at a Court to be holden in your County in , on the day of next (*or instant.*)—Dated the day of , A. D. 18 .

J. S. Clerk (*or Deputy Clerk*)
of the Circuit (*or Sitzings.*)

(D)

Appointment.

In the Supreme Court.

A. B. Plaintiff, and C. D. Defendant.

On application of I do appoint the day of instant (*or next*) at o'clock, A. M. (*or P. M. as the case may be*) [*insert a seasonable time to notify the opposite party*] at my office in to strike a Special Jury in the above cause.—Dated the day of A. D. 18 [*the day of issue.*]

J. S. Clerk.

(E)

Levari Facias.

Victoria, &c.

[L. S.] The Sheriff of is commanded to levy the fines imposed upon the persons named in the annexed list, of the respective goods and chattels, and five shillings from each person for his fee, and forthwith pay the fines to the Treasurer of the County, and make return hereof according to law.—Witness [*Presiding Judge*] Esquire, at , in the said County of , the day of , 18 [*the day of issue.*]

J. S. Clerk.

CAP. XXV.

An Act relating to the service of Process.

Section.	Section.
1. Writs for service on a British subject out of jurisdiction; issue; time for appearance; proceedings.	3. Concurrent Writs.
2. Writs for like service on an alien.	4. Affidavits to justify further proceedings by the Court; counterfeiting, perjury, &c, penalty.

Forms.

Passed 12th April 1855.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. In case any defendant in any suit brought or to be brought in the Supreme Court of this Province, being a British subject, is residing out of the jurisdiction of the said Supreme Court of this Province, it shall be lawful for the plaintiff to issue a Writ of Summons in the form contained in the Schedule to this Act annexed, marked A, which writ shall bear the

indorsement contained in said form, purporting that such writ is for service out of the jurisdiction of the said Court; and the time for appearance by the defendant to such writ shall be regulated by the distance from New Brunswick to the place where the defendant is residing; and it shall be lawful for the Court or a Judge upon being satisfied by affidavit that there is a cause of action which arose within the jurisdiction, or in respect of the breach of a contract made wholly or in part within the jurisdiction, or in respect of any contract executed or to be executed in whole or in part within the jurisdiction, and that the writ was personally served upon the defendant, or that reasonable efforts were made to effect personal service thereof upon the defendant, and that it came to his knowledge, and either that the defendant wilfully neglects to appear to such writ, or that he is living out of the jurisdiction of the said Court in order to defeat and delay his creditors, to direct from time to time that the plaintiff shall be at liberty to proceed in the action in such manner, and subject to such conditions as to such Court or Judge may seem fit, having regard to the time allowed for the defendant to appear, being reasonable, and to the other circumstances of the case; provided always, that the plaintiff shall, and he is hereby required to prove the amount of the debt or damages claimed by him in such action, either before a jury upon a Writ of Inquiry, or before a Judge of the said Court, according to the nature of the case, as such Court or Judge may direct, and the making such proof shall be a condition precedent to his obtaining judgment.

2. In any action against a person residing out of the jurisdiction of the said Court, and not being a British subject, the like proceedings may be taken as against a British subject resident out of the jurisdiction, save that in lieu of the form of Writ of Summons in the Schedule to this Act annexed, marked A, the plaintiff shall issue a Writ of Summons according to the form contained in the Schedule marked B, and shall in manner aforesaid serve a notice of such last mentioned writ upon the defendant therein mentioned; which notice shall be in the form contained in the said Schedule also marked B, and such service shall be of the same force and effect as the service of the writ of summons in any action against a British subject resident abroad; and by leave of the Court or a Judge, upon their or his being satisfied by affidavit as aforesaid, the like proceedings may be had and taken thereupon.

3. A writ for service within the jurisdiction may be issued and marked as a concurrent writ with one for service out of the jurisdiction; and a writ for service out of the jurisdiction may be issued and marked as a concurrent writ with one for service within the jurisdiction.

4. Any affidavit for the purpose of enabling the Court or a Judge to direct proceedings to be taken against a defendant residing out of the jurisdiction of the said Court, may be sworn if in Great Britain or Ireland, before any Judge of the Court of Queen's Bench or Common Pleas, or Baron of the Exchequer, or Master in Chancery, in England or Ireland; or any Judge or Lord of Session in Scotland; the hand writing of such persons respectively being authenticated under the seal of a notary public; or before any Mayor or other Chief Magistrate of a City, Borough, or Town Corporate, in any part of the United Kingdom, under the Corporate Seal; and if in any other part of the British Dominions, before any Judge of the Supreme or Superior Court of Judicature, his hand writing being authenticated by a notary as aforesaid, or the Chief