

copy thereof if the same was passed before a Notary, or the note, draft, check, Bill of Exchange, or account, as the case may be, on which the action is founded, or a copy thereof.

Service, how and where to be made.

IV. Service shall be made by a Bailiff of the Superior Court when made within the District in which the defendant is to appear, and by the Sheriff when in another District, on the defendant or on the several defendants sued, either upon them personally, or at their domicile or place of business, by delivering to such defendant or defendants a copy of the declaration and annexed papers certified by the plaintiff's Attorney, or by the Sheriff or Bailiff serving the same, with a notice in writing from the plaintiff or his Attorney, that the demand will be presented for judgment thereon, to a Judge of the said Superior Court or other person acting as such, in the Court House, in the District, at a specified time, which shall not be less than forty-eight hours after the service, and one additional day for every ten leagues distance above five leagues from the place of the service to the Court House of the District wherein the defendant is to appear.

Judgment may be entered up on the declaration.

V. At the place and time specified in the notice, it shall be the duty of the Judge of the Superior Court or person acting as such, to whom the declaration and notice, with a certificate of the service, mentioning the time and place thereof, shall have been presented, if the service be regular and the conclusions of the demand are borne out by the notarial documents produced therewith, to indorse on the declaration an order that judgment be entered for the amount justified by the said demand and documents, unless the defendant do then put in a sufficient answer in writing to the demand, and upon such order the Prothonotary shall enter judgment accordingly in the Registers of the Superior Court.

Plaintiff to produce evidence in support of other than Notarial documents.

VI. When the demand shall be founded on other than Notarial documents, the plaintiff upon making oath of the truth of such facts as are necessary to be proved to entitle him to recover judgment in a Court of Civil Jurisdiction, or upon proof by one witness of the said facts, shall be entitled to the order and Judgment mentioned in the last section.

Declaration and papers to form record.

VII. The declaration and papers thereunto annexed, or therewith filed and all proceedings had thereon, shall form the record in the case, and be deposited among the records of the Superior Court.

Defendant may make a defence within certain delays.

VIII. At the time and place specified in the notice or within such delay as may be granted by the Judge on sufficient cause shewn, the defendant may file a plea or pleas to the demand; the plaintiff may file answers or replications to the plea filed by the defendant, and no further pleading shall be allowed unless leave of the Court shall have been first obtained. On the pleadings being completed either party may fix a day for the adduction of evidence or the hearing of the cause as the case may be; Provided twenty-four hours' notice be given to the adverse party of the day and hour so fixed.

Proviso.

After hearing Judge to make order for Judgment.

IX. After hearing the cause the Judge shall indorse on the back of the declaration his order for such judgment as will meet the justice of the case, which order shall be entered by the Prothonotary as provided for judgments by default, or he may at his discretion order that the parties be heard before the Superior Court, in the ordinary course, at its next sitting.