

Reeve, President, or other head Officer, or on the Township, Town, City or County Clerk, Clerk, Cashier, Manager, Treasurer or Secretary, or Agent of such Corporation, or of any branch or agency thereof in Upper Canada; and every person who shall, within Upper Canada, transact or carry on any of the business of, or any business for any Corporation whose chief place of business shall be without the limits of Upper Canada, shall, for the purpose of being served with a Writ of Summons issued against such Corporation, be deemed the agent thereof.

Who shall be deemed agents of Corporations in certain cases.

XXXIV. The service of the Writ of Summons wherever it may be practicable, shall, as heretofore, be personal; but it shall be lawful for the Plaintiff to apply from time to time, on affidavit, to the Court out of which, the Writ of Summons issued or to a Judge, and in case it shall appear to such Court or Judge that reasonable efforts have been made to effect personal service, and either that the Writ has come to the knowledge of the Defendant or that he wilfully evades service of the same, and has not appeared thereto, it shall be lawful for such Court or Judge to order that the Plaintiff be at liberty to proceed as if personal service had been effected, subject to such conditions as to the Court or Judge may seem fit.

Service to be personal.

Exception :

Service may be dispensed with by the Court or a Judge, on affidavit of certain facts.

XXXV. In case any Defendant being a British subject, is residing out of the Jurisdiction of the said Superior Courts, it shall be lawful for the Plaintiff to issue a Writ of Summons in the form contained in the Schedule A to this Act annexed, marked No. 3, which Writ shall bear the indorsement contained in the said form, purporting that such Writ is for service out of the Jurisdiction of the said Superior Courts, and the time for appearance by the Defendant shall be regulated by the distance from Upper Canada of the place where the Defendant is residing, having due regard to the means of, and necessary time for postal or other communication; and it shall be lawful for the Court or Judge, upon being satisfied that there is a cause of action which arose within the Jurisdiction, or in respect of the breach of a contract made 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 Courts, in order to defeat or 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 to the Defendant to appear being reasonable, and to the other circumstances of the case; Provided always, that the Plaintiff shall be and he is hereby required to prove the amount of the debt or damages claimed by him in such action, either before a Jury on an assessment in

Summons to a party being British Subject residing out of the jurisdiction of the said Courts.

Service thereof, &c.

If Service cannot be made.

Order in such case by the Court or a Judge, on Affidavit.

Proviso : Plaintiff must prove his case.