

Attachment against the body where a debtor is going to leave the province. Declaration to accompany the writ.

tain future day, regard being had to the distance of the defendant's abode from the place where the court sits: but if the judges, or any two of them, are satisfied by the affidavit of the plaintiff, or otherwise, that the defendant is indebted to him, and on the point of leaving the province, whereby the plaintiff might be deprived of his remedy against him, it shall be lawful for the said judges, or any two of them, to grant an attachment against the body of such defendant and hold him to bail, and in default of bail, to commit him to prison until the determination of the action against him. The declaration shall in all cases accompany the writ, and the plaintiff shall not be permitted to amend it, until the defendant shall have answered the matter therein contained, nor afterwards, without paying such reasonable costs as the court may ascertain.

## A R T. II.

Service thereof.

Copies both of the writ of summons and the declaration shall be served on the defendant personally, or left at his house with some grown person there, otherwise the service shall be deemed insufficient.

## A R T. III.

If defendant does not appear.

If on the day of the return of the writ of summons, the defendant does not appear in person or by attorney (proof of such service being produced or made in court) the plaintiff shall obtain a default against the defendant; and if on calling over the action on the next weekly court day the defendant should still neglect to appear, without any good reason for such his neglect; the court, after hearing and receiving sufficient proof of the plaintiff's demand, shall cause their final judgment to be entered against the defendant, and shall award such costs thereupon as they shall think reasonable, and issue such execution as the law, according to the nature of the case, may direct.

Judgment to be entered.

## A T R. IV.

If defendant appears

If the defendant appears at the return of the writ of summons, or, having made default on that day, pays such costs as the court may think reasonable, and appears on the next weekly court day after such return; he shall, either then or on such other day as he may obtain from the court, make his answer to the declaration, either in writing or verbally, as he thinks fit: provided that if his answer is verbal, the clerk of the court shall take down the substance thereof in writing, and preserve the same amongst the records of the court.

he is to answer the declaration.