

Costs to de- the writ are not liable to such judgment, and any judgment thereon in
 fendant suc- favor of such defendant shall carry costs which may be recovered in the
 ceeding. same manner as in ordinary cases of judgments for defendants.

If all the heirs and devisees are out of U. C. execution, may be ordered as heretofore. IV. Upon proof to the satisfaction of any such Court or Judge as afore-
 said, that all such heirs or devisees are resident in any Country or State
 without Upper Canada, such Court or Judge shall order a suggestion to be
 entered upon the record of judgment to that effect, and execution against
 the lands of such testator or intestate shall issue thereupon without any
 writ of *scire facias*, in the same manner as before the passing of this Act. 5

SCHEDULE.

WRIT OF SCIRE FACIAS.

Victoria, by the Grace of God, of the United Kingdom of Great Britain
 and Ireland, Queen, Defender of the Faith.

To the Sheriff of the County of

Whereas, A. B., (*person by whom judgment is recovered*), lately in our Court,
 (Queen's Bench, Common Pleas, County Court, *as the case may be*), recov-
 ered against C. D., as (*executor or administrator, as the case may be*), of
 C. F., deceased, (*set out judgment as in writ of execution against goods*)
 and we have been informed that the said judgment still remains unsatisfied,
 and that the said E. F., deceased, died leaving the following lands (*describe*
them by number, lot, concession, or some other particular description), in
 which we are given to understand, G. H., (*heir or devisee, as the case may*
be), claims an interest as (*heir or devisee, as the case may be*), of the said E. F.,
 deceased. Now we hereby command you that you do forthwith summon
 the said G. H., (*heir or devisee*) by serving him personally with a true
 copy of this writ, to be and appear before our said Court of (*state the Court*),
 in sixteen days after the service hereof, to shew cause, if any there be, why
 the said A. B., should not have execution upon his said judgment against
 the said lands of the said E. F., deceased.

Witness, &c.