

that he, this deponent, well knows that the said defendant did formerly reside at ———, in this Province, but has since left the same, and now resides at ———, (*but if these facts are not within the deponent's knowledge, then the affidavit must proceed thus*), and he, this deponent, was informed by (*here state the name of the informer and his connection with the absent defendant, that the Court may judge how far the information given may be relied on.*) that he knew the defendant C.D., and that he formerly resided at ——— in this Province, but has since left the same and now resides at ——— in the Province of Lower Canada, or at ——— in the United States of America, (*if the deponent can so depose upon the information given, or generally, if he be unable to state the particular place in the United States of America.*) or at ——— in England, Scotland or Ireland (*or elsewhere, or as the case may be.*) *If the defendant have never resided in this Province the affidavit must be varied accordingly.*

66. That in order to remove doubts which have arisen upon the construction of the order of the 25th of August, 1837, where the same applies to proceedings on the Common Law side of the Court, his Honour doth order that the same course of proceedings shall be adopted on the Common Law side of the Court, with respect to defendants out of the jurisdiction thereof, as by the said order is prescribed with reference to proceedings on the Equity side, *mutatis mutandis*.

68. That in all cases within the order of the 25th August, 1837, relative to defendants out of the jurisdiction, after any state of facts shall have been carried into the master's office, pursuant to the reference directed by the decree, the warrant on leaving such state of facts, henceforth shall be discontinued, and the Plaintiff shall be at liberty immediately to apply for and obtain a warrant to proceed on the state of facts.

178. Whereas in the case of defendants residing without the jurisdiction of this Court, but whose place of residence is known and who may therefore be served personally with the process of this Court to compel such defendants to appear to and answer the plaintiff's bill, it is deemed advisable to allow plaintiffs to proceed against such absent defendants, by personal service of such process in cases where the same can be effected, instead of according to the present mode of proceeding against absent defendants, it is therefore ordered that upon motion in open Court, founded upon affidavit or affidavits and such other documents of evidence, if required or proper, as may be applicable for the purpose of ascertaining the residence of any defendant or defendants residing without the jurisdiction of the Court, and the facts material to identify such defendant or defendants and his or their place or places of residence, it shall be competent for the Court to order and direct, that service of a *subpœna* to appear and answer, upon such terms and in such manner, and at such times, as to the said Court shall seem reasonable (or in cases where the Court shall deem fit, upon the receiver, steward, bailiff, agent, or