

6-7 EDWARD VII., A. 1907

Shilling to the Bailiff, to be allowed in Costs, otherwise to be returned by the Bailiff,

who shall be allowed the Charges.

for the Service and Attestation as aforesaid, the Sum of one Shilling, and no more, which Sum of one Shilling, together with the Charges of issuing and returning the said Process, shall be allowed him in his Costs, in Case he shall obtain Judgment against the said Defendant in the Action; but in case the said Plaintiff shall not personally demand the Custody of the said Process, after such Service and Attestation as aforesaid, that then the Bailiff so serving and attesting the same shall forthwith return the same to the Court of Common Pleas from whence such Process issued, who shall direct the Costs of returning the same, together with the Fee of one Shilling for the Service and Attestation thereof, to be paid to the said Bailiff by the Defendant, if he shall be condemned in the Suit, or by the Plaintiff, if he shall discontinue the Action, or otherwise fail in the Proof of the Matter contained in his Declaration.

Defendant not appearing after Service of the Declaration and Summons,

Cause to be heard on the part of the Plaintiff only.

Plaintiff not appearing or appearing and not Prosecuting or failing in Proof of the Debt, Defendant shall be dismissed and the Plaintiff Condemned in Costs. Execution not to be awarded, till the Court Day next after Giving Judgment, except the Defendant is about to leave the District; on which day Execution shall be awarded to the Bailiff of the Parish where the Defendant resides, or to some other Discreet Per-

And it is further ordained and Declared, by the Authority aforesaid, That if any Defendant, after having been duly summoned as aforesaid, shall refuse to pay the said Debt and Costs, and shall not appear, either by himself or Agent, before the Court, at the Time and Place mentioned in the said Writ of Summons, it shall and may be Lawful for the Judge or Judges of the said Court, upon view of the Certificate of the said Bailiff as aforesaid, or other due Proof of the Service of the said Writ of Summons in Manner aforesaid, to hear the Cause on the Part of the Plaintiff or Plaintiffs only and to make such Order, Decree, or Judgment, and to award such reasonable Costs of Suit, as to him or them shall seem most agreeable to Equity and good Conscience: And if upon the Day of Return of such Writ, or on such other Day, as shall be specially appointed by the Court for the hearing of the Cause, the Defendant so summoned as aforesaid shall appear, either by himself, or his Agent, and the Plaintiff shall not appear, either by himself or his Agent, or appearing shall not Prosecute, or Prosecuting shall fail in the Proof of the Matter contained in his Declaration, that then upon due Proof that such Defendant was served with such Process, it shall and may be lawful for the Judge or Judges of the said Court to dismiss the said Defendant, and decree and award him such Costs as in his or their Discretion shall seem meet, and to award Execution against the said Plaintiff for Recovery and levying thereof, in the same manner as other Executions are hereby directed to be awarded against the Defendant, where the Plaintiff shall obtain Judgment in the Action.

Provided always, and it is hereby further Ordained and Declared by the Authority aforesaid, That no Execution shall be awarded against any Defendant until the next Court day