

See Page 313,

SCHEDULE A.

ABSENT DEFENDANTS.

63. That whenever a defendant has left this Province, or is resident elsewhere, by reason whereof such defendant cannot be served with the process of *subpœna* to appear and answer the plaintiff's bill, the plaintiff shall be at liberty, on motion supported by affidavit of the fact to the satisfaction of the Court, in the form or to the effect hereinafter set forth, to obtain an order requiring the defendant to cause his or her appearance to be entered with the Registrar, and notice thereof to be served on the Plaintiff's Solicitor, within two months from the date of such order if the defendant reside in the Province of Lower Canada, within four months from the date of such order if the defendant reside in any part of the United States of America, and within nine months from the date of such order if the defendant reside in any part of the United Kingdom of Great Britain and Ireland or elsewhere; and the defendant shall accordingly appear and cause his or her answer to the bill to be filed, and an office copy thereof to be served on the plaintiff's solicitor at or before the expiration of the respective periods aforesaid, as the case may be, and in default thereof, the bill shall be taken as confessed by the defendant: Provided nevertheless, that the plaintiff's solicitor do, on obtaining such order as aforesaid, either cause a copy thereof to be published in such newspapers as the Court may direct, such publication to be continued in such newspapers at least once in each week for eight weeks in succession, or in case the defendant shall come to this Province, do cause a copy of such order to be personally served on the defendant at least twenty days before the time prescribed above for appearing and putting in his or her answer; and in case where the place of residence of the defendant is known to the plaintiff, he shall, in addition to, causing the publication of the order in the newspapers in the manner hereinbefore directed, also cause a copy of such order to be transmitted by post to the defendant addressed to him at his place of residence. That the Court shall be satisfied by affidavit or otherwise, that the aforesaid several provisions have been complied with on the part of the plaintiff, and that no appearance has been entered by the defendant with the registrar, before an order shall be entered taking the bill as confessed by such defendant in manner hereinbefore provided. That the affidavit above referred to shall be in the following form or to the like effect, that is to say:

In Chancery Between, &c. A. B., of &c.
maketh oath and saith, that a writ of *subpœna* to appear and answer in the abovenamed suit, was issued out of, and under the seal, of this Honorable Court directed to the abovenamed defendant C. D., (a copy whereof is hereunto annexed) and was delivered to this deponent to be served, but this deponent could not find the said C. D. to serve him there-
with (and if the defendant can so state he shall proceed to add.)