

SERVICE OUT OF JURISDICTION.

20. Service out of the jurisdiction of a writ of summons, or notice of a writ of summons, may be allowed by the judge whenever :—

- (a.) Any relief is sought against any person domiciled or ordinarily resident within the territorial jurisdiction of the court ;
- (b.) The action is founded on any breach or alleged breach within the territorial jurisdiction of the court of any contract wherever made, which according to the terms thereof ought to be performed within such jurisdiction ;
- (c.) Any injunction is sought as to anything to be done within the territorial jurisdiction of the court ;
- (d.) Any person out of the jurisdiction is a necessary or proper party to an action properly brought against some other person duly served within such territorial jurisdiction.

21. Every application for leave to serve a writ of summons, or notice of a writ of summons, on a Defendant out of the jurisdiction shall be supported by affidavit, or other evidence, stating that in the belief of the deponent the Plaintiff has a good cause of action, and showing in what place or country such Defendant is or probably may be found, and whether such Defendant is a British subject or not, and the grounds upon which the application is made ; and no such leave shall be granted unless it shall be made sufficiently to appear to the judge that the case is a proper one for service out of the jurisdiction.

22. Any order giving leave to effect such service, or give such notice, shall limit a time after such service or notice within which such Defendant is to enter an appearance, such time to depend on the place or country, where or within which, the writ is to be served or the notice given.

23. When the Defendant is neither a British subject nor in British dominions, notice of the writ, and not the writ itself, is to be served upon him. A form of notice will be found in the Appendix hereto No. 8.

24. Notice in lieu of service shall be given in the manner in which writs of summons are served.