

any suit hereafter, to be brought in His Majesty's Court of King's Bench, shall be a Writ of Capias ad respondendum, tested in the name of the Chief Justice or Senior Puisne Judge of the said Court for the time being, a copy of which process in actions not bailable shall be personally served on the Defendant or Defendants by the Sheriff to whom the process shall be directed, or his lawful Deputy or Bailiff being a literate person, and that upon every copy of such process to be served upon any Defendant, there shall be written a notice to such Defendant of the intent and meaning of such service to the effect following :

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A Writ of Capias ad Respondendum.

Copy whereof to be served on Defendant in actions not bailable.

A. B. You are served with this process to the intent that you may either in person, or by your Attorney appear in His Majesty's Court of King's Bench, by filing your appearance in the Office of the Clerk of the Crown (or Deputy as the case may be) in the _____ District, at the return thereof, being the _____ day of _____ or within eight days thereafter, in order to your defence in this action.

English Notice on Process not Bailable.

And that in all actions hereafter to be brought wherein the Defendant or Defendants shall not be arrested and held to special Bail, if the Defendant or Defendants do not appear at the return of such process or within eight days after the return thereof, it shall and may be lawful for the Plaintiff or Plaintiffs upon Affidavit being made and filed of the personal service of such process, to enter common Bail for the Defendant or Defendants, and to proceed thereon as if such Defendant or Defendants had put in and perfected Bail to the action.

V. *And be it further enacted by the authority aforesaid.* That it shall and may be lawful for each and every Defendant personally or by Attorney, to enter his, her, or their appearance at the Office, from which such process not bailable has issued, at any time within eight days after the return of such process or Writ, And that in all actions or suits where the Defendant or Defendants have appeared as aforesaid, the Plaintiff or his Attorney, shall, after filing a Declaration in the Office from whence the Writ issued, and service of a copy thereof on the Defendant by a demand in writing, call for a Plea, and that if after the expiration of eight days from the service of such demand, no Plea be filed, it shall and may be lawful for the Plaintiff or Plaintiffs to sign Judgment in the cause.

Manner of proceeding on Process not Bailable.

VI. *And be it further enacted by the authority aforesaid,* That for and notwithstanding any thing in this Act contained, it shall and may be lawful to proceed by bill in any case where by reason of any privilege such proceeding is practised in the Court of King's Bench in England, and that the like proceedings shall be had in actions so commenced as in the said Court, unless otherwise altered by the rules of His Majesty's Court of King's Bench in this Province.

Privileged persons may proceed by Bill, unless altered by Rule of Court.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any Defendant or Defendants in any action or suit in the said Court to plead as many several matters thereto, as he shall think necessary without leave of the said Court, where he would be entitled to do

Defendants may plead several matters without leave of the Court.