

the usual mode, or by reference to compute in the manner hereinafter provided, according to the nature of the case, as such Court or Judge may direct, and the making such proof shall be a condition precedent to his obtaining Judgment.

If the Defendant be not a British Subject.

XXXVI. In any action against a person residing out of the Jurisdiction of the said Courts and not being a British subject, the like proceedings may be taken as against a British subject resident out of the Jurisdiction, except that the Plaintiff shall, instead of the Summons mentioned in the next preceding Section, issue a Writ of Summons according to the form contained in the said Schedule A, marked No. 4, and shall in manner aforesaid serve a notice of such last mentioned Writ upon the Defendant, which notice shall be in the form contained in the said Schedule also marked No. 4; and such service or reasonable efforts to effect the same, shall be of the same force and effect as the service or reasonable efforts to effect the service of a Writ of Summons in any action against a British subject resident abroad, and by leave of the Court or a Judge, upon their or his being satisfied by affidavit as aforesaid, the like proceedings may be had and taken thereupon.

Proceedings if the Plaintiff omits any thing in the indorsement on, or in the writ.

XXXVII. If the Plaintiff or his Attorney shall omit to insert in or indorse on any Writ or copy thereof, any of the matters required by this Act to be inserted therein or indorsed thereon, such Writ or copy thereof shall not on that account be held void, but it may be set aside as irregular, or amended, upon application to be made to the Court out of which the same shall issue, or to a Judge, and such amendment may be made upon any application to set aside the Writ, upon such terms as to the Court or Judge may seem fit.

Proceedings if one form of writ be substituted by error for another.

XXXVIII. If either of the forms of Writ of Summons contained in the Schedule A, to this Act annexed, and marked respectively Nos. 1, 3, and 4, shall by mistake or inadvertence be substituted for any other of them, such mistake or inadvertence shall not be an objection to the Writ or any other proceeding in such action, but the Writ may, upon an *ex parte* application to a Judge, whether before or after any application to set aside such Writ or any proceeding thereon, and whether the same or notice thereof shall have been served or not, be amended by such Judge, without costs.

Certain writs may be made concurrent.

XXXIX. A Writ for service within the Jurisdiction may be issued and marked as a concurrent Writ with one for service out of the Jurisdiction, and a Writ for service out of the Jurisdiction may be issued and marked as a concurrent Writ with one for service within the Jurisdiction.

Affidavits for enabling proceedings to be

XL. Any affidavit for the purpose of enabling the Court or a Judge to direct proceedings to be taken against a Defendant residing out of the Jurisdiction of the said Courts, may be