

B I L L.

An Act to provide a remedy against Absent Defendants.

WHEREAS there are by law no means provided for taking proceedings against parties who are absent from Upper Canada unless by process under the Absconding Debtors' Act, and whereas it is desirable that the law should be amended in that respect:—Be it therefore enacted, &c.

Preamble.

That proceedings may be commenced in any action or suit in any of the Superior Courts of Law and Equity in Upper Canada, against any person who is absent from Upper Canada, in the same manner and by the same process as if such person was a resident inhabitant therein.

Proceedings may be commenced against debtors absent from Upper Canada

II. And be it enacted, That the first process or proceeding in any such action or suit shall be served on such absent person, either personally in whatever country out of Upper Canada, such person may be residing or living, or upon any agent or person having charge of any property real or personal of such person in this Province, and such service when out of Upper Canada, may be proved by affidavit or declaration to be taken before any person having competent authority to take the same in the country where the same shall be taken, such authority being certified by the Mayor or Chief Magistrate, or a Notary Public in the place where the same shall be taken, and such service shall be deemed good service, whether it shall be personal or on such agent or person in charge as aforesaid, only after the same shall have been allowed by the Court from whence such process or proceeding shall have issued, or a Judge in Chambers.

First process may be served upon Defendant in any country out of Upper Canada.

III. And be it enacted, That all the proceedings in any such action or suit shall be taken in the office of the Court wherein the same shall be commenced at Toronto, and appearance shall be entered at such office as follows; where the process has been served upon any agent or person in charge as aforesaid in this Province, or on the defendant personally in Lower Canada, within one month after such service; where such service has been made personally in any part of North America out of this Province, within three months after such service; and where the service has been made in any country out of North America, within twelve months after such service; and on the copy of the process or proceeding served shall be

All proceedings to be taken in office of Court at Toronto.