

time, to order such documents as they may think fit to be produced, and such witnesses as they may think necessary to appear and be examined, *viva voce*, before such Court or Judge, and upon hearing such evidence to make such rule or order as they may deem just.

XI. In all actions of ejectment in the Supreme Court, where the plaintiff, or lessor of the plaintiff, has a verdict pass against him, or becomes nonsuit or nonprossed, or otherwise, the action goes against him, or in case the action be discontinued, then, and, in such case, execution by *Fieri Facias*, or otherwise, may be issued out of the said Court against the lessor of the plaintiff, his lands, goods, chattels and person, for the recovery of the defendant's costs, as in other suits which do not relate to land.

XII. In case any defendant, being a British subject, is residing out of this Island, it shall be lawful for the plaintiff to issue a writ of summons, in the form contained in schedule (A) to this Act annexed, containing the declaration, according to the practice now adoped in summary causes, and which writ shall bear the endorsement contained in the said form, purporting that such writ is for service out of this Island, and the time for appearing and pleading by the defendant to such writ, shall be regulated by the distance from this Island of the place where the defendant is residing, and it shall be lawful for the Court or Judge, upon being satisfied by affidavit that there is cause of action, which arose within this Island, or in respect of a breach of a contract made within the Island, in whole or in part, or intended to be executed in whole or in part, within this Island, or in respect of a contract made and entered into between parties, one of whom, at the time of making such contract shall reside within this Island, and that the writ was personally served upon the defendant, or that reasonable efforts were made to effect personal service thereof upon the defendant, and that it came to his knowledge, and either that the defendant wilfully neglects to appear and plead to such writ, or that he is living out of the Island, in order to defeat or delay his creditors, to direct, from time to time, that the plaintiff shall be at liberty to proceed in the action, in such manner and subject to such

conditions as to such Court or Judge may seem fit, having regard to the time allowed for the defendant to appear and plead being reasonable, and to the other circumstances of the case; provided always that the plaintiff shall, and he is hereby required to prove the amount of the debt or damage, claimed by him in such action, either before a jury, upon a writ of inquiry, or before a Judge; and the making such proof shall be a condition precedent to his obtaining judgment.

XIII. In any action against a person residing out of this Island, and not being a British subject, the like proceedings may be taken as against a British subject resident out of this Island, save that in lieu of the form of the writ of summons in the schedule (A) to this Act annexed, the plaintiff shall issue a writ of summons according to the form contained in the schedule (B) hereto annexed, and shall, in manner aforesaid, serve a notice of such last mentioned writ upon the defendant therein mentioned, which notice shall be in the form contained in the said schedule (B), and such service shall be of the same force and effect as the service of the 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.

XIV. Any affidavit of service of writ or notice, or any other affidavit, for the purpose of enabling the Court or a Judge to direct proceedings to be taken against defendants out of the Island, may be sworn before any Judge of a Court of Record or Justice of the Peace, in any of Her Majesty's dominions, or before any Consul General or Consul, vice Consul or Consular Agent, appointed by Her Majesty at any foreign port or place, whose official character and signature shall be certified under the hand and seal of a notary public; provided always, that if any person shall, within this Island, use or tender in evidence any such affidavit with a false or counterfeit signature thereto, knowing such signature to be false or counterfeit, he shall be guilty of felony, and shall, upon conviction, be liable to be imprisoned for a term not exceeding three years, nor less than one year, with hard labour.