ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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C A P. LXXXII.

An Act to amend and extend an Act of the Second Year of His present Majesty, to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in *England* and *Ireland*. [15th *August* 1834.]

WHEREAS by an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in* England *and* Ireland *respectively,* certain Provisions have been made for rendering more effectual the Process of the said Courts respectively in the Cases therein mentioned: And whereas it is expedient to amend and extend the said Act in the Manner herein-after provided: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions contained in the said Act relating to Suits instituted in the said Courts respectively concerning Lands, Tenements, or Hereditaments situate in *England* or *Wales* or in *Ireland* respectively, shall be extended and applied to all Suits instituted

2 W. 4. c. 33.

Provisions of recited Act relating to Suits concerning Lands ex-

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tended to Suits concerning Charges or Liens on Lands.

stituted in the said Courts respectively concerning any Charge, Lien, Judgment, or Incumbrance thereon, or concerning any Money vested in any Government or other Public Stock, or Public Shares in Public Companies or Concerns, or concerning the Dividends or Produce thereof; and the Provisions in the said Act authorizing the said Courts respectively to direct that the Service in any Part of the United Kingdom of *Great Britain* or *Ireland*, or the *Isle of Man*, respectively, of any Subpœna or Subpœnas, Letter Missive or Letters Missive, and of all subsequent Process to be had thereon, upon any Defendant or Defendants in such Suit, then residing in such Parts of the United Kingdom or the *Isle of Man* in which he, she, or they should be so served, should be deemed good Service of or be made upon such Defendant or Defendants, upon such Terms, and in such Manner, and at such Time as to such Courts respectively should seem reasonable, and that thereupon it should and might be lawful for such Courts respectively to proceed upon such Service as fully and effectually as if the same had been duly made within the Jurisdictions of such Courts respectively, shall be and they are hereby extended to any Defendant or Defendants in any such Suit or Suits as herein-before mentioned, who shall appear by Affidavit to be resident in any Place, specifying the same, out of the United Kingdom of *Great Britain* and *Ireland*; and that it shall and may be lawful for the said Courts respectively, on Motion in open Court of any of the Complainants in any such Suit, founded upon an Affidavit or Affidavits, and such other Documents as may be applicable for the Purpose of ascertaining the Residence of the Party, and the Particulars material to identify such Party and his Residence, and also specifying the Means whereby such Service may be authenticated, and especially whether there are any *British* Officers, Civil or Military, appointed by or serving under His Majesty residing at or near such Place, to order that Service of a Subpœna to appear and answer upon the Party in the Manner thereby directed, or, in case where the said Courts respectively shall deem fit, upon the Receiver, Steward, or other Person receiving or remitting the Rents of the Lands or Premises, if any, in the Suit mentioned, returnable at such Time as the said Courts respectively shall direct, shall be deemed good Service of such Party, and afterwards, upon an Affidavit of such Service had, to order an Appearance to be entered for such Party in such Manner and at such Time as the said Courts respectively shall direct, and that thereupon it shall and may be lawful for such Courts respectively to proceed upon such Service so made as aforesaid as fully and effectually as if the same had been duly made within the Jurisdictions of such Courts respectively.

Service of Subpœnas in Cases where Defendants cannot be found.

II. And be it further enacted, That where it shall appear upon Affidavit, to be made to the Satisfaction of the said Courts respectively, that any Defendant in any such Suit as herein-before mentioned cannot by reasonable Diligence be personally served with the Subpœna to appear and answer, or that upon Inquiry at his usual Place of Abode he could not be found so as to be served with such Process, and that there is just ground for believing that such Defendant secretes or withdraws himself so as to avoid being served with the Process of

such Court, then and in all such Cases it shall and may be lawful for the Court to order that the Service of the Subpœna to appear and answer shall be substituted in such Manner as the Court shall think reasonable and direct by such Order.

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