

ness, the Honorable \_\_\_\_\_ Judge of the said Court,  
the \_\_\_\_\_ day of \_\_\_\_\_ in the year, &c.  
(Signed) \_\_\_\_\_, Clerk.”

To deliver memorandum

5. Before the issuing of any writ of summons, the plaintiff or plaintiffs, or his, her, its or their attorney, shall deliver a memorandum in writing according to the following form, or to the like effect:

“A plaintiff against C. B., } E. S. Clerk of the  
  or } \_\_\_\_\_  
against C. B. and D. E. } Issue in this case.  
Brought the \_\_\_\_\_ day of \_\_\_\_\_ 18—  
  (Signed) \_\_\_\_\_”

Such memorandum to be delivered to the clerk of the court, and to be dated on the day of the delivery thereof, and signed by the plaintiff or plaintiffs, or his, her, its or their attorney.

Writ may be renewed.

6. If any defendant or defendants named in any writ of summons shall not have been served therewith, by the return day of the writ, such writ may be renewed, at any time before the next term of the court, and be returnable to the same, and may be so renewed and returnable again to succeeding terms, as long as may be necessary; and a writ of summons so renewed shall remain in force and be available to prevent the operation of any statute whereby the time for the commencement of the action may be limited, and for all other purposes, from the date of the issuing the original writ of summons.

To be endorsed

7. The sheriff or other person serving the writ of summons, shall endorse on the same “summoned” or “can not be found” or “is dead” or as the case may be.

Service personal.

8. The service of the writ of summons shall be as heretofore personal.

Lawful to declare.

9. In any action brought against two or more defendants, if one or more of such defendants, only, shall appear, and another or others of them shall not appear: provided the writ of summons has been served upon such as do not appear, it shall be lawful for the plaintiff or plaintiffs to declare against all of the defendants, and proceed as if they all had appeared.

Appearance.

10. A defendant or defendants may appear at any time before judgment; and if he, she, or they appear after the time specified in the writ of summons, he, she or they shall, after notice of such appearance to the plaintiff or plaintiffs, or his, her or their attor-

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