

Any person arrested and detained in virtue of a Writ of *Capias ad satisfaciendum*, on giving security that he will not depart from nor exceed certain limits, shall be entitled to his liberty & to go at large within the same.

therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec, in North America*;" and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that from and after the passing of this Act, any person that now is or hereafter shall be arrested and detained in virtue of any Writ of *Capias ad satisfaciendum*, shall on giving good and sufficient security to the satisfaction of any Justice of His Majesty's Court of King's Bench or Provincial Court for the District, that he will not depart from, nor exceed the limits of the City, Town, Borough or Village where the prison is situate, to which he is or might be committed and imprisoned in virtue of such *Capias*, be entitled to his liberty, and to go at large within the limits of the City, Town, Borough or Village. And the condition of every recognizance in this behalf shall be, that the Cognizors shall not become liable, unless the Defendant shall depart from or exceed the limits of the City, Town, Borough or Village, without having paid the debt, interest and costs for which the Action shall have been brought.

Not to affect the right of the Bail to take and surrender the Defendant in discharge of themselves.

II. Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall be construed or taken in any manner to affect the right of the Bail to take and surrender the Defendant in discharge of themselves.

Duration of this Act.

III. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand eight hundred and thirty-two, and no longer.

C A P. VIII.

AN ACT to facilitate the proceedings at Law in certain cases therein-mentioned, relating to Writs of *Capias* and Attachment.

(7th March, 1827.)

Preamble.

WHEREAS it is expedient to facilitate the recourse of Creditors against fraudulent and absconding Debtors:—Be it therefore enacted by the King's

Writs of *Capias ad respondendum* or attachment against the body of any defendant &c. when obtained, the service of the declaration specifying the cause of action, how to be made, in Term or in vacation.

King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec, in North America*;" and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that in all cases whereby the Laws of this Province, any Plaintiff is entitled to and shall have obtained a Writ of *Capias ad Respondendum* or Attachment against the Body of any Defendant, *Saisie Gagerie*, *Saisie en Revendication*, or Attachment for attaching the Estate, Debts, and Effects, of what nature soever, whether in the hands of the Owner, the Debtor, or of a third Person, service of the declaration, specifying the cause of action upon which such Writ or Writs shall have respectively issued, may be made upon the Defendant, either personally, or by being left at the Office of the Sherif of the Court into which such Writ shall have been made returnable, at any time within three days next after the service of such Writ, if the same have issued in Term, or within eight days next after such service, if the Writ have issued in Vacation; and that service of such declaration, in manner aforesaid, shall be good and sufficient in Law to compel the Defendant to appear in Court and answer to the demand of the Plaintiff in the same manner as if such declaration had been served together with the original Writ, any law, usage, or custom heretofore in force in this Province, to the contrary hereof in any wise notwithstanding.

Not to affect the personal service of Writs of Attachment, &c. as enacted by the Act of the 4th Geo. IV. cap. 12.

II. Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend or be construed to extend to repeal or in any wise to affect the personal service of any Writ of Attachment or Writ of *Saisie Arrêt* or *Entiercement*, in the manner as set forth and enacted in and by the Provincial Statute passed in the fourth year of the Reign of His present Majesty, chapter thirteenth, intituled, "An Act to facilitate the proceedings against the estate and effects of Debtors, in certain cases."