

passing of this Act, and that it shall be competent for the Court of King's Bench in the said Term, and in any Term afterwards, to make such orders or rules as to them may seem fit, respecting the manner of justifying and perfecting Bail as aforesaid, and respecting the notices to be given previous thereto, the attendance of Bail before a Commissioner or before a Judge, and the affidavits or examinations to be required, or any other matter or thing which may to them appear expedient for carrying this proviso the most justly and conveniently into effect.

Judges to frame rules of practice with regard to justifying.

III. *And be it further enacted by the authority aforesaid,* That in case any Defendant or Defendants in any action now pending, or which may be hereafter brought in any of the District Courts in this Province, shall be surrendered by his Bail into the custody of the Sheriff of any District other than that in which such action shall have been instituted, it shall and may be lawful for the Plaintiff or Plaintiffs in any and every such action, after obtaining and entering up judgement, to procure a transcript of the judgment Roll and proceedings, certified under the hand of the Judge of the Court wherein the same shall be obtained, and upon filing such transcript so certified as aforesaid, in the office of the Clerk of the District Court of the District wherein such Defendant or Defendants shall be so surrendered into custody, to charge the said Defendant or Defendants in execution, and take all other necessary proceedings in like manner as if the suit had been originally instituted in such District Court; *Provided always,* that nothing in this Act contained shall be held to interfere or do away with the provision of any existing Law, for the removal of causes from inferior to superior Courts by Writ of Certiorari or otherwise.

When Defendant surrendered in District other than that wherein action brought,

Transcript of Judgment Roll may be filed in the Court of such District,

And Defendant charged in execution therein.

Law regarding Certiorari not affected by this provision.

CHAP. VI.

AN ACT to revive and extend the provisions of an Act passed in the tenth year of His late Majesty's Reign, entitled "An Act to authorise the detention of Debtors in certain cases."

[Passed 6th March, 1834.]

WHEREAS an Act passed in the tenth year of His late Majesty's Reign, entitled "An Act to authorise the detention of Debtors in certain cases," has expired; *And whereas* it is expedient to revive, continue, and amend the same: *Be it 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 Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the

Preamble.

Act 10 Geo. 4, c. 2,
revived and continued
for 4 years.

Parliament of Great Britain, entitled, “ An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘ 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 by the authority of the same, That the said Act be and the same is hereby revived and continued for four years from and after the passing of this Act, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

Clerks of District
Courts to supply
Commissioners of the
King’s Bench with
writs of Capias ad
Respondendum.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, and the Clerks of the several District Courts in this Province are hereby required, upon application by any Commissioner of His Majesty’s Court of King’s Bench, and upon payment of the usual fees by law established for the same, to furnish such Commissioner with such number of writs of Capias ad Respondendum as such Commissioner may so require.

Commissioners may
issue bailable process.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for such Commissioner to issue a Writ of Capias ad Respondendum in the same manner and with the like effect as the same may now be issued in His Majesty’s Court of King’s Bench by virtue of the ninth section of an Act passed in the second year of His late Majesty’s reign entitled, “ An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty’s Court of King’s Bench in this Province.”

Commissioner not to
act as such if Attorney
in the cause.

IV. *And be it further enacted by the authority aforesaid,* That no Commissioner shall issue any writ of Capias ad Respondendum in any case in which he shall be employed as Attorney for the person suing out such writ.

CHAP. VII.

AN ACT to facilitate the remedy by Replevin.

[Passed, 6th March, 1834.]

Preamble.

WHEREAS it is expedient to facilitate the remedy of Replevin :—
Be it 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 Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, “ An Act to repeal certain parts of an Act passed in