

XI. *And be it further enacted by the authority aforesaid,* That when in any case an action shall be brought against more than one Defendant under this Act, who must otherwise have been sued separately, and it shall happen that any one or more of the Defendants shall die pending the suit, an action may nevertheless be brought against the Executors or Administrators of any such deceased Defendant, *Provided* such Defendant would have been liable to be sued separately, in case this Act had not been passed.

XII. *Provided always, nevertheless, and be it further enacted by the authority aforesaid,* That this Act shall not apply in any case in which the sum expressed to be payable in or upon any such Bond, Recognizance, Promissory Note, Bill of Exchange or other Instrument, shall exceed the sum of One Hundred Pounds, nor to any case where separate actions are brought in the District Court, against persons residing in several Districts.

XIII. *And be it further enacted by the authority aforesaid,* That when several Defendants are included in one process, in pursuance of the provisions of this Act, and any one or more of them cannot be served with such process by reason that he or they is or are absent from the Province, or concealed within the same, then the action may proceed as against the other Defendant or Defendants, without prejudice; and it shall be in the power of the Plaintiff afterwards to sue such Defendant or Defendants separately, who shall not have been served with process, and to recover costs as if this Act had not been passed.

XIV. *And be it further enacted by the authority aforesaid,* That this Act shall remain in force for four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer; but that any proceedings then pending shall be conducted to a final end, without being affected by the expiration of this Act.

CHAP. II.

AN ACT to allow the issuing of Writs of Error from the Court of King's Bench.

[Passed 24th February, 1835.]

WHEREAS it would facilitate the correction of Errors in the Judgment of inferior Courts of Record, if the Writ of Error, which for such purposes is required by the Law of England to be issued from Chancery,

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and to be made under the Great Seal, were allowed in this Province to issue from the Court of King's Bench, under the Seal of that Court: *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 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 whenever by the Law of England a Writ of Error may be sued out of Chancery, returnable in the Court of King's Bench, for removing the Record of the Judgment of an inferior Court of Record in order to its examination upon errors assigned, it shall be lawful in similar cases, and for the like purpose, to sue out a Writ of Error from the Court of King's Bench in this Province, running in the name of the King, and having teste and return like other Writs of the said Court; and upon the return of such Writs the said Court may proceed thereon as if the Record of the Judgment had been removed under the Great Seal of this Province.

Writs of Error may be sued out from the K. B.

II. *And be it further enacted by the authority aforesaid*, That for securing Suitors against vexatious delays and expense through the suing out of such Writs of Error, it shall and may be lawful for the Judges of the Court of King's Bench to make such rules and orders, from time to time during any term of sitting of the said Court, as may appear just and expedient for securing the payment of costs, and of the debt or damages awarded by the Judgment of the inferior Court, or either of them, in case such Judgment shall be affirmed in error; and also for restraining frivolous Writs of Error from being brought merely for delay.

Court of K. B. may make rules respecting the same.

CHAP. III.

AN ACT to mitigate the Law in respect to Imprisonment for Debt.

[Passed 16th April, 1835.]

WHEREAS the Imprisonment of persons in Execution for Debt is no otherwise justifiable than as a means of compelling such persons to apply whatever monies or property they may be possessed of, or may have under their control, to the satisfaction of their Creditors: *And whereas*, it is impossible, with a just regard to the rights of Creditors and to the

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