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C H A P. II.

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An ACT to amend part of an act passed in the thirty-fourth year of the reign of his Majesty, entitled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeals," and also to amend and repeal part of an act passed in the thirty seventh year of the reign of his Majesty, entitled, "An Act for regulating the Practice of the Court of King's Bench," and to make further provision respecting the same.

[The Royal Assent to this Act was promulgated by Proclamation, bearing date January 1, in the year of our Lord 1800, and fortieth of his Majesty's reign.]

**I.** WHEREAS by an act passed in the thirty-fourth year of the reign of his Majesty, entitled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeals," it is enacted, That no person shall be arrested or holden to bail upon any process issuing out of the Court of King's Bench in a civil suit, unless an affidavit be first made by the plaintiff, that the defendant is justly and truly indebted to him in a sum certain, which together with the account for which it became due, shall be specified, and also that the deponent verily believes the defendant is about to leave the province, with an intent to defraud his creditors; and whereas many persons having contracted debts in this province, have fraudulently left the same before their creditors can have sufficient knowledge of their intention, so as safely to make the affidavit by the said act required; for remedy thereof, Be it 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 in order to hold any person to bail in any civil suit in the said court of King's Bench, it shall be sufficient that the said affidavit (which may be made by the plaintiff, his servant or agent) besides stating the cause of action in the manner in the said act mentioned, do also state that the deponent is apprehensive that the defendant will leave the province without paying his debts.

*Affidavit for holding to bail.*

**II.** And for the more effectual prevention of such fraudulent practices as aforesaid, be it enacted by the authority aforesaid, That in case the plaintiff in any action now pending, or hereafter to be brought in the said Court, his servant,

*Ca. ad resp. may be sued out after action brought.*