

the defect or error be that of the party applying to amend or not, and all such amendments may be made with or without costs, and upon such terms as to the Court or Judge may seem fit, and all such amendments as may be necessary for the purpose of determining in the existing suit the real question in controversy between the parties, shall be so made.

Civil proceedings as may be necessary to do full justice.

And with respect to proceedings in error and appeal ; Be it enacted as follows :—

Error and Appeal.

CCXXI. No Judgment, decree or other proceeding either at law or in equity shall be reversed or avoided for any error or defect therein, unless the Writ of appeal be sued out and prosecuted with effect within six years after such Judgment, decree or proceeding shall have been entered of record, made, pronounced, had or completed.

Appeal must be brought within six year.

CCXXII. If any person who is or shall be entitled to bring error or appeal as aforesaid, shall be at the time such title accrued, within the age of twenty-one years, *feme covert*, *non compos mentis*, or without the limits of this Province, then such person shall be at liberty to sue out his Writ of appeal so as such person commences or brings and prosecutes the same with effect within six years after coming to or being of full age, discovered, of sound memory, or return to the Province, and if the opposite party shall, at the time the title to bring error and appeal accrued, be without the limits of this Province, then the Writ of appeal may be sued out, provided the proceeding be commenced and prosecuted with effect within six years after the return of such party to this Province.

Further time allowed in cases of disability to bring appeal at the time before limited.

And with respect to the payments of weekly allowance to insolvent debtors, and as to Gaol limits, and to the discharge of such debtors ; Be it enacted :

Allowance to debtors, Gaol limits, &c.

CCXXIII. If any debtor in close custody upon any mesne process, or in execution, or upon an attachment, or other process issued by any Court in Upper Canada, for non-payment of costs, or for non-payment of any sum of money awarded, or for the non-payment of any claim in the nature of a debt or demand due, being a sum certain or capable of being ascertained by computation, and not in the nature of a penalty to enforce the doing of some act, other than the payment of a sum of money, (in which several cases, the debtor shall be deemed to be a prisoner in execution,) shall make oath that he is a prisoner in close custody, setting forth on which of the causes of detention above specified, and that he is unable to find security for the limits, and is not worth the sum of five pounds, and in case he is in custody on mesne process that he is unable to procure bail to the action, and that he does not believe the demand of the Plaintiff to be just, and for that cause and no other he resists payment of the same, and refuses to confess Judgment for the sum sworn to, it shall be lawful for the Court from which the process against such debtor issued, or any Judge having authority to dispose of matters arising in suits in such Court, to make a rule or order on the Plaintiff at whose suit such debtor is detained, to pay to such debtor on the third Monday after the service of such rule or order, and upon each Monday thereafter, so long as such debtor shall be detained in prison at the suit of such Plaintiff for such cause, the sum of five shillings, such payment to be made to the debtor or to the Gaoler in whose custody he is, for the use of such debtor, and in default of such payment such debtor shall after service of a rule *nisi* or Judges' Summons, to be obtained on oath

In what cases a debtor in close custody shall be entitled to allowance.

The allowance, and how payable. Discharge if not paid.