

therein named to enter up judgment against him on the said bond; That in Hilary Term in the 44th year of Your Majesty's reign judgment was entered up and docketed against the said William Willcocks in Your Majesty's Court of King's Bench for the Province of Upper Canada, and a writ of Fieri Facias having issued thereon in Easter Term following the Sheriff returned nulla bona to such writ: That in the same Easter Term the Appellant apprehending himself to be intitled by virtue of the Act of the 5 of His late Majesty, Geo. 2, ch. 7, whereby houses, lands, negroes and other hereditaments and real estate situate within the British plantations in America belonging to any person indebted are made liable to and chargeable with all just debts and demands whatsoever owing by any person to His Majesty or of any of His Majesty's subjects, to have a writ of execution against the lands and tenements of the said William Willcocks, applied to the said Court of King's Bench for a Rule to shew cause why such writ should not issue, which Rule was accordingly granted by the court, but the same was upon argument afterwards discharged; That the Appellant having appealed to the Court of Appeals of the said Province from the said Order of the said Court of King's Bench refusing to award the said writ of execution against the lands and tenements of the said William Willcocks, the same came on to be heard before the said Court on the 13th day of April last when that court was pleased to affirm the judgment of the Court of King's Bench, from which judgment of the Court of Appeals the Appellant prayed leave to appeal to Your Majesty in Council, which was granted to him on the usual terms, and the Appellant humbly prays that the said judgment may be reversed or for other relief in the premises; the Lords of the Committee in obedience to Your Majesty's said Order of Reference this day took the said Petition and Appeal into consideration, and having heard Counsel on both sides thereupon, their Lordships do agree humbly to report as their opinion to Your Majesty that the judgment of the Court of King's Bench for the said Province entered up in Hilary Term in the 44th year of Your Majesty's reign and also the judgment of the Court of Appeals of the said Province of the 13th of April last, should be reversed and that the cause should be remitted back to the said Court of King's Bench in Upper Canada in order that a writ of execution may be awarded to the Appellants against the lands and tenements of the Respondent."