

- shall be let in to plead, and the action shall proceed as in ordinary cases begun by Writ of Capias ; Provided always, that after obtaining Judgment it shall not be necessary for the Plaintiff to make or file any other or further affidavit than that on
- 5 which the Writ of Attachment was ordered, in order to sue out a Writ of *capias ad satisfaciendum* ; And provided also, that if it shall appear at any time before execution issued, upon motion to be made in Court for that purpose and upon hearing the parties by affidavit, that the Defendant was not an absconding
- 10 Debtor within the true meaning of this Act, at the time of the suing out of the Writ of Attachment against him, such Defendant shall recover his costs of defence, and the Plaintiff shall, by rule of Court, be disabled from taking out any Writ of Execution for the amount of the verdict rendered or ascertained
- 15 upon reference to compute or otherwise recovered in such action, unless the same shall exceed, and then for such sum only as the same shall exceed the amount of the taxed costs of the Defendant, and in case the sum so recovered shall be less than the amount of the taxed costs of the Defendant, then the
- 20 Defendant shall be entitled, after deducting the amount of the sum recovered as aforesaid from the amount of such Defendant's taxed costs, to take out execution for the balance in like manner as a Defendant may now by law have execution for costs in ordinary cases.
- 25 XLIX. The Sheriff to whom any Writ of Attachment shall be directed shall forthwith take into his charge or keeping all the property, credits and effects, including all rights and shares in any Association or Corporation (which shall be attached in the same manner as they might be seized
- 30 in execution under the provisions of an Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to provide for the seizure and sale of shares in the Capital Stock of Incorporated Companies*.) of the absconding Debtor as set forth in such
- 35 Writ, and shall be allowed all necessary disbursements for keeping the same ; and he shall immediately call to his assistance two substantial freeholders of his County, and with their aid he shall make a just and true inventory of all the personal property, credits and effects, evidences of title or debt, books
- 40 of account, vouchers and papers that he shall attach, and shall return such inventory, after it shall have been signed by himself and the said freeholders, together with the Writ of Attachment.
- L. In case any horses, cattle, sheep, pigs or any perishable goods or chattels, or such as from their nature (as timber or staves) cannot be safely kept or conveniently taken care of, shall be taken under any Writ of Attachment, it shall be the duty of the Sheriff who has attached the same to have them appraised and valued, on oath, by two competent persons ; and in case the Plaintiff suing out the Attachment shall desire it

Proviso : as to
ca. sa.

Proviso: if
the Defendant
prove that he
was not an
absconding
Debtor when
the original
writ issued.

Costs, and re-
medy of De-
fendant for
them.

Sheriff to at-
tach all the
property and
credits of De-
fendant.

12 Vic. c. 23.

Inventory to
be made of
property
seized.

How perish-
able goods
shall be dealt
with.

Sale of all
such goods if