

Cases in which
a *Capias* may
issue

II. And be it enacted, That in all cases after an action shall have been commenced and returned into the proper Court by any plaintiff against any defendant, and in all cases in which a judgment or decree shall have been obtained against a defendant, it shall be lawful for the plaintiff in such case, to make application to any Judge of the Court in which such suit is brought, or to any officer authorized by law to issue Writs of *Capias* for a Warrant to arrest the defendant in such suit, or on such judgment, and the said Judge or officer shall issue the same on satisfactory evidence on oath adduced before him by the affidavit of the plaintiff, or of some other person or persons on his behalf, that the defendant is indebted to the plaintiff in a debt or demand amounting to currency, or upwards, and specifying the nature and amount thereof, and establishing one or more of the following facts and particulars :

£20 or

When it is
proved that
Defendant is
about to leave
Canada, &c

1st. That the defendant is immediately about to depart from the Province of Canada with intent to defraud his creditors. 25

Or to remove
his property,
with intent to
defraud, &c

2nd That the defendant is about to remove all or any of his property out of the jurisdiction of the Court in which such suit is brought. with intent to defraud his creditors.

Or conceals
his property,
&c

3rd That the defendant fraudulently conceals his property or rights in action, specifying their tangibility or the existing avails of the same, if they shall have been converted, or some interest in any public or corporate stock, money or evidence of debt, belonging to him, specifying the same, which he unjustly refuses to apply to the payment of the Plaintiff's judgment or decree against him. 30

Or is about to
dispose of his
property, with
intent

4th. That he has assigned, removed or disposed of, or is about to dispose of any of his property, specifying the same, with intent to defraud his creditors. 40