

discharged from such commitment by order of the Court out of which such writ shall have issued, or of a judge thereof.

5 XV. And be it enacted, That, in case any party liable to be interrogated, shall neglect or refuse to answer such interrogatories, or shall answer them falsely or evasively, or if it shall appear that the party interrogated shall refuse to give up to his judgment creditor any property he may
 10 possess or have the means of possessing or over which he has any control, or if it shall appear that he has fraudulently deprived himself of the means of paying such debt, then and in any of these cases it shall and may be lawful for the Court of Queen's Bench or a Judge thereof, and
 15 for the County Court or a Judge thereof, to order a writ of *Capias ad satisfaciendum* to be issued against the party against whom such judgment shall remain unsatisfied, upon which writ he shall be arrested and committed to close custody, to be kept without bail until further order
 20 from the Court out of which such writ issued, or from some Judge thereof.

Party refusing, or neglecting to answer, or answering untruly, may be committed to gaol on ca : sa :

XVI. And be it enacted, That upon a return of "no goods" or "no lands" to any writ of execution, it shall
 25 be lawful for the party interested in the judgment upon which such writs may have issued, to apply to the Court in which such judgment was given or a Judge thereof, and if it shall be made to appear to such Court or Judge that the party against whom such judgment remains unsatisfied has the means of satisfying the judgment or any
 30 part thereof, beyond the value of such articles of clothing and utensils as are exempted by this Act, it shall be lawful for such Court or Judge to order a writ of *Capias ad satisfaciendum* to be issued, upon which the party shall be committed to close custody, until discharged by an order
 35 of the Court out of which the execution issued, or by some Judge thereof.

Upon such return as aforesaid the Plaintiff may apply for a writ of ca : sa : which shall issue if it shall appear that the defendant has means of satisfying the judgment, or part thereof.

XVII. And be it enacted, That every person arrested or charged on any writ of *Capias ad satisfaciendum*, shall
 40 be entitled to his discharge upon giving up his property, and satisfying the Court out of which the writ issued, or a Judge thereof, that he has no means of satisfying such judgment or any part thereof, save as to such property as by this Act is exempted, and that he has not acted fraudulently in contracting the debt, or in depriving himself of
 45 the means of satisfying the judgment.

Defendant may obtain his discharge on proving that he has no such means.

XVIII. And be it enacted, That any party having a judgment in any Court of Law in Upper Canada, may
 50 apply for an order for a writ of *Capias ad satisfaciendum* under this Act, to any Judge of a County Court in the

Such application may be made to a district Judge, and granted by him.