

so by obtaining such leave under the same regulations and restrictions as are declared by the British Statute, passed in the fourth year of the reign of Queen Ann, Chap. 16 sec. 4, any thing in the said clause to the contrary notwithstanding.

VIII. *And whereas*, much inconvenience is felt by conscientious creditors in the recovery of their just debts, from the difficulty of ascertaining whether any person or persons design leaving the Province with an intent to defraud their creditors, an Affidavit of which is required by the Laws now in force, before a Capias ad Respondendum could issue, *Be it therefore enacted by the authority aforesaid*, That no person shall be arrested or holden to Special Bail upon any process issuing out of the said Court in a Civil suit where the cause of action shall not amount to Five Pounds of Lawful Money of this Province, and where the cause of action shall amount to Five Pounds and upwards, it shall not be lawful for the Plaintiff to proceed to arrest the body of the Defendant or Defendants unless an Affidavit be first made by such Plaintiff, his servant or agent, of such cause of action, and the amount justly and truly due to the said Plaintiff from the said Defendants, and also that such Plaintiff, his servant or agent is apprehensive that the Defendant will leave this Province without satisfying the said debt, and that the said Plaintiff, his servant or agent, does not sue out such process from any vexatious or malicious motive whatever, which affidavit shall be filed, and may be made before any Judge or Commissioner of the Court, out of which such process shall issue, authorised to take Affidavits in such Court, or before the Officer who shall issue such process, or his Deputy, which Oath, such Officer or his Deputy is hereby authorised to administer, and for the said Affidavit, One Shilling shall be paid and no more, and the sum or sums specified in such Affidavit shall be endorsed on such Writ or Process, which sum or sums so endorsed, the Sheriff or other Officer to whom such Writ or Process shall be directed, shall take Bail, and for no more.

IX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any Plaintiff, his Servant or Agent, having made such Affidavit as aforesaid to sue out from any Commissioners of His Majesty's Court of King's Bench for taking affidavits in each and every District a Writ of Capias ad respondendum with which the said Commissioners as well as the several Deputies appointed by the Clerk of the Crown shall be from time to time supplied, signed by the proper Officer of the Court, on which shall be endorsed the sum sworn to, and to which the said affidavit shall be annexed, whereupon it shall and may be lawful for any Constable in the District to arrest the said Defendant and deliver him, her or them, over to the Sheriff in order that he, she or they may be held to bail for the amount of the sum so endorsed.

X. *And be it further enacted by the authority aforesaid*, That in all cases in which the cause of action shall be other than a debt certain of which affidavit may be made as herein before mentioned, it shall and may be lawful to hold the Defendant or Defendants to bail; a Judge's order having been first obtained for that purpose in such cases and in such manner as is provided by the Law and practice of the Court of King's Bench in England.

No person to be arrested for a sum under 5*l*.

Affidavit to be made by Plaintiff previous to arrest,

and may be sworn before any Judge, &c. and is to be paid for Oath.

Sum sworn to shall be endorsed on Bailable Process.

Commissioners for taking Affidavits and Deputy Clerks of the Crown to issue Bailable Process.

Judges may order Arrests in certain cases.