

tiff 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.

writ of execution, it shall 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, or to any of the Judges of the District Court of the District in which the party sought to be arrested shall reside, for an order to issue a writ of *Capias ad satisfaciendum* ; 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 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 of the Court out of which the execution issued or of some Judge thereof, or by an order of the Judge of the District Court of the District in which the party may have committed.

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

XVII. And be it enacted, That every person arrested or charged on any of *capias ad satisfaciendum*, shall be entitled to his discharge upon giving up his property and satisfy 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 the means of satisfying the judgment.

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

XVIII. And be it enacted, That any party having a judgment in any Court of Law in Upper Canada, may apply for an order for writ of *Capias ad satisfaciendum* under this Act, to any Judge of a District Court in the District in which the party sought to be arrested resides, and such Judge may and shall, upon the provisions of this Act being complied with, order a writ of *Capias ad sa-*