

pired; and whereas it is expedient to revive, continue and amend the same: *Be it therefore enacted*, by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Act be, and the same is hereby revived and continued for four years, from and after the passing of this Act, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

2. And be it further enacted by the authority aforesaid, That it shall and may be lawful, and the Clerks of the several District Courts in this Province are hereby required, upon application by any Commissioner of His Majesty's Court of King's Bench, and upon payment of the usual fees by law established for the same, to furnish such Commissioner with such number of Writs of Capias ad Respondendum, as such Commissioner may so require.

3. And be it further enacted by the authority aforesaid, That it shall and may be lawful for such Commissioner to issue a Writ of Capias ad Respondendum in the same manner and with the like effect as the same may now be issued in His Majesty's Court of King's Bench, by virtue of the ninth section of an Act passed in the second year of His late Majesty's reign, entitled, "An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province."

4. And be it further enacted by the authority aforesaid, That no Commissioner shall issue any Writ of Capias ad Respondendum in any case in which he shall be employed as Attorney for the person suing out such Writ.

An Act to afford relief to persons confined on Mesne Process.

[Passed 6th March, 1834.]

WHEREAS in many cases arrests are made upon mesne process of persons not having the power of procuring bail, who are thereby kept in close confinement, and being destitute of the means of support it is expedient to afford relief. *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any person or persons arrested on Mesne Process issued from His Majesty's Court of King's Bench or from any of the District Courts of this Province, being in actual and close custody, to make an affidavit before any person having authority to administer the same, that he, she, or they, is or are in close custody, is or are unable to procure bail, and is or are not worth the sum of Five Pounds, and upon the production of such affidavit to the Court from whence the Writ issued, in Term time, or to any Judge thereof, in Vacation, it shall and may be lawful for such Court or Judge of such Court to make an order upon the Plaintiff or Plaintiffs in any such Suit or Action, to pay to the Defendant the weekly allowance in the same manner as if the Defendant were in custody upon final process, and upon due service of a copy of such order upon the Plaintiff or his Attorney, and in the default of the payment of such weekly allowance, such Court respectively, in Term time, or any Judge thereof in Vacation, shall issue an order to the