

No further particulars need be given unless on order.

a special indorsement of the particulars of his claim, in the form contained in Schedule A, to this Act annexed, marked No. 5, or to the like effect ; and when a Writ of Summons has been indorsed in the special form hereinbefore mentioned, the indorsement shall be considered as particulars of demand, and no further or other particulars need be delivered unless ordered by the Court or a Judge. 5

Plaintiff may obtain *capias* in certain cases, commencing after the writ of summons, affidavit required.

Form of writ.
To whom directed.
Copies.

One copy to be delivered to each person on whom the writ shall be executed.

Costs.

Proviso :
Writ to issue from the same Court as the original writ.

XLII. It shall be lawful for the Plaintiff, after the commencement of any action by Writ of Summons but before Judgment in such action, upon making and filing an affidavit conformably to the provisions of the twenty-third section of this Act or on obtaining a Judge's order for that purpose to sue out of the office whence such Summons was issued a Writ of *Capias*, and one or more concurrent Writs, and to renew such Writs in manner directed by this Act—which Writ of *Capias* in every such case shall be in the form contained in Schedule A to this Act annexed, and marked No. 6, and may be directed to the Sheriff of any county or union of counties in Upper Canada, and so many copies of such Writ with every memorandum or notice subscribed thereto, and all endorsements thereon as there may be persons intended to be arrested thereon shall be delivered with such writ to the Sheriff or other officer who may have the execution or return thereof, and who shall immediately, upon or after the execution thereof, cause one such copy to be delivered to every person upon whom such process shall be executed by him, and shall indorse upon such Writ the true day of the execution thereof within three days at farthest after such execution ; and the proceedings in any such action may be carried on to Judgment without regard to the issuing of such *Capias* or to any proceedings in any way arising from or dependent thereon—and on entering Judgment the Plaintiff shall be entitled to tax the costs of such Writ or Writs of *Capias* and the proceedings thereon in like manner as if the suit had been originally commenced by *Capias*, together with the other costs incurred and taxable in the cause : Provided always, that notwithstanding any thing contained in the fourth section of this Act such Writ shall be issued in the Court out of which the original Writ in the cause was sued out. 10 15 20 25 30 35

And as regards proceedings against absconding debtors who shall have real or personal property, credits or effects in Upper Canada ; Be it enacted :— 40

Form of Writ against absconding Debtors, &c.

XLIII. If any resident in Upper Canada indebted to any person, shall depart from Upper Canada with intent to defraud his creditors, and shall, at the time of his so departing, be possessed to his own use and benefit, of any real or personal property, credits or effects in Upper Canada, he shall be deemed an absconding debtor, and his property, credits and effects aforesaid, may be seized and taken for the satisfying of his debts by a Writ of Attachment, which shall also contain a 45