

## ORDERS OF COURT—ACTS OF LAST SESSION.

the 1st January and 1st July, in each year, is to be delivered to the Judges within ten days thereafter, and such list is to set forth in convenient form :

- I. The short style of the cause or matter.
- II. Date of order under which mortgage executed.
- III. Date of mortgage.
- IV. Amount.
- V. When payable.
- VI. To whom.
- VII. For whose benefit.
- VIII. What sums, if any, overdue for principal or interest.
- IX. Name of mortgagor.
- X. Locality (not description) of mortgaged property.
- XI. Remarks.

29. The books kept under these orders are to be open to inspection ; and the Registrar or Secretary is to give a certificate of the state of any account, or an extract therefrom, at the desire of any party interested, or his solicitor.

30. The Secretary is to take and dispose of such references under the Act for Quietting Titles, and otherwise, and to perform such other duties, and render to the Judges such other services, besides those hereinbefore named, as the Judges may respectively, from time to time, require.

31. The Secretary is to receive for drawing Decrees, taking references, or other business performed by him instead of some other Officer of the Court now performing such business, the same Fees as are now payable therefor ; and no fees not hitherto payable by suitors are to be hereafter payable by reason of anything contained in these Orders. The Secretary is to keep in a book an account of the fees received by him, and to report to the Judges quarterly the particulars and amount thereof.

32. Where the name and place of business of a Solicitor have been indorsed upon any pleading or proceeding filed, it shall not be necessary to indorse such place of business on any pleading or proceeding in the same cause or matter subsequently filed, or subsequently served on any person who was served with the former proceeding.

33. When an acceptance of service of any Bill, Order, or other proceeding, and an undertaking to answer or appear thereto have been given by a Solicitor, such acceptance and undertaking are to be equivalent to personal service upon the party for whom the same have been given, within the meaning of the Orders requiring personal service, and an affidavit of personal service is in such case dispensed with.

P. M. VANKOUGHNET, C.

O. MOWAT, V. C.

## ACTS OF LAST SESSION.

*An Act for more effectually securing the Liberty of the Subject.*

[Assented to 15th August, 1866.]

Whereas the Writ of *Habeas Corpus* hath been found by experience to be an expeditious and effectual method of restoring any person to his liberty, who hath been unjustly deprived thereof ; and whereas extending the remedy af such Writ, and enforcing obedience thereunto, and preventing delays in the execution thereof, will be advantageous to the public ; and whereas the provisions made by an Act passed in England in the thirty-first year of King Charles the Second, intituled : "An Act for the better securing the liberty of the Subject, and for prevention of imprisonment beyond the seas," only extend to commitment or detainer for criminal or supposed criminal matters ; Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. When any persons shall be confined or restrained of his or her liberty (except persons imprisoned for debt, or by process in any civil suit, or by the judgment, conviction or decree of any Court of Record, Court of Oyer and Terminer or general Gaol Delivery, or Court of General Quarter Sessions of the Peace, or Recorder's Court, not being a Court wherein the Recorder shall sit alone without a jury) within Upper Canada, and they are hereby required upon complaint made to them by or on behalf of the person so confined or restrained, if it shall appear by affidavit or affirmation (in cases where by law an affirmation is allowed,) that there is a probable and reasonable ground for such complaint, to award in vacation time, a Writ of *Habeas Corpus ad Subjiciendum* under the seal of the Court wherein the application shall be made, directed to the person or persons in whose custody or power the party so confined or restrained shall be, returnable immediately before the person so awarding the same, or before any Judge in Chambers for the time being.

2. If the person or persons to whom any writ of *Habeas Corpus* shall be directed according to the provisions of this Act, upon service of such writ, either by the actual delivery thereof to him, her or them, or by leaving the same at the place where the party shall be confined or restrained, with any servant or agent of the person or persons so confining or restraining, shall willfully neglect or refuse to make a return or pay obedience thereto, he, she or they shall be deemed guilty of a contempt of the Court, under the seal whereof such writ shall have issued, and it shall be lawful to and for the Judge before whom such writ shall be returnable, or any Judge in Chambers, upon proof made by affidavit of wilful disobedience of the said writ to issue a warrant under his hand and seal for the ap-