

grieved by such order, and upon any such order the several Deputy Clerks of the Crown are hereby authorized to issue writs of *Capias ad satisfaciendum* agreeably to such order.

In what cases only writs of *ca : sa* : may hereafter issue.

XIX. And be it enacted, That no writ of *Capias ad satisfaciendum* shall hereafter be issued except under the provisions of this Act, save only in cases in which the party shall have been held to bail on mesne process; any law or usage to the contrary notwithstanding. 5

Party held to bail on mesne process and taken on *ca : sa* : may apply for discharge under this Act.

XX. And be it enacted, That it shall be lawful in all cases in which a party who may have been held to bail on mesne process shall be arrested on a writ of *Capias ad satisfaciendum*, or shall be surrendered by his bail, for the party so arrested or surrendered to apply for his discharge; and in case it shall appear to the Court out of which such writ issued, or in which the writ was prosecuted, that the party arrested has not the means of satisfying such judgment, or any part thereof, besides the wearing apparel, beds, bedding and cooking utensils of himself and family in actual use, and that he has not acted fraudulently in contracting the debt or in depriving himself of the means of satisfying the judgment, it shall be lawful for the Court or Judge to order him to be discharged. 10 15 20

Discharge not to prevent subsequent arrest for good cause.

XXI. And be it enacted, That no arrest or discharge made under this Act shall operate to prevent an application for a second or subsequent arrest, upon such causes as are provided for by this Act. 25

Collusion between party whose *chose* in action shall be sold and certain other parties to be a misdemeanour.

XXII. And be it enacted, That if any party whose *choses* in action, or property shall be sold under the provisions of this Act, and the party against whom any such cause of action existed, or who shall be in possession of any property sold, shall after notice of such sale collude together or attempt to collude, to delay, hinder or prevent the purchaser in the recovery of the property or rights vested in him by any sale under this Act, such collusion shall be a misdemeanour, and after such notice, a release given or made, without the knowledge and consent of the purchaser of the *chose* in action or property affected by such release or settlement, or in fraud of such sale, shall be *prima facie* evidence of such collusion; and the party or parties on conviction thereof, shall be liable to be sent to the Penitentiary of this Province for a term of three years, or to be imprisoned, with or without hard labour, in the common Gaol of the District in which the offence may be committed, for any period not exceeding two years. 30 35 40 45

Punishment of parties convicted.

Act to apply to U. C. only.

XXIII. And be it enacted, That this Act shall apply to Upper Canada only.