

3. Upon the receipt of the writ, the Sheriff, to whom it is directed, shall act and proceed in all respects as regards the said writ as if it had been issued by the said Superior Court, and he shall make a return thereon, and of his proceedings in respect of its execution, to the said Superior Court.

Action of Sheriff on receipt of writ.

4. All ulterior proceedings of what kind soever, consequent upon the issuing of such writ, or necessary to the execution thereof, as well with regard to the plaintiff and defendant, as with regard to other parties who, in due course of law may intervene, by opposition or otherwise, shall be had in the said Superior Court, in the same manner as if the said action had been originally brought in the said Superior Court.

Ulterior proceedings to be had in Superior Court.

32. In any case in which a judgment obtained by the said City of Quebec for the causes aforesaid in the said Recorder's Court is less than forty dollars, and the defendant does not possess any goods and chattels in the District of Quebec, or if they are not sufficient to discharge the amount of the said judgment or any sum due thereon; or if such judgment or the sum due thereon exceeds forty dollars, and the defendant does not possess any real or personal property in any district in Lower Canada, or if such property is insufficient to discharge the amount of such judgment or the balance due thereon, in every such case on the return of the sheriff or bailiff, the bearer of such writ of execution issued from the said Recorder's Court, setting forth the foregoing facts or any of them, the plaintiff may apply by petition to the said Recorder's Court for the issuing of a writ of *contrainte par corps* against the said defendant, when he resides within the limits of the said city.

In case judgment exceed \$40 and defendant has not property to that amount.

2. On proof of the allegations of the said petition, the court may order the issue of the said writ, directed to the Sheriff of the District of Quebec, enjoining and commanding him to arrest and apprehend the defendant and to convey and lodge him in the common jail of the district, there to be imprisoned until payment of the sum by him due, together with the costs of imprisonment.

Defendant may be imprisoned.

3. But such imprisonment shall not exceed three months, at the end of which time the defendant shall be liberated.

Imprisonment not to exceed three months.

4. And such liberation shall in no way affect any other juridical recourse which the plaintiff has or may subsequently have against the said defendant, notwithstanding such imprisonment.

Liberation not to affect other juridical recourse.

5. Every fine or penalty imposed for the commission of an offence within the jurisdiction of the said Recorder's Court, unless it is otherwise ordered by the law for the punishment of such offence, shall be levied with costs by payment of such fine and costs either at once or within such delay as shall be fixed by the court; and in default of such payment the defendant shall be imprisoned and kept at hard labor, at the discretion of the said court, in the common jail of the District of Quebec, for a space of time not exceeding two months unless the said fine and costs and those of imprisonment be sooner paid to the clerk of the said court.

Fines and penalties for commission of offence.

33. The said Recorder's Court may issue writs of *habeas corpus* after judgment in the same manner and form as the courts of original civil jurisdiction in Lower Canada, and shall follow, in relation thereto, the rules proscribed by law.

Writs of *habeas corpus*.