

XV. And be it enacted, That, in case any party liable to be interrogated, shall neglect or refuse to answer such interrogatories, or shall answer them falsely or evasively, or if it shall appear that the party interrogated shall refuse to give up to his judgment creditor any property he may possess or have the means of possessing or over which he has any control, or if it shall appear that he has fraudulently deprived himself of the means of paying such debt, then and in any of these cases it shall and may be lawful for the Court of Queen's Bench or a Judge thereof and for the District Court or a Judge thereof to order a writ of *Capias ad satisfaciendum* to be issued against the party against whom such judgment shall remain unsatisfied, upon which writ he shall be arrested and committed to close custody to be kept without bail until further order from the Court out of which such writ issued, or from some Judge thereof.

Party refusing, or neglecting to answer, or answering untruly, may be committed to gaol on *ca. sa.*

XVI. And be it enacted, That upon a return of "no goods" or "no lands" to any writ of execution, it shall be lawful for the party interested in the judgment upon which such writs may have issued, to apply to the Court in which such judgment was given or a Judge thereof, and if it shall be made to appear to such Court or Judge that the party against whom such judgment remains unsatisfied has the means of satisfying the judgment or any part thereof, beyond the value of such articles of clothing and utensils as are exempted by this Act, it shall be lawful for such Court or Judge to order a writ of *Capias ad satisfaciendum* to be issued, upon which the party shall be committed to close custody, until discharged by an order of the Court out of which the execution issued or by some Judge thereof.

Upon such return as aforesaid the Plaintiff may apply for a writ of *ca. sa.* which shall issue if it shall appear that the defendant has means of satisfying the judgment, or part thereof.

XVII. And be it enacted, that every person arrested or charged on any writ of *Capias ad satisfaciendum*, shall be entitled to his discharge upon giving up his property and satisfying the Court out of which the writ issued or a Judge thereof, that he has no means of satisfying such judgment or any part thereof, save as to such property as by this Act is exempted, and that he has not acted fraudulently in contracting the debt or in depriving himself of the means of satisfying the judgment.

Defendant may obtain his discharge on proving that he has no such means.

XVIII. And be it enacted, That any party having a judgment in any Court of Law in Upper Canada, may apply for an order for a writ of *Capias ad satisfaciendum* under this Act, to any Judge of a District Court in the District in which the party sought to be arrested resides, and such Judge may and shall, upon the provision of this Act being complied with, order a writ of *Capias ad satisfaciendum* to issue either out of his own Court or from the office of the Deputy Clerk of the Crown in such District subject to the revision of the Court of Queen's Bench or a Judge thereof, in case the party shall think himself ag-

Such application may be made to a district Judge, and granted by him.