

might immediately before the time when this  
 2 Act shall come fully into effect, lawfully  
 be issued from and be made returnable in  
 4 any of Her Majesty's Courts of civil juris-  
 diction in Lower Canada, and under and  
 6 subject to the rules of law in such cases  
 provided; and that in all cases where such  
 8 Writs shall be issued out of the said Circuit  
 Court, it shall and may be lawful for the  
 10 Clerks of the said Court respectively,  
 to take and receive the necessary oath,  
 12 affidavit or proof, in such cases by law  
 required, and thereupon to issue, without  
 14 the *fiat* of a Judge, any of the above men-  
 tioned Writs, in like manner as if the same  
 16 had been granted or awarded by a Judge of  
 the proper Court; Provided always, that  
 18 nothing herein contained shall prevent  
 any Judge of the Superior Court, or Cir-  
 20 cuit Judge, from granting or awarding  
 any such Writ aforesaid, in cases where he  
 22 could otherwise do so according to law:  
 and provided always, that in all cases in  
 24 which a Writ of *Capias ad Respondendum*,  
 or a Writ of *Saisie-Arrêt* before Judgment  
 26 in an action cognizable by the Superior  
 Court, may by law be issued, the Clerks of  
 28 the Circuit Court respectively shall have the  
 same power and authority as are vested in  
 30 the Prothonotaries of the Superior Court  
 respectively, to receive the requisite affidavit,  
 32 and to issue such last mentioned Writ of  
*Capias ad Respondendum*, or of *Saisie-Arrêt*  
 34 before Judgment, and to make the same re-  
 turnable in the Superior Court, in the  
 36 District in which the same shall have issued;  
 and the Writs last mentioned shall, in any  
 38 such case, be addressed directly, either to  
 the Sheriff of the said District, or to any  
 40 Bailiff of the Superior Court, appoint-  
 ed for the same and by them respectively  
 42 executed and returned; and when such  
 Writ shall be so addressed to any such  
 44 Bailiff, such Bailiff shall without delay  
 proceed to execute the same, without any  
 46 previous Warrant from the Sheriff, and  
 shall deliver the Writ, with a report of his  
 48 proceedings thereon to the Sheriff, to

Affidavits for  
obtaining  
Writs.

Proviso.

Proviso:  
Certain Writs  
may be issued  
by the Clerks  
of the Circuit  
Court and  
made return-  
able in S.  
Court.

Such Writs to  
whom address-  
ed.

If to a Bailiff.