

special bail or bail to the action, at any time after his said arrest, either before the Court into which the said Writ shall be returnable, or before any Judge thereof, at any time before or after judgment in the said action, and the conditions of every recognizance of special bail aforesaid, shall be, that the defendant shall not leave the said Province of Canada without having paid the debt, interest and costs for which the action shall be brought. 5 10

Person arrested may apply to the Court to be discharged, and may state in his petition that he had no intention to depart, &c., with intent to defraud, &c.

III. And be it enacted, That it shall be lawful for any such person arrested as aforesaid, to apply at any time after such arrest, to any such Court or Judge, to be discharged out of custody, or if not in custody, but under bail, for the cancelment of the recognizance of special bail put in by him as aforesaid, as the case may be; and the said application shall be by petition, in writing, and signed by the defendant or his attorney *ad litem* 20 on his behalf, setting forth that the said defendant, at the time of the said arrest, was a resident inhabitant of Upper Canada, and that at the said time of his arrest he had no intention to depart from the Province of Canada with intent to defraud his creditors, and that he has estate, property and effects in the said Province by means of which he reasonably expects to pay the said debt for which he has been arrested; and the said person so 30 arrested shall also make, under oath, a statement of his estate, property and effects, and where and in whose hands the same are, and of the estimated value thereof, which statement shall be in writing, signed by the 35 person arrested, and furnished to the Judge or Court at the time of making the application aforesaid, and shall by the said Judge or Court be filed of record in the said action; and the said statement shall moreover be supported and verified by the affidavit of a witness cognizant of and making oath to the truth of the facts therein contained; and thereupon the said 40 person so arrested shall be forthwith discharged, and shall be thereupon discharged. 45