

No party to
be imprisoned
in execution.

Proviso :
Judge may
order persons
arrested to be
discharged in
certain cases,
or defendant
may plead in
abatement.

servant or agent, of such cause of action,
and of the amount justly and truly due to the
said plaintiff from the said defendant, and
also that such plaintiff, his servant or agent,
hath good reason (setting forth such reason 5
or reasons at length) to believe, and doth ve-
rily believe that the defendant is imme-
diately about to leave the Province of Cana-
da, with intent and design to defraud
the plaintiff of the said debt; and that no 10
person shall be taken or charged in execu-
tion in any such action for any sum what-
ever, whether the party shall originally
have been held to bail, or been merely
served with common process: Provided 15
always, that it shall be lawful for any Judge
of the Court whence any process shall have
issued to arrest any person or persons as
aforesaid, to order any such person or per-
sons to be discharged out of custody, if it 20
shall be made to appear to him on affidavit
either that the cause of action having arisen
in a foreign country the defendant was not
liable to have been arrested or held to bail,
there for such cause or that the reasons as- 25
signed for the belief that the defendant was
immediately about to leave the Province with
intent and design to defraud the plaintiff of
his debt were frivolous, or the defendant may,
in his discretion in either case, plead the 30
special matter in abatement of such process,
in addition to any plea in the bar of such
action, upon which he shall have been so
arrested as aforesaid, and in case a verdict
shall be rendered in favor of the defendant, 35
on such plea to the process, the Jury may
thereupon in their discretion assess damages
to be recovered by the defendant as for a
malicious arrest.

Amount and
condition of
bail in civil
cases.

II. And be it enacted, That whenever 40
any person shall be holden to bail in any
form of action whatever, the recognizance
of bail shall be taken in double the sum
sworn to, and shall be subject to the con-
dition, that if the defendant or defendants 45