

such person or persons shall be a party or parties in such suit, or until the trial of such suit shall have been concluded, in case such person or persons shall be a witness or witnesses therein : Provided always, That if any person or persons so apprehended as aforesaid, shall enter into a bond recognizance to any such Justice of the peace or Commissioner, with sufficient sureties, to the satisfaction of such Justice of the peace or Commissioner, or the said Courts conditioned to obey and perform such process, writ, order, judgment, decree or act as aforesaid, then and in such case it shall and may be lawful for the said Justice of the peace or Commissioner or the said Courts, to discharge such person or persons out of custody.

- 18 And be it further Enacted, That in case such person or persons shall not perform and fulfill the condition or conditions of such recognizance, then and in such case, it shall and may be lawful for any such Justice or Commissioner, and he is hereby required, to assign such recognizance to the plaintiff or plaintiffs, in any suit in which such process, writ, order, decree, judgment or act shall have been issued, made, delivered, given or done, who may maintain an action in the said Courts in his own name against the said sureties, and recover against such sureties the full amount of such loss or damage as such plaintiff shall prove to have been sustained by him, by reason of the original cause of action in respect of which
- 19 such process, writ, order, decree, judgment or act of the said Courts were issued, made, delivered, given or done as aforesaid.

For assigning recognizances issued.

- 20 And be it further Enacted, That it shall be lawful for the Governors, Lieutenant Governors, or persons administering the government for the time being, or the Chief Justices of the provinces of *Lower Canada* or *Upper Canada*, or any or either of them, if he or they shall deem it convenient so to do, to issue a commission or commissions to any or more of such Justices of the peace, or other persons named in any such commission, to hear and determine any action, suit, plaint or cause, within any of the *Indian* territories, or such other parts of *America* as aforesaid, and for that purpose to hold courts, and to issue subpoenas or other processes to compel attendance of plaintiffs, defendants, jurors, witnesses and all other persons requisite and essential to the due administration of justice, and the execution of the several purposes for which such commission or commissions had issued, and with the like power and authority as are vested in the Courts of the said provinces of *Lower Canada* and *Upper Canada* ; and any order, verdict, judgment or decree that shall be made, found, declared or published, by or before any court or courts held under and by virtue of such commission or commissions, shall be considered to be of as full effect, and enforced in like manner, as if the same had been made, found, declared or published within the jurisdiction of the Courts of either of the said provinces ; and at the time of issuing such commission or commissions it shall be declared by some proclamation or other
- 21 instrument, under the hand or seal of the person hereby empowered and authorized to issue the same, the place or places where such commission is to be opened, and the courts and proceedings thereunder held ; and it shall be at the same time provided, how and by what means the expenses of such commission, and the execution thereof, shall be raised and provided for.

Appointment of Justices to determine causes.