

heretofore required by the practice of the Court, that there is probable cause for believing that the defendant is about to quit the Province, and that the absence of the defendant from the Province will materially prejudice the plaintiff in the prosecution of his suit.

78. The condition of bail to the action shall be that the judgment shall be satisfied, or that the defendant shall not go out of or be absent from the Province without leave of the Court or Judge thereof within six months after the judgment, and where at the commencement of this Act bail to the action has been given in any action in which the defendant cannot be imprisoned on making default in satisfying the judgment recovered against him in the action, the condition of such bail, instead of being that the judgment shall be satisfied or the defendant rendered to gaol, shall be deemed to be that the judgment shall be satisfied, or that the defendant shall not go out of or be absent from the Province without leave of the Court within six months after judgment, which leave may be given after notice of application therefor given to the creditor or his attorney, and may be subject to any condition which the Court or a Judge may impose; and in proceedings against bail the onus of proving that the debtor had not gone or been out of the Province contrary to the condition of the bond shall be upon the bail.

79. When defendant is arrested on mesne process, and is not admitted to bail, or is rendered by his bail, he shall be held in custody for seven days after judgment recovered.

PART III.—GENERAL PROVISIONS.

80. The Forms contained in the Schedule of Forms to this Act, or Forms to the like effect, shall be used in proceedings hereunder, and the Supreme Court is hereby empowered from time to time to make and to alter, rescind and amend, any general rules that may be necessary for the effectual carrying out of the provisions of this Act.

81. In all cases where costs are awarded hereunder, an Execution may issue therefor in the form that may be prescribed by the Supreme Court.

82. The Supreme Court is hereby empowered and required, previous to the commencement of this Act, to make and ordain a Table of Fees to be taken in respect of the matters required to be done under the provisions hereof, or under any of the general rules that may be made by the Court as before provided, and from time to time to amend or rescind such Table of Fees and make others in lieu thereof.

83. This Act may be cited for all purposes as "The Attachment and Abolition of Imprisonment for Debt Act."

84. This Act shall commence and come into operation on the first day of October, in the year of our Lord one thousand eight hundred and seventy four, from which time all Acts and parts of Acts, so far as they are inconsistent herewith or repugnant hereto, shall be repealed.

SCHEDULE OF FORMS.

A

VICTORIA, by the Grace of God, &c.

To the Sheriff of County.

You are hereby required forthwith to attach the property, real and personal, of C. D., in your bailiwick, or so much thereof as will satisfy the sum of [*the sum sworn to*] and dollars additional, for costs, which A. B. says C. D. owes to him, and proceed thereon according to law, and make return hereof, and of your doings therein.

Witness the Honorable William J. Ritchie, Chief Justice, at Fredericton, this day of , and in the year of our Reign.

(Signed) CARMAN.

B

In the Supreme Court, (or as the case may be).

A. B. } This is to certify that I have this day attached
vs. } the property of C. D., to-wit: [*here describe the*
C. D. } *property; if goods and chattels, each article; if real*
estate or an interest in lands, describe where situate and how
bounded in general terms, and the nature of the interest], and hold
the same subject to said attachment until the sum of [*the*
sworn amount], and all the costs in the cause to the amount
of be paid.

Dated this day of A. D. 187 .

E. F., Sheriff of County.

C

In the Supreme Court (or as the case may be).

A. B. } I hereby give you notice that I claim the
vs. } property, or the following property, [*specifying*
C. D. } *the same particularly*] you have taken under and
by virtue of the Writ of Attachment issued in this cause.

Dated this day of A. D. 187 .

G. H.

To E. F., Sheriff of County.

D

VICTORIA by the Grace of God, &c.

To the Sheriff of County.

You are hereby required forthwith to attach the property, real and personal, of C. D. in your bailiwick, or so much thereof as will satisfy the sum of [*the sum sworn to*] and dollars additional, for costs, for which A. B. has now a suit pending in the Court against the said C. D., and proceed thereon according to law, and make return hereof, and your doings therein, within thirty days.

Witness the Honorable William J. Ritchie, Chief Justice, at Fredericton, this day of , and in the of our Reign.

(Signed) CARMAN.