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No. VII.

An Act to amend the Law of Arrest and Imprisonment for Debt.

[21*st August*, 1866.

WHEREAS, it is expedient to amend the Law of Arrest and Imprisonment for Debt; Be it therefore enacted by the Governor of the Colony of Vancouver Island and its Dependencies, by and with the Advice and Consent of the Legislative Council and Assembly thereof, as follows:

On granting of writs of CA SA or NE EXEAT Court may require security from damages consequent on arrest.

I. From and after the Passing of this Act, on the granting of any Writ of *Capias ad respondendum*, or *ne exeat regno*, it shall be lawful for the Judge ordering the Issue of such Writ at his discretion to require Security to be given by the Plaintiff to the Satisfaction of such Judge, to pay to the Defendant the Costs and Damages consequent on Arrest under such Order, should the Plaintiff have obtained such Order without reasonable and probable Cause.

No CA SA or process against the person to issue unless Judgment Debtor about to leave the Colony.

II. No Writ of *Capias ad satisfaciendum*, or process against the Person at Law or in Equity for the Payment of any Sum of Money or Costs shall issue except on Proof to the Satisfaction of the Judge ordering the Issue of the same, that the Judgment Debtor is about to leave the said Colony.

III. Any

Person arrested on process against the person may be from time to time discharged on security being given for the debt and from time to time re-arrested if security fail.

III. Any Person arrested by Virtue of any Writ of *Capias ad satisfaciendum*, or Process against the Person at Law or in Equity, for the Payment of any Sum of Money or Costs, shall be from Time to Time discharged on good Security being given to the Satisfaction of the Court that the Judgment Debtor will not leave the said Colony before the Judgment debt and Costs duly incurred shall be paid or until such Debtor shall be otherwise discharged from the Payment thereof in due Form of Law, and such Judgment Debtor shall be from Time to Time liable to be re-arrested on Proof to a Judge having authority to grant such Writs of Capias, ad satisfaciendum or Process as aforesaid, that the Security given by such Judgment Debtor has ceased to be a continuing, sufficient and available Security.

Judgment Creditor may sue out Judgment Debtor summons.

IV. And whereas by Section 40 and subsequent Sections of "The Bankruptcy Act, 1862," it is enacted that every Judgment Creditor who is or shall be entitled to sue out against his Debtor a Writ of Capais, ad satisfaciendum or to charge his Debtor in Execution shall be entitled to sue out a Judgment Debtor Summons in manner therein mentioned. And Whereas it is expedient to extend the remedies given in favor of Judgment Creditors; Be it Enacted that any Person having obtained a Judgment Order or Decree for the Payment of Money or Costs against any Person shall be entitled to sue out a Judgment Debtor Summons in Manner and Form as the Same is now directed to be sued out by the said last mentioned Act, and such Creditor shall be entitled to sue out such Judgment Debtor Summons, independently of and in addition to any Writ of Execution against the Goods or Lands of any Debtor.

Short Title.

V. This Act may be cited for all Purposes as the "Debtors Relief Act, 1866."

Passed the Legislative Council this 18th day of June, 1866.

E. J. NESBITT,
CLERK OF THE COUNCIL.

Passed the Legislative Assembly this 6th day of August, 1866.

R. W. TORRENS,
CLERK OF THE LEGISLATIVE ASSEMBLY.

I assent to this Act in the name and on behalf of Her Majesty, this 21st day of August, 1866

A. E. KENNEDY,
GOVERNOR.

VICTORIA, VANCOUVER ISLAND:
PRINTED BY AUTHORITY OF THE GOVERNMENT BY HIGGINS, LONG AND CO.,
1866.