

Court under the order of which the prisoner was committed, sign a certificate of such discharge the prisoner, and such costs of transmission shall be part of the prescribed

certificate as to payment by a prisoner shall be according to the form No. 28. Warrants upon a judgment summons against the same party may be issued concurrently into district; provided that the cost of one warrant only shall be allowed unless the Court direct.

A warrant to be issued by the Clerk of a Magistrate's Court under the provisions of the Act shall be in the form No. 24, and such warrant shall be deemed to be the "warranted form" required to be issued under the said section.

When a judgment debtor shall, upon the return day of a judgment summons, satisfy the Court that he has been adjudicated a bankrupt, and that the debt was provable in the bankruptcy, the provisions of the Bankruptcy Act for the time being in force have effect with, no order of commitment shall be made.

A warrant of commitment shall be issued where the judgment debtor shall, after the making of an order upon a judgment summons against him, and before the warrant is issued, file in the Court in which the order was made an affidavit in the prescribed form, stating that he has been adjudicated a bankrupt, and that, in respect of the judgment debt, the provisions of the Bankruptcy Act for the time being in force have been complied with.

When a judgment debtor is arrested he may, according to the tenor of the order or warrant of commitment, file in the Magistrate's Court within the district in which he is in custody an affidavit as to the last foregoing rule, and thereupon the judgment debtor shall be discharged out of custody on the certificate of the Clerk of such Court. Such certificate shall be according to the

forms and warrants issued out of the Court shall be sealed with the seal of the Court. In all cases where a warrant of commitment has been made directing the imprisonment of the defendant in any prison, and by reason of the distance of the defendant from that prison when arrested, or for any other reason, it is desirable to alter the prison in which the defendant is committed, any Magistrate may, on an *ex parte* application, alter the name of any prison named in the warrant to any other prison, and the warrant shall take effect accordingly.

A writ of habeas corpus may be applied for by any person against whom an order of committal is made may apply in the prescribed form for a writ of habeas corpus.

Every such application shall state specifically the grounds upon which the application is made, and where the grounds are, or one of the grounds has reference to, the means of the judgment debtor to pay the judgment debt, the application shall state in detail the amount of his earnings or profits, and the amount of his average weekly or monthly expenses in the maintenance of his family, since the date of the judgment.

Every such application shall be supported by an affidavit by the person making the same, sworn to by the judgment creditor at least three clear days before the hearing thereof.

When the warrant of committal is not issued when the application for the rehearing is made the application shall operate as a stay of proceedings until the application is finally disposed of by the Court, and if the warrant has been issued, and the judgment debtor has been arrested, the Court or the Magistrate may suspend such warrant, and the Gaoler into whose custody the judgment debtor has been committed shall release such judgment debtor on the certificate of the Court in the form No. 26, and every such warrant shall be suspended until the application is finally disposed of by the Court.

43. If the Court grants the rehearing it shall fix a date for such rehearing, subject to such terms as the Court thinks just. If on the rehearing the Court makes an order altering, cancelling, or varying the former order such former order, or any warrant issued thereunder, shall cease to take effect, and such new order shall become the order of the Court upon such summons; and if the Court refuses to alter, cancel, or vary such order, then such order, or any warrant issued thereon, shall take effect as if no such stay of proceedings or suspension had been made; and any judgment debtor released under Rule 42 hereof shall be rearrested under such warrant, and the same shall take effect for the unexpired term thereof.

COSTS AND FEES.

44. The costs which shall be paid by a person imprisoned under the Act on an order made under this Act shall be the fees specified in Appendix B, and such fees shall be deemed to be the prescribed costs referred to in section 16 of the Act.

45. All costs incurred by the plaintiff in endeavouring to enforce a judgment or order of any Court by execution against the goods of the defendant or other process shall be deemed to be due pursuant to such judgment or order under section 4 of the Act.

46. The Court may in its discretion, at the hearing of the judgment summons, allow the judgment creditor for his solicitor's costs the fees according to the scale set out in Appendix B hereof; and the

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