

ATTACHMENTS IN ACTIONS FOR ILLEGAL ARREST, FALSE
IMPRISONMENT, ETC.

1861, c. 77 adds the following :

1861, c. 77, s. 1.
Attachments in
cases of illegal
arrest, etc.

8. In all actions for illegal arrest, false imprisonment, or violation of the twenty-first, twenty-third, twenty-eighth and twenty-ninth articles of the declaration of rights, or any of them, or of the existing or any future provisions of the code touching the writ of *habeas corpus*, or proceedings thereunder, the plaintiff shall be entitled to the benefit of all of the provisions of this article, in regard to attachments against the lands, tenements, goods, chattels and credits of non-resident or absconding defendants.

Ibid. s. 2.
Procedure.

9. No warrant from a judge or justice of the peace shall be necessary in order to entitle the plaintiff, in any of the cases provided for in the preceding section, to the benefit of the remedy therein granted; but attachment on the amount of damages claimed in the declaration shall be issued upon the written order of the plaintiff or his attorney, by the clerk of the court in which the action shall be instituted, upon the filing of the declaration, with an affidavit by the plaintiff, or his attorney or some other person, that the said action hath been instituted *bona fide*, and for a wrong actually done, as in said declaration set forth.

Ibid. s. 3
Construction of
this law.

10. This act shall be liberally construed as a remedial act, and the provisions of this article, and of all other articles of the code applicable to the premises, shall be applied in furtherance of the remedy and without hindrance for defect of form merely; *provided, however*, that no final judgment shall be rendered in any case herein provided for, except upon inquisition found by a jury, upon proof as in cases of judgment by default in like actions.

Proviso.

In force from June 24, 1861.