

## C A P. XII.

AN Act to explain and amend a certain Act therein-mentioned, relating to Voluntary Sheriff's Sales, (*Décrets Volontaires*).

(9th March, 1824.)

Preamble.

**W**HEREAS doubts have arisen upon the construction of the fifth, sixth, and seventh Sections of an Act passed in the third year of His Majesty's Reign, intituled, "An Act to render Voluntary Sheriffs' Sales, (*Décrets Volontaires*,) more easy and less expensive;"—And whereas it is expedient to amend the said Act and to make further provision respecting such Voluntary Sheriffs' Sales—Now, therefore, be it enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America;" and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that the Sheriffs, in cases of Voluntary Sheriffs' Sales, (*Décrets Volontaires*,) shall not be entitled to any Fee, Commission or Poundage upon any opposition *afin de conserver* to be made and filed in manner as directed by the aforesaid Act, any thing therein contained to the contrary thereof notwithstanding, the taxed fees of Court for receiving, filing, and taking the security upon the said oppositions, as directed by the said Statute only, excepted.

Sheriffs not entitled to any fees, &c. on opposition, *afin de conserver*, except in cases of taking security upon the same.

Provision made in cases, where any other person than the person suing for voluntary Sheriffs' sales being the purchaser of any real estate.

II. And whereas it is also necessary to make provision in cases where any other person than he who may sue for such Voluntary Sheriffs' Sales (*Décrets Volontaires*,) as aforesaid, shall become the purchaser or *adjudicataire*;—Be it therefore enacted by the authority aforesaid, that whenever the proprietor of any real property or hereditaments, or any other person shall or may become the purchaser or *adjudicataire* of any real property or hereditaments for which an order of sale shall have been obtained in the manner directed by the aforesaid Statute, such purchaser or *adjudicataire* shall not be obliged to place the whole price of the adjudication in the Sheriff's hands unless it shall have been otherwise agreed between the parties interested, but only the necessary

sary expenses of the proceeding to such Sheriff's Sale, and the amount of the sums for which oppositions *à conserver* shall have been made; with the right, nevertheless, of giving security for the amount of the said oppositions, in the manner and upon the conditions prescribed in and by the aforesaid Statute.

## C A P. XIII.

AN Act to facilitate the proceedings against the Estate and Effects of Debtors, in certain cases.

(9th March, 1824.)

Preamble.

Manner of proceeding against Debtors departing the Province, or concealing themselves, in order to elude the ordinary process of Law within the Province.

**W**HEREAS it frequently occurs, that Debtors, having Estates or Effects within this Province, do secretly depart the same, and procure their said Estates and Effects, or the value thereof, to be remitted to them, or do conceal themselves within the Province in order to elude the service of the ordinary process of the Law, and defraud their Creditors of their just dues—For remedy whereof;—Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain; intituled, “An Act to repeal certain parts of an Act, “ passed in the fourteenth year of His Majesty's Reign, intituled, “ *An Act for making more effectual provision for the Government of the Province of Quebec, in North America,*” and to make further provision for the Government of the said Province;” and it is hereby enacted by the authority of the same, that in each and every case in which the Estate, Debts or Effects, of any Debtor or Debtors, shall or may be attached (by *saisie arrêt*,) under process issuing out of any of His Majesty's Courts of Civil Jurisdiction within this Province, and in which the said Debtor or Debtors is, or are either departed from or concealed within the said Province, so that service of the said process cannot be made as by Law required; it shall and may be lawful for the Court in which such suit or action is instituted, on receiving satisfactory proof, by one credible witness, of such departure or concealment, to dispense with such service, and to order notice, in lieu thereof; to be inserted in such public Newspaper as the said Court shall direct; for the said Debtor or Debtors to appear in the said Court, within four months, and await the Judgement of the Court; and if the said Debtor or Debtors shall not appear, either in person or by Attorney, within the time specified in such notice, and shew reasonable cause why the Court should not proceed to