

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.

WHEREAS 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

to judgement in such suit or action, such notice shall have the same force and effect as if the said process had been duly served within the jurisdiction of the Court where the suit is instituted, any Law, usage or custom to the contrary notwithstanding.

Debtors against whom judgement may have been given, entitled to re-hearing of the cause within a certain time.

II. Provided always, and be it further enacted by the authority aforesaid, that any such Debtor or Debtors, against whom judgement shall be recovered as aforesaid, shall be entitled to a rehearing of the cause in which such judgement may have been given, at any time within the year and day after judgement; and the Plaintiff in such action, before any execution shall issue on such judgement, shall give sufficient security to the satisfaction of any one of the Judges of the Court in which such judgement may have been given, to refund such sum or sums of money as may be levied by virtue of such execution, in case the said judgement should be reversed on such rehearing as aforesaid, with the costs thereof.

Execution may issue in satisfaction of judgement obtained in certain cases.

III. Provided always, and it is further enacted by the authority aforesaid, that nothing herein enacted respecting the security in the foregoing section shall be construed to extend to persons who shall obtain judgement for wages, as having cut Timber or conveyed the same in a raft to any part of this Province, who may obtain and take out execution and cause such Timber to be seized and sold in satisfaction of such judgements, without being obliged to give such security.

Estates of persons residing out of the Province to be subject to be taken, &c. as those of other persons are liable by this Act.

IV. And be it further enacted by the authority aforesaid, that the Estate, Debts and Effects of all and every person or persons residing out of this Province, shall also be subject and liable to be taken, seized, proceeded against and sold for the payment and satisfaction of their debts, in like manner as the Estates and Effects of other Debtors in and by this Act are made subject and liable to. Provided always, that instead of proof of departure or concealment of such Debtor or Debtors, the Creditor or Creditors proceeding against such Estate, Debts and Effects, shall make proof by one or more credible Witnesses, to the satisfaction of the Court out of which such attachment shall issue, that such Debtor or Debtors do not reside within this Province.

Proviso.

General issue.

Special matter.

V. And be it further enacted by the authority aforesaid, that if any person or persons shall be sued for any matter or thing done in pursuance or by virtue of this Act, it shall and may be lawful for him, her or them to plead the general issue, and give the special matter in evidence.

VI.

Manner in which
Writs are to be
executed.

VI. Provided always, and be it further enacted by the authority aforesaid, that no person or persons upon whom any Writ of Attachment or Writ of *Saisie Arrêt*, or *Entiercement* for attaching the Estate, Debts, Credits or Effects of any Debtor or other person, Defendant in any action pending or to be brought in any of the said Courts, shall be held or declared to be personally liable or condemned as the Debtor of such Defendant, unless service of such Writ shall have been made upon him personally, or unless the Court from which such Writ shall have issued, shall and may be satisfied, upon proof, by one or more credible Witnesses, that such person intentionally conceals himself for the purpose of avoiding the personal service of such Writ, in which case, service thereof at his domicile shall be deemed and taken as good and sufficient service of such Writ of Attachment, *Saisie Arrêt*, or *Entiercement* as aforesaid, any Law usage or custom to the contrary notwithstanding.

Continuance of
this Act.

VII. And be it further enacted by the authority aforesaid, that this Act shall continue to be in force until the first day of May, one thousand eight hundred and twenty-eight, and no longer.

CAP. XIV.

An Act to authorize the Governor, Lieutenant-Governor, or person administering the Government of the Province, to restore Goods and Vessels seized to the Proprietor or Proprietors, on the terms and conditions therein-mentioned.

(9th March, 1824.)

Preamble.

WHEREAS it is expedient, in order to prevent the delay, inconvenience and expense that are occasioned by the detention of Vessels or Goods seized under circumstances wherein it would be just and reasonable that relief should be afforded, that the Governor, Lieutenant-Governor, or person administering the Government of this Province, should be authorized, by and with the advice of His Majesty's Executive Council of the said Province, to order any Goods or Commodities whatever, or any Ships, Vessels, Boats, Horses, Cattle or Carriages, which shall have been seized, as forfeited, by any Officer or Officers of the Customs, or by any other person or persons by virtue and under the authority of any Provincial Act or Ordinance made for the protection of Trade, the benefit