

The Provincial Statutes of Lower-Canada, Being the third session of the twelfth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1827.

7 George IV – Chapter 19

**An Act to exempt Septuagenary Persons from Imprisonment for debts, in certain cases.
(7th March, 1827.)**

Whereas it is expedient to enact that Septuagenary persons should be exempt from imprisonment for debts: Be it therefore declared and 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 no person having attained, or who hereafter shall attain the seventieth year of his or her age, arrested or liable to be arrested for any debt contracted in this Province at the time of the passing of this Act, or hereafter to be contracted in the same, shall be detained or imprisoned by reason of any such debt, any Law or Ordinance to the contrary hereof in any wise notwithstanding. Provided always, that nothing herein-contained shall extend or be construed to extend to exempt any person or persons having obtained such age as aforesaid, from being detained and imprisoned in satisfaction of any judgment or condemnation in damages rendered or to be rendered in any Court of competent Jurisdiction in this Province, in suits or actions for personal wrongs proper to be compensated in damages, or who may have fraudulently conveyed away or secreted his or their property, or who may be indebted as Tutor, Curator, Sequestrator, Depositary, Sheriff, Coroner, Bailiff or other Officer having charge of Public monies, or be a caul ion judiciaire, or indebted for the purchase money of any Lands, or Tenements, Goods or Chattels sold and adjudged under the authority of Justice, by Licitation, Decret force, Decret volontaire, or otherwise.

II. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed to prevent any creditor from obtaining a Capias ad Respondendum, according to Law, against any absconding debtor or from any other legal recourse, to which, in Commercial matters and other cases, he may be entitled against the Goods and Chattels, Lands and Tenements of any Septuagenary Debtor, the intent, of this Act being solely to exempt persons, on attaining the seventieth year of their age, from imprisonment for debt as aforesaid, by Capias ad Satisfaciendum, (in case the Defendant shall make application to this effect to any two Judges of His Majesty's Court of King's Bench, in Term or in Vacation, who on bona fide proof to their satisfaction, that the Defendant has attained the seventieth year of his age, shall cause the Defendant forthwith to be enlarged)

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without altering in any other respect any legal right, or recourse to which the Creditor may be entitled upon the estate and effects, real and personal, of the debtor.