

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 8

An Act to facilitate the proceedings at Law in certain cases therein-mentioned, relating to Writs of Capias and Attachment. (7th March, 1827.)

Whereas it is expedient to facilitate the recourse of Creditors against fraudulent and absconding Debtors:—Be it therefore 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 all cases whereby the Laws of this Province, any Plaintiff is entitled to and shall have obtained a Writ of Capias ad Respondendum, or Attachment against the Body of any Defendant, Saisie Gagerie, Saisie en Revendication, or Attachment for attaching the Estate, Debts, and Effects, of what nature soever, whether in the hands of the Owner, the Debtor, or of a third Person, service of the declaration, specifying the cause of action upon which such Writ or Writs shall have respectively issued, may be made upon the Defendant, either personally, or by being left at the Office of the Sherif of the Court into which such Writ shall have been made returnable, at any time within three days next after the service of such Writ, if the same have issued in Term, or within eight days next after such service, if the Writ have issued in Vacation; and that service of such declaration, in manner aforesaid, shall be good and sufficient in Law to compel the Defendant to appear in Court and answer to the demand of the Plaintiff in the same manner as if such declaration had been served together with the original Writ, any law, usage, or custom heretofore in force in this Province, to the contrary hereof in any wise notwithstanding.

II. Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend or be construed to extend to repeal or in any wise to affect the personal service of any Writ of Attachment or Writ of Saisie Arret or Entiercement, in the manner as set forth and enacted in and by the Provincial Statute passed in the fourth year of the Reign of His present Majesty, chapter thirteenth, intituled, "An Act to facilitate the proceedings against the estate and effects of Debtors, in certain cases."