

whose estate, the execution shall in any case have been issued, knowing the same not to be the property of the person or persons against whom the execution shall have been issued as aforesaid, the person or persons so offending, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable at the discretion of the Court before whom the offender shall be tried and convicted, to be imprisoned for any time not exceeding one year, or to be imprisoned and kept at hard labour in any Common Gaol, House of Correction or Penitentiary, for any term not exceeding six months as to the Court in its discretion shall seem meet.

Not to
debar persons
injured by
fraudulent sei-
zure, from
maintaining an
action in da-
mages against
the party of-
fending.

II. And be it further enacted by the authority aforesaid, that nothing herein contained, shall extend or be construed to debar any person or persons injured by such fraudulent seizure and sale as aforesaid, to have and maintain his or their action in damages against the party offending as aforesaid.

Continuance
of this Act.

III. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand eight hundred and thirty-two, and no longer.

C A P. XXVII.

AN ACT to prevent fraudulent Debtors evading their Creditors in certain parts of this Province.

(14th March, 1829.)

Preamble.

WHEREAS by reason of the remoteness of divers Townships and Seigniories in this Province, from the several Courts of King's Bench, holding Superior Jurisdiction in the several Districts thereof, insolvent and fraudulent Debtors elude the pursuit of their Creditors, and withdraw from the Jurisdiction of the said Courts, carrying with them out of this Province, their Goods and moveable Effects, before process can be obtained according to the Course of the Laws now in force in this Province, to prevent the escape of such Debtors or to attach their moveable property and effects, thereby causing great and ruinous losses to divers of His Majesty's Subjects: 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

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 from and after the passing of this Act, in all cases wherein by law, a *Capias* or attachment may issue against the Body or moveable effects of any debtor or

In all cases wherein by law *Capias* or attachment may issue against the Body or moveable effects of any debtors before trial and judgment commissioners specially appointed to take and receive Affidavits, may issue their warrant for the arrest of debtors, and their moveable effects.

debtors, before trial and judgment, it shall and may be lawful for any Commissioner specially appointed to take and receive Affidavits by His Majesty's Court of King's Bench in any of the said District, (the Oath or Affidavit, in such cases by law required, and to his satisfaction and according to the form number one or two hereunto annexed as the case may require, before him having been first previously made,) to issue his Warrant, in the form number three or the form number four, hereunto annexed as the case may require, directed to the Sheriff of the said District or his Deputy, or to the Bailiff or Peace Officer, nearest to the place of residence of such Commissioner, for the arrest of such debtor or debtors, or for the attachment and seizure of the moveable property and effects of such debtor or debtors, as the case may be, and to cause such debtor or debtors to be arrested and conveyed to the Common Gaol of the said District, wherein such Commissioner may be resident and domiciliated and appointed to take such affidavit, or the moveable property and effects of such debtor or debtors to be arrested and detained as the case may be; Provided always, that no person who shall have been so arrested and conveyed to Gaol, shall be detained therein for a longer time than forty-eight hours, from the time of his Committal thereto, unless before the expiration of the said term of forty-eight hours, the ordinary process of *Capias* shall have been issued and executed in due Course of Law; and that no moveable property or effects so seized and attached, shall remain so seized or attached for a longer period than twelve days from the time of such seizure or attachment unless before the expiration of the said term of twelve days, the ordinary process of attachment shall have been issued and executed in due Course of Law.

Provided no person arrested to be detained longer than forty-eight hours in gaol, nor moveable property seized longer than twelve days, unless process of attachment has been executed according to law.

Duplicate of the Warrant issued by Commissioner to be transmitted to the Prothonotary of the Court of King's Bench of the district to which he may have been appointed a Commissioner.

II. And be it further enacted by the authority aforesaid, that a Duplicate of every such Warrant, together with the original of the Affidavit upon which the same shall have been founded, and a certificate of the proceedings had in consequence and by virtue thereof, shall by the Commissioner, by whom the said Warrant shall have been granted, be forthwith transmitted to the Prothonotary of His Majesty's Court of King's Bench for the District in which he may have been so appointed a Commissioner to be by him fyled in the cause to which the same shall relate, and to be kept and preserved among the records of the said Court.

Fees allowed to the Commissioner.

III. And be it further enacted by the authority aforesaid, that it shall be lawful to and for such Commissioner to require and receive the sum of three shillings and four pence, currency, from the person demanding the same, for any such Warrant to be by him granted in pursuance of this Act, and the further sum of three shillings and four pence, currency, for every return of the proceedings taken under any such Warrant.

Continuance of this act.

IV. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand eight hundred and thirty-two, and no longer.

FORM—NUMBER ONE.

Affidavit for Warrant of Arrest.

A. B. of being duly sworn, doth depose and say, that
C. D. of personally indebted to in
a sum exceeding ten pounds sterling, to wit : in the sum of

That this deponent is credibly informed, hath every reason to believe, and doth verily and in his conscience believe, that the said immediately about to leave the Province, whereby the said without the benefit of a Warrant of Attachment against the body of the said may be deprived of remedy against the said and this deponent hath

Sworn before me
this day of }

FORM—NUMBER TWO

Affidavit to obtain Warrant of Attachment.

A. B. of being duly sworn, doth depose
and say that C. D. of is indebted to
to wit : in the sum of in a sum exceeding ten pounds sterling,
That

That this deponent is credibly informed and hath every reason to believe, and doth verily and in his conscience believe, that the said _____ now about immediately to secrete _____ estate, debts and effects, and do abscond and do _____ intend suddenly to depart from the Province, with an intent to defraud the said _____ and _____ creditors.

This deponent further saith that he doth verily believe, that without the benefit of a Warrant of Attachment _____ against the said _____ will lose his debt and sustain damage and hath _____

Sworn before me at
this _____

FORM—NUMBER THREE.

Warrant to arrest the Person.

Province of Lower-Canada, }
District of _____ }

A. B. Esquire, Commissioner duly empowered to take Affidavits to be used and read in His Majesty's Court of King's Bench for the District of _____

To _____ and to the Keeper of the Common Gaol of the said District, Greeting :—

I command you that you take _____ of _____ in the County of _____ in the District of _____ if he be found in _____ and him with all due diligence convey to the Common Gaol of the said District, and deliver to the Keeper thereof, together with this Warrant, and I do hereby command you, the said Keeper, to receive the said _____ and him safely keep for the space of forty-eight hours, and no longer, unless, before the expiration of that time, a Writ of *Capias ad Respondendum* be duly served upon him, to compel him to be and appear personally in His Majesty's Court of King's Bench for the said District, on the day of the return of such Writ, to answer _____ of _____ of a certain debt, interest and costs, amounting to the sum of _____ currency.

Given under my hand and seal, this _____ day of _____ in the _____ year of His present Majesty, King _____

FORM

FORM—NUMBER FOUR.

Warrant of Attachment.

A. B. Esquire, Commissioner duly empowered to receive Affidavits to be used and read in His Majesty's Court of King's Bench, for the District of

To

Greeting :—

I command you, at the instance of _____ to attach _____ of and belonging to _____ if the same shall be found in the _____ and _____ to the value of _____ and the said _____ keep and detain in your charge and custody for the period of twelve days, from the date hereof; and no longer, unless before the expiration of twelve days, the said _____ shall be seized by Writ of Attachment issuing from the Court of King's Bench at _____ at the suit of the said _____

Given under my hand and seal, at _____ of _____ in the _____ Majesty, King.

this _____ day year of the Reign of His

C A P. XXVIII.

AN ACT to facilitate the proceedings against the Estates and Effects of Debtors, in certain cases.

(14th March, 1829.)

Preamble.

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 this Province, constituted and assembled by virtue of and under the authority of an Act