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The Provincial Statutes of Lower-Canada, Being the second session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1829.

9 George IV – Chapter 27

An Act to prevent fraudulent Debtors evading their Creditors in certain parts of this Province. (14th March, 1829.)

Whereas by reason of the remoteness of divers Townships and Seigniories [Seigneuries] 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 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 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 maybe, 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 fortyeight 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

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seizure or attachment unless before the expiration of the said term of twelve days, the ordinary process of attachment shall have been issued arid executed in due Course of Law.

- 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.
- 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.
- 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	ndebted to	in a sum exceeding ten pounds		
sterling, to wit: ir	the sum of				
That this depone	nt is credibly	nformed, hath eve	ry reason to believe, and doth verily and in		
his conscience be	elieve, that the	e said	immediately about to leave the Province,		
whereby the said	l	without the be	nefit of a Warrant of Attachment against		
the body of the said		may be deprive	may be deprived of remedy against the said		
and this deponer	nt hath				
Sworn before me	<u>:</u>				
this	day of				

FORM—NUMBER TWO Affidavit to obtain Warrant of Attachment.

A. B.		of being o	being duly sworn, doth depose and say that C. D.		
	of	is indebted to	of	in a sum	
exceed	ing ten poun	ds sterling, to wit: in the sun	n of		
That th	is deponent	is credibly informed and hatl	n every reason to be	lieve, and doth verily	
and in I	his consciend	ce believe, that the said	now	about immediately to	

From: British North America Legislative Database; University of New Brunswick bnald.lib.unb.ca estate, debts and effects, and do secrete 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 against the said will lose his debt and of Attachment sustain damage and hath Sworn before me at this FORM—NUMBER THREE. Warrant to arrest the Person. Province of Lower-Canada, District of Esquire, Commissioner duly empowered to take Affidavits to be used and A. B.

read in His Majesty's Court of King's Bench for the District of 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 a certain debt, interest and costs, amounting to-the sum of of

currency.

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

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

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

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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 this day of

in the year of the Reign of His Majesty, King.