

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 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

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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.