

The Provincial Statutes of Lower-Canada, Being the second session of the fifteenth Provincial Parliament of Lower-Canada. Quebec: John Carleton Fisher & William Kemble, Law Printer to the King's Most Excellent Majesty, 1836.

6 William IV – Chapter 26

An Act to prevent the Fraudulent Seizure and Sale of Lands, and other real property within this Province. (21st March, 1836.)

Whereas great frauds have been and hereafter may be committed with respect to lands and tenements or other real property, situate in the Townships in this Province, by evil designed persons, who, for the purpose of defeating the title of the lawful owner or proprietor of such lands and tenements or other real property, fraudulently cause the same to be seized in execution, and sold at Sheriff's sale, without any lawful right so to do, for remedy whereof:—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 if any person or persons, from and after the passing of this Act, shall knowingly, wilfully and maliciously cause or procure to be seized and taken in execution, any lands and tenements, or other real property situate within any Township or Townships erected or to be hereafter erected in this Province, not being at the time of such seizure the bona fide property of the person or persons against whom or 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.

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

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 forty, and no longer.