

*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 9

**An Act to prevent Debtors from wasting or diminishing the value of their immoveable property under seizure, to the injury of their Creditors. (21st March, 1836.)**

Whereas it is expedient to make Legislative provision for preventing Debtors, whose immoveable property may have been seized in execution under Judgments obtained against them, from fraudulently injuring or wasting the same, or diminishing in any way the value thereof: 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 and declared by the authority of the same, that every person who shall personally, or by the intervention of others, injure or waste or diminish the value of any immoveable property belonging to him, and seized in execution under any judgment rendered against him, so as to deprive his Creditor or Creditors of their just rights, by destroying, carrying away or selling any house, out-houses or building whatever, or any timber or fences, or any fixture in any house or building on the property so seized, or any object or thing whatsoever, being part of and belonging to the same, shall be liable to be proceeded against by attachment against his body, *contrainte par corps*, and such process may be awarded by the Court or by any Judge thereof, in term or in vacation, after a rule or order to shew cause, duly served on such defendant personally or at his domicile, and after proof made to the satisfaction of the said Court or Judge of the facts alleged against the said Defendant, who may be committed to prison and there detained for a term not exceeding six calendar months.

II. Provided always, and be it further enacted by the authority aforesaid, that before the expiration of the term fixed for his imprisonment, the Defendant may at any time demand and obtain his discharge on paying the amount of the Judgment rendered against him and the expences incurred in obtaining the said attachment against his body, *contrainte par corps*. Provided also, that this Act shall not extend to prevent the Plaintiff or Prosecutor from availing himself of any other legal recourse which he may have against the property or person of the Defendant.

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