

The
161st article
of the Custom
of Paris, exten-
ded to all pro-
prietors and
lessors of real
property-

II. And be it further Ordained and Enacted by the authority aforesaid, that the one hundred and sixty-first article of the Custom of Paris, and all the privileges and benefits conferred by that article, on proprietors and lessors of any real property within the limits of the said Cities or Towns, do and shall extend, and shall be possessed by the proprietors and lessors of any such real property, in any place beyond such limits, any law, custom, or usage to the contrary notwithstanding.

Act 3. Will.
IV. as amen-
ded continued
to 1st Nov.
1842.

III. And be it further Ordained and Enacted by the authority aforesaid, that the said Act, as hereby amended, shall be and remain in force, until the first day of November, one thousand eight hundred and forty two.

J. COLBORNE,

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Third day of April, in the Second year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord, one thousand eight hundred and thirty-nine.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

C A P. XLVIII.

An Ordinance to prevent Real Property, under Seizure, from being injured or wasted, to the damage of the party seizing.

Preamble.

WHEREAS it is expedient to make Legislative provision for preventing Immoveable Property seized in execution under Judgment, from being fraudulently injured or wasted, or the value thereof from being in any way diminished ;—
Be

Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of, and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, “*An Act to make temporary provision for the Government of Lower Canada;*” and it is hereby Ordained and Enacted by the authority of the same, that any person who shall personally or by the intervention of others, injure or waste, or diminish the value of any immoveable property, (whether belonging to such person or to any other person or persons,) seized in execution under any judgment, by destroying, carrying away, or selling any House, Outhouse, or Building whatsoever, or by wilfully deteriorating the same, or by destroying, carrying away, or injuring any timber or fences, or any fixture in any house or building on the property so seized, being part of and belonging to such property, so that the Creditor or Creditors, at whose suit the execution was issued, may be deprived of his, her, or their just rights, shall be liable to be proceeded against by attachment against his or her 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 person personally, or at his or her domicile, and after proof, made to the satisfaction of the said Court or Judge, of the facts alleged against such person, who may be committed to Prison, and there detained for a period not exceeding six calendar months.

Any person injuring or wasting real property under seizure, may be proceeded against by attachment against his body, and imprisoned.

The party seizing not to be deprived of any other legal recourse against the debtor.

II. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall not extend to deprive the party at whose suit any such property may have been seized, of any other legal recourse against the person or property of the Debtor, which such party would have had, if this Ordinance had not been passed.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House in the City of Montreal, the Eighth day of April, in the second year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland,

Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and thirty-nine.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

C A P. XLIX.

An Ordinance to regulate the Practice of the Courts of Judicature in this Province, respecting certain proceedings.

Preamble.

Prothonotaries may issue writs of *capias ad respondendum* and attachment without the fiat of a Judge.

WHEREAS it is expedient to alter the Laws and Practice now in force relating to the issuing of process in certain cases, and in other respects:— Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, “ *An Act to make temporary provision for the Government of Lower Canada* ;” and it is hereby Ordained and Enacted by the authority of the same, that from and after the passing of this Ordinance, in all cases wherein by law a Writ of *capias ad respondendum*, or attachment, may issue against the body or the estate, debts, and effects of any debtor or debtors, before trial or judgment, it shall and may be lawful for the Clerk, Prothonotary or Prothonotaries, of any Court of King's Bench or Provincial Court in this Province respectively, to take and receive the necessary oath, affidavit, or proof, in such cases by law required, and thereupon to issue, without the fiat of a Judge, the process or writ of *capias ad respondendum*, or of attachment, as the case may be, in the like manner as if the same had been granted or awarded by a Judge of any of the said Courts; Provided always, that nothing herein contained shall prevent any Judge of the said Courts