

*The Provincial Statutes of Lower-Canada, Being the fourth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fourteenth day of February, 1839.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

2 Victoria – Chapter 48 (Session 4)

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

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 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 bouse 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.

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,

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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.