

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1788.* Saint John, NB: J. Ryan, 1788.

28 George III – Chapter 2

**An Act in Addition to An Act, intituled, “An Act for Relief against Absconding Debtors.”**

Whereas in the said Act for relief against absconding Debtors, there is no sufficient provision made for relief against Debtors who have departed from this Province, who have Estates or effects in the Province, and who may remain out of it to prevent their Creditors from recovering or getting hold of such estates or effects, therefore

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That the estates, goods, chattles and effects, real and personal, of all and every such person and persons indebted in the sum of forty shillings or upwards, who have departed, or may depart from this Province, may be subject and liable to be taken, seized, proceeded, against, sold, conveyed and disposed of for the payment and satisfaction of their debts, as near as may be, in like manner as the estates and effects of other debtors in and by the above recited act are made subject and liable to; Provided always, that instead of the proof of absconding or concealment of such debtor or debtors, the creditor or creditors, or his or their attorney who shall apply for any attachment against the estate or effects of any person or persons, who have departed, or may depart from the Province, shall make proof by one or more witness or witnesses to the satisfaction of the Judge or Judges, to whom application for such attachment shall be made, that such debtor or debtors departed from the Province after the debt was contracted, and have or hath not resided within this Province for the term of six months next preceeding such application; and also provided, That in any such case no Trustees shall be appointed until the expiration of six months after such public notice as is required to be given by the before recited act.

II And he it further enacted, That this act shall continue; and be of force as to the power of Judges to grant warrants of attachment pursuant hereto, and exercise the powers hereby given, until the first day of February, which will be in the year of our Lord one thousand seven hundred and ninety; and from thence to the end of the then next Session of the General Assembly—but shall continue and be in force as to the power of every Court, Person and Trustees that shall be appointed by virtue of this act before its above-mentioned limitation, and have any duty or thing, thereby enjoined or required to be done, until a full and final settlement and distribution shall be made by them and finished according to the true intent and meaning of this act.