

## C A P . X V I .

An Act for the removal of doubts, and to explain the Provincial Statute 12th Victoria, chapter 42, to abolish imprisonment for debt, and for other purposes.

[Assented to 18th December, 1854.]

Preamble.

12 V. c. 42.

WHEREAS doubts have arisen as to the true intent and meaning of that part of the first section of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to abolish imprisonment for debt, and for the punishment of fraudulent debtors in Lower Canada, and for other purposes*, which declares that "no writ of *capias ad satisfaciendum* or other execution against the person shall issue or be allowed after the passing of this Act," and it is necessary to explain the meaning thereof: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, as follows :

To what process only against the person the first section of the said Act was intended to apply.

I. The said recited portion of the Act first above cited, was only intended to have force and effect with respect to executions against the person upon judgments for debt, and nothing therein contained was intended to prevent nor shall the same be construed to have prevented or hereafter to prevent the issuing of any writ of execution against the person for contempt of the process of Court, or other attachment (*contrainte par corps*) or of the like nature, against any defendant or defendants for resistance to the process of Court (*rebellion à justice*), or for any fraudulent evasion of any judgment or order of Court, by preventing or obstructing the seizure of property in satisfaction thereof, which might have been legally issued and had prior to the passing of the said first above cited Act.

## C A P . X V I I .

An Act to allow Notaries to receive the advice of relations and friends without being thereunto authorized by a Judge, in all cases in which the Judges may delegate their powers to Notaries.

[Assented to 18th December, 1854.]

Preamble.

WHEREAS different constructions have been put by different Judges as well of the Superior as of the Circuit Court, in Lower Canada, upon the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign,