

## 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.

**W**HEREAS 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.

**W**HEREAS 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,

Reign, intituled, *An Act to allow Notaries to call meetings of relations and friends, in certain cases, without being thereto specially authorized by a Judge*,—and the Acts passed in the sixteenth year of Her Majesty's Reign, and intituled, respectively, *An Act to explain the Act to allow Notaries to call meetings of relations and friends, in certain cases, without being thereto specially authorized by a Judge, and for other purposes*,—and *An Act to regulate the proceedings in cases of voluntary Licitation*: Be it therefore 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 enacted by the authority of the same, as follows :

I. That in all cases and matters, in which the law allows a Judge in Lower Canada to delegate the power to receive the counsel and advice of relations and friends, any Notary in Lower Canada, may, without being thereunto previously authorized by a Judge, call and preside at such meetings of relations and friends, administer the requisite oaths, and receive the counsel and advice of such relations and friends, but a report of all such proceedings shall be made to the proper Judge, for homologation, if the same ought to be homologated; the formalities prescribed by the Acts above cited, and the requirements of law being observed, in so far as may not be inconsistent with this Act.

Notaries may call Meetings without being authorized by a Judge, on certain conditions.

## C A P. X V I I I .

An Act to amend the Act to make better provision for the establishment of Municipal Authorities in Lower Canada.

[Assented to 18th December, 1854.]

**W**HEREAS no provision is made by law for filling up the places of Councillors going out of office, in Village, Town or Borough Municipalities, which refuse or neglect to proceed to the Election of other Councillors within the period fixed by law, and it is necessary to remedy such omission: Be it therefore 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 enacted by the authority of the same, as follows :

Preamble.