

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1849. Montreal: Stewart Derbyshire & George Desbarats, 1849.

12 Victoria – Chapter 67

**An Act to reduce the Expense of Proceedings in Upper-Canada against the Property of Absconding or Concealed Debtors. 30th May, 1849.**

Whereas unnecessary costs are incurred in proceedings in Upper-Canada, against the property of Absconding or Concealed Debtors, in consequence of the Sheriff, to whom various Writs of Attachment may be directed, being by Law compelled to cause a separate notice in each attachment to be inserted in the Upper-Canada Gazette, and also in some one or more of the Newspapers printed in his District: 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, That the second Section of the Act of the Legislature of Upper-Canada, passed in the second year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to afford means for Attaching the Property of Absconding Debtors*, be and the same is hereby repealed; Provided always, that notwithstanding the repeal of the said Section, any notice inserted before the passing of this Act, under the provisions of the said Section, may be continued in the same way and for the same time, and with the same effect as if this Act had not been passed.

II. And be it enacted, That from and after the passing of this Act, it shall be the duty of the Sheriff making a seizure under any Writ of Attachment against the property of any Absconding or Concealed Debtor or Debtors, as to whom he shall not have already caused the notice hereinafter mentioned to be published, under any Writ issued within six months next preceding the date of such Writ, immediately to cause a notice to be inserted in the Canada Gazette, and also in some one or more of the Newspapers published and printed in his District, and to be continued weekly for at least three calendar months; which notice shall set forth that by virtue of the said Writ he has seized all the Estate, real and personal, of such absconding or concealed person or persons, and that unless such absconding or concealed person or persons (naming the same) return within the jurisdiction of the Court from whence such Writ issued, and put in bail to the action, or cause the claim or claims of such Plaintiff or Plaintiffs (naming the same) to be discharged within three calendar months after such public notice, (to be computed from the first day of publishing the same in the Canada Gazette), all his, her or their Estate, real or personal, or so much thereof as may be necessary, will be held liable for the payment, benefit and satisfaction of the claim or claims of such Plaintiff or Plaintiffs, as well as for the payment, benefit or satisfaction of the claim or claims of such other Plaintiff or Plaintiffs, as shall or may take proceedings against the property and effects of such Absconding or Concealed Debtor or Debtors within six months from the issuing of the Writ of Attachment, in virtue of which such notice shall be so published; and such notice and service of a copy thereof upon the several or respective Debtor or Debtors, of any such

Absconding or Concealed Debtor or Debtors, as provided in the ninth Section of the hereinbefore mentioned Act, shall, ensure and be held sufficient and effective to all intents and purposes, for the benefit of all and every Plaintiff or Plaintiffs in such Writ or Writs of Attachment as shall be issued within six months from the issuing of the Attachment, against the property or effects of such Absconding or Concealed Debtor or Debtors, in virtue of which such notice shall be so published, and every such subsequent Writ of Attachment shall and may be proceeded in without the necessity of such previous notices, or either of them, being given therein, and maybe made available to all intents and purposes, in the same manner as if such notices had been given therein: Provided always, that the Defendant in any Attachment shall be entitled to three calendar months from the day of the issuing thereof, to give the Bond mentioned in the fourth and fifth Sections of the hereinbefore mentioned Act: And provided also, that in any distribution that may be made of the proceeds of the Estate of any Absconding or Concealed Debtor, the amount of the charges for advertising shall be allowed in full to the first attaching Creditor, in addition to his proportion of such proceeds.