

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 18

**An Act to enable Creditors to attach the effects of Debtors about to leave the Province in cases under Ten Pounds. 2d August, 1851.**

Whereas persons often evade the payment of their just debts, in cases where they are indebted to individual creditors to an amount less than Ten Pounds, by secreting or making away with their estate, debts and effects, or by leaving the Province before judgment can be obtained against them: For the prevention thereof, Be it 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 Process of Attachment, as well in the hands of the debtor as in the hands of a third person or of third persons, (*arrêt simple*, or *saisie arrêt*, or *entiercement*) prior to trial and judgment, may issue from the Circuit Court in Lower Canada, in all cases where the sum demanded is under Ten Pounds and exceeds One Pound and Five Shillings, current money of this Province, upon the affidavit of the plaintiff or his agent to the effect that the defendant or proprietor of such estate, debts or effects, is indebted to the plaintiff in a sum exceeding One Pound and Five Shillings, current money of this Province, and that he is about to secrete, or make away with the same, or doth abscond, or is about to leave the Province to defraud his creditors; Provided always, that the Commissioners' Courts shall have the like power to issue such Process of Attachment in cases within their jurisdiction, and above the sum of One Pound Five Shillings.

II. And be it enacted, That any Clerk of the Circuit Court or Commissioners' Court is hereby authorized to receive the necessary affidavit and issue such Writs of Attachment as aforesaid, in the same manner as he is now permitted and authorized to do in cases above Ten Pounds: Provided, nevertheless, that nothing herein enacted shall prevent any Judge of the Superior Court or Circuit Court from receiving such affidavit, and from granting a Fiat upon which to issue such Writs of Attachment as aforesaid; and the said Judges are hereby empowered to administer and receive such affidavits and grant such Fiats in the same manner as they are now authorized and empowered to do in cases above Ten Pounds.

III. And be it enacted, That the additional costs attendant upon the issuing of such Writs of Attachment as hereinbefore provided for, shall be taxed by a Judge of the Court at such sum as in his discretion he may think right, unless and until they be regulated by a Tariff of the Court under which the Clerk of the Court shall then tax such costs, and in the Commissioners' Court such additional costs shall be the same as in cases of seizure under execution.

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IV. And be it enacted, That this Act shall remain in force for two years, and from thence until the end of the then next Session of the Provincial Parliament, and no longer.

V. And be it enacted, That this Act shall apply only to Lower Canada.