

*Laws of Her Majesty's Province of United Canada*, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 107

**An Act to enable creditors to attach the effects of debtors before Judgment, in cases under ten pounds. Assented to 30th May, 1855.**

Whereas debtors by secreting their effects and by absconding, often evade the payment of their just debts, in cases where their indebtedness is less than ten pounds, and it is expedient to provide a remedy: 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. Process of attachment, *arrêt simple* or *saisie arrêt*, prior to trial and judgment, may issue from the Circuit Court in Lower Canada, in all cases under ten pounds and not less than one pound and five shillings, currency, and from the Commissioners' Courts in Lower Canada, in all cases within their Jurisdiction, and for a sum not less than one pound and five shillings, currency, upon the affidavit of the plaintiff or -his agent to the effect that the debtor is secreting or about to secrete his estate, debts and effects, or is about to abscond, such affidavit to be conformable to the laws now in force in Lower Ca-nada, with reference to cases exceeding ten pounds currency.

II. The Clerk of the Circuit Court in and for any Circuit, and the Clerk of any Commissioners' Court, or any person authorized by law to act as such Clerk, shall have power and authority to receive the necessary affidavits and to issue such writs of attachment, *arrêt simple* or *saisie arrêt*, in the same manner as by law the Clerks of the said Circuit Court might heretofore do in cases exceeding ten pounds currency; Provided however, that nothing herein contained shall prevent any Judge of the Superior Court or any Circuit Judge, or any Commissioner of small causes, from receiving such affidavit upon which to issue such writs of attachment as aforesaid; and the said Judges and Commissioners are hereby empowered to administer the necessary oaths and receive the said affidavits, and grant a fiat or order for any such writs returnable into the said Circuit Court and Commissioners' Court respectively, to be therein heard, tried and determined, according to law and the course and practice of the said Courts respectively.

III. The additional costs of issuing and executing such writs of attachment as hereinbefore provided for, shall be taxed by the Judges holding the Court wherein the said proceedings are had, at such sum as shall in their discretion seem reasonable, subject always to the provisions of any tariff now in force or hereafter to be adopted in reference to such cases; and the costs of such writs and proceedings in the Commissioners' Courts shall be the same as in cases of seizure on writs of execution issuing from the said Courts.

IV. This Act shall apply to Lower Canada only.