

An Act to prevent arrests for Debt in certain cases  
under Decrees of the Court of Chancery in Upper  
Canada.

**W**HEREAS the Grand Inquest in and for the City of Toronto, at  
the Court held in the said City, on the 12th day of January now  
last past, made a Presentment to the Court in the words following, that  
is to say: "The Grand Jury found eight persons confined for debt,  
5 "one being incarcerated over six months, and another aged man over  
"two months, for the costs of a Chancery suit: Surely the new law  
"does not contemplate keeping persons imprisoned where they have no  
"means of paying the debt—as these persons declare they have not:"  
And whereas there is reason to believe that the Court of Chancery in  
D that part of this Province called Upper Canada, has made Orders or  
Decrees of Court, directing certain sums of money to be paid by certain  
parties, on or before certain days named in such Orders or Decrees, and  
with which Orders or Decrees of said Court the parties so ordered to pay  
were utterly unable to comply; and the said parties, in consequence of  
such inability to pay, have been ordered into confinement, under the  
plea of contempt of Court for the disobedience of its Orders or Decrees;  
And whereas it would be more conducive to the benefit of creditors,  
under Decrees or Orders of the said Court, wherein, in certain cases, a  
party or parties is, or are, by such Decrees or Orders, directed to pay a  
sum or sums of money mentioned or referred to therein, if, instead of the  
mode now prescribed of obtaining satisfaction of such Decree or Order,  
a Writ or Writs, in the nature of an Execution, were by the said Court  
ordered to be issued, directed to the Sheriff of the County, to seize and  
take in execution and sell the property, personal as well as real, of  
the person or persons so, by such Decree or Orders as aforesaid, directed  
to pay a sum or sums of money therein mentioned or referred to; And  
whereas such an Act would be more in harmony with the spirit of the  
age, and would be less oppressive to the subject; Therefore Her Majesty,  
&c., enacts as follows:

I. From and after the passing of this Act, in all cases where any party  
is, or are, or may, by any Decree or Order of the said Court of Chancery  
for Upper Canada, be ordered to pay a sum of money, no writ of Attach-  
ment or any other process of the said Court shall issue, whereby such  
person or persons shall be liable to arrest for disobedience of such  
Decree; but instead thereof, a Writ or Writs of Execution, in the nature  
of, and similar to, Writs which in such cases are by Law directed to  
issue in causes in the Courts of Common Law in Upper Canada, shall  
issue out of the said Court of Chancery, directed in the same manner  
as writs of Execution are in such cases directed in Courts of Common  
Law.

Preamble.

*Is not this preamble  
throughout quite  
unnecessary, rather  
absurd?*

Chancery to  
enforce its  
judgments by  
execution; not  
by imprison-  
ment for  
contempt.