

B I L L .

An Act to abolish Imprisonment for Debt, and for the punishment of Fraudulent Debtors, in Lower Canada, and for other purposes.

WHEREAS Imprisonment for Debt, where fraud is Preamble.
not imputable to the Debtor, is not only demoralizing in its tendency, but is as detrimental to the true interests of the creditor as it is inconsistent with that forbearance and humane regard to the misfortunes of others which should always characterize the legislation of every Christian country; And whereas it is desirable to soften the rigor of the laws affecting the relation between Debtor and Creditor, as far as a due regard to the interests of commerce will permit: Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, Imprisonment for Debt not to be allowable in certain cases.
That from and after the passing of this Act, no priest or minister of any religious denomination whatsoever, no person of the age of seventy years or upwards, and no female, shall be arrested or held to bail by reason of any debt or by reason of any other cause of civil action or suit whatsoever; and that no person shall be arrested or held to bail or detained in custody upon any cause of civil action arising or which may have arisen in any foreign country, or in any civil suit where the cause of action shall not amount to twenty pounds of lawful money of this Province; and no writ of *capias ad satisfaciendum* or other execution against the person, shall issue or be allowed after the passing of this Act, except in actions instituted before the passing of this Act, in which the defendant before the passing of this Act shall have been arrested and held to bail for the debt for which such execution shall be required.

II. And be it enacted, That it shall not be lawful for Arrest for debt to be allowable only on certain conditions.
the plaintiff in any civil suit or action to proceed to arrest the body of the defendant, or detain him in custody, unless an affidavit be made, in the manner provided by law, by such plaintiff, his book-keeper, clerk or legal attorney, that the defendant is personally indebted to the plaintiff in a sum amounting to or exceeding twenty pounds of lawful money of this Province, and also that such plaintiff, his book-keeper or legal attorney, hath reason to believe, and doth verily believe, upon grounds to be specially set forth in such affidavit, that the defendant is immediately about to leave the Province of Canada, with intent to defraud his creditors generally, or the plaintiff in particular, or that the