

absconding
debtors, &c.

any sum not exceeding *twenty-five pounds*, nor less than *twenty shillings*, for any debt or damages arising upon any contract express or implied, or upon any judgment, shall abscond from this Province, leaving personal property liable to seizure under execution for debt, in any 5 County in Upper Canada, shall attempt to remove his, her or their personal property of the description above mentioned, either out of Upper Canada or from one County to another therein, or from Upper to Lower Canada, or shall keep concealed in any County of Upper 10 Canada to avoid service of process, with intent and design to defraud his or her creditor or creditors, it shall and may be lawful for any creditor or creditors of such person or persons, his, her or their servant or agent, to make application to the Clerk of any Division Court of the 15 County wherein the debtor or debtors were or was last domiciled, or where the debt was contracted, or to the Judge of the County Court therein, or to any Justice of the Peace in any County of Upper Canada, and upon making or producing an affidavit or affirmation to the purport of 20 that in the Schedule to this Act annexed, marked D, (which affidavit or affirmation the said Clerks, Judges, and Justices of the Peace, are respectively hereby authorised to administer,) and upon then and there filing the said affidavit or affirmation with such Clerk, Judge, 25 or if taken before a Justice of the Peace, with such Justice of the Peace (whose duty it shall be to transmit the same forthwith to the Clerk of the Division Court, within whose Division the same was so made or taken, to be filed and kept among the papers in the cause,) it shall be lawful 30 for such Clerk, Judge or Justice of the Peace forthwith to issue a warrant under his hand and seal, directed to the Bailiff of the Division Court, within which the same was issued, or to any Constable of the County, commanding such Bailiff or Constable to attach, seize, take and safely 35 keep all the personal estate and effects of the absconding, removing or concealed person or persons, of what nature and kind soever, liable to seizure under execution for debt within such County, or a sufficient portion thereof to secure the sum mentioned in the warrant, with the 40 costs of the action, and to return the same forthwith to the Division Court of the Division wherein such warrant was issued, upon receipt of which warrant the Bailiff or Constable to whom the same may be directed, shall forthwith execute the same, and with the assistance of 45 two freeholders make a just and true inventory of all such personal estate and effects, as he shall seize and take by virtue thereof, and shall forthwith return the same to the Clerk of the Division Court of the Division within which such warrant was issued, and which war- 50 rant may be in the form of that in the Schedule to this Act annexed, marked E.: Provided always, that the said freeholders and appraisers shall be entitled to receive for each day they may be employed in carrying its enact-

Proviso.