

(24)

BILL.

An Act to prevent the Commission of Waste on Hypothecated Lands and Hereditaments.

WHEREAS it is expedient to afford to creditors speedy and efficacious means, whereby they may prevent the fraudulent waste, dilapidation and diminution in value of lands and hereditaments hypothecated in their favor; Be it therefore enacted, &c.,

Preamble.

That if any person, either personally or by the agency of others, shall injure or waste any real estate or hereditament charged with any hypothec or shall in any wise diminish its value (whether the same belong to himself, or to some other person,) by destroying, carrying away or selling any house, building or dependence belonging to such real estate or hereditament and forming a part thereof, or by wilfully damaging the same, with intent to diminish the value thereof, by destroying, carrying away, or injuring any part of the timber work or of the fences of the said estate or hereditament, so as to diminish the value of the property hypothecated, such person may be proceeded against and punished by imprisonment, (*contrainte par corps.*)

Party wasting hypothecated property may be punished by imprisonment.

II. And be it enacted, That such imprisonment may be ordered and adjudged by any Court having jurisdiction to the amount of the sum due, and for which the said real estate or hereditament is hypothecated, or by any one judge of the said Court, either in term or in vacation, by an order or rule made at the instance of a creditor, or of any person having a valuable interest in the preservation of such real estate or hereditament, requiring him to show cause and answer to the complaint, of which a copy duly certified by the party or his Attorney, or by the Clerk of the Court, shall be served with such order.

Mode of proceeding.

III. And be it enacted, That the said order or rule shall be issued in the form used in writs of summons, and may be made returnable in term, before any Court having jurisdiction to the amount of the debt or sum alleged to be due, or in vacation, before one Judge of the said Court, at the residence of such Judge, and

Form of process, service, &c.