

BILL

To remove all doubts with respect to the benefit of the Cession of Property (CESSION DE BIENS) to which Debtors are entitled in certain cases therein-mentioned.

WHEREAS doubts have arisen with respect to the interpretation of the thirty-eighth article or section of an Ordinance, passed in the twenty-fifth year of the Reign of His late Majesty, George the Third, intituled, "An Ordinance to regulate the proceedings in the Courts of Civil Judicature, and to establish Trials by Juries, in actions of a Commercial nature and personal wrongs, to be compensated in damages," which permits an arrest of the person, (*contrainte par corps*) in Commercial matters between Merchants and Traders, and also for all debts due to Merchants or Traders, for goods, wares and merchandise, by them sold, and principally with respect to the right of the Debtor to make a cession of property (*cession de biens*) in the cases wherein the said Ordinance permits an arrest of the person (*contrainte par corps*) as specified in the said thirty-eighth article or section of the said Ordinance as well as in the fourth article or section of the same; and whereas it will be highly advantageous to remove all doubts on this matter; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America," and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that none of the enactments or dispositions of the said Ordinance passed in the twenty-fifth year of the reign of His Majesty, George the Third, intituled, "An Ordinance to regulate the proceedings in the Courts of Civil Judicature, and to establish Trials by Juries, in actions of a Commercial nature and personal wrongs, to be compensated in damages," are, nor shall be in any wise understood, nor construed to deprive any person or persons from the benefit of making a cession of his property, (*cession de biens*) nor of any of the privileges or advantages by the Laws of this Province thereunto appertaining, in any of the cases specified in the said Ordinance wherein the Debtor is entitled by the Laws of this Province to the right of making a cession of property, (*cession de biens*.)

II. And whereas the mode, actually by the Law prescribed, for compelling, in the first instance, the appearance in Court of a Defendant, would be too expensive in the case of a forced or judiciary cession, (*cession de biens*;) Be it therefore further enacted by the authority aforesaid, that to be admitted to the benefit of a cession of property (*cession de biens*) it shall suffice that the Debtor do present a plenary Petition, or *Requête libellée*, to any Court of competent jurisdiction in this Province, demanding to be admitted to the benefit of a cession of property (*cession de biens*) whereupon such Court shall give an order that the creditors named in the said Petition do appear on