

1852-3.

BILL.

No. 408.

**An Act to declare the meaning of a certain enactment
in the Act to abolish Imprisonment for Debt in Lower
Canada.**

WHEREAS doubts have arisen as to the meaning and intent of Preamble.
 a certain enactment in the Act passed in the twelfth year of
 Her present Majesty's Reign, intituled, "*An Act to abolish Impri-* 12 V., c. 42.
sonment for Debt and for the punishment of fraudulent debtors
 5 "*in Lower Canada, and for other purposes,*" namely, the following
 provision, contained in the first section of the said Act: "No Writ Recital.
 of *capias ad satisfaciendum* or other execution against the person
 shall issue or be allowed after the passing of this Act," and it is
 expedient to explain and declare the meaning thereof; Be it there-
 10 fore declared and enacted, &c.,

That the said recited portion of the said cited Act was intended to have Intended effect
of the said Act
declared.
 force and effect only with respect to executions against the person
 issued upon judgments for debt in cases not excepted by the terms
 of the fifteenth Section of said cited Act; and it is hereby declared
 15 and enacted, that it was not intended by said cited Act to pre-
 vent, nor shall said cited Act or any of the provisions thereof
 be construed to have prevented or hereafter to prevent the issuing
 of any writ of execution against the person or other attachment
 (*contrainte par corps*) against any defendant or defendants for re-
 20 sistance to any writ or process of Court (*rebellion en justice*) or for frau-
 dulent evasion to any judgment or order of Court, which might or could
 have been legally issued, had or obtained at the time of the passing
 of the said cited Act.