

BILL.

An Act to abolish Imprisonment for Debt; and for the punishment of fraudulent Debtors in this Province.

WHEREAS Imprisonment for Debt where fraud is 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 in this Province 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, That from and after the passing of this Act, no female shall be arrested or held to bail by reason of any Debt alleged to be due by her 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 action arising 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 where the cause of action shall amount to twenty pounds and upwards, it shall not be lawful for the plaintiff to proceed to arrest the body of the defendant or defendants, or detain him in custody unless an affidavit be made by such plaintiff, his servant or agent, of such cause of action, and of the amount justly and truly due to the said plaintiff from the said defendant, and also that such plaintiff, his servant or agent, hath good reason (setting forth such reason or reasons at length) to believe, and doth verily believe that the defendant is immediately about to leave the Province of Canada, or that he hath made a fraudulent assignment of his property with intent and design to defraud the plaintiff of the said debt; and that no person shall be taken or charged in execution in any action for any sum whatever, whether the party shall originally have been held to bail, or been merely served with common process: Provided always, that it shall be lawful for any Judge of the Court whence any process shall have issued to arrest any person or persons to order any such person or persons to be discharged out of custody, if it shall be made to appear to him on affidavit either that the cause of action arose in a foreign country

Preamble.

No woman to be arrested in any civil suit.

In what cases only any male person shall be held to bail.

No party to be imprisoned in execution.

Proviso: Judge may order persons arrested to be discharged in certain cases, or defendant may plead in abatement.