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No. 16.

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3rd Session, 5th Parliament, 20 Victoria, 1857.

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**BILL.**

An Act to exempt the Tools or Implements of any Debtor's Trade or Calling, and the Wearing Apparel, the Bedding, and other Furniture necessary for the use of his Family, under the value of \$        from seizure and sale under Execution for Debt.

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Received and read, first time, Tuesday, 3rd March, 1857.

Second Reading, Monday, 9th March, 1857.

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MR. MACKENZIE.

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TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET

An Act to exempt the Tools or Implements of any Debtor's Trade or Calling, and the Wearing Apparel, the Bedding, and other Furniture necessary for the use of his Family, under the value of \$ from seizure and sale under Execution for Debt.

**W**HEREAS it is desirable to to make further exemptions by law, from seizure and sale under execution, of the necessary wearing apparel, food, fuel, furniture, bedding, and tools or implements of trade of debtors: Therefore Her Majesty, &c., enacts as follows:

5 I. The Act passed by the Legislature of the late Province of Upper Canada, in the eleventh year of the Reign of King George the Fourth, and intituled, *An Act for the relief of Indigent Debtors*, and the Ordinance passed by the Legislature of Lower Canada, in the second year of Her Majesty's Reign, and intituled, *An Ordinauce to exempt certain articles from seizure in* 10 *satisfaction of debts*, shall be and are hereby repealed except as hereinafter provided.

Act of U. C. 11 Geo. IV., chap. 4 and Ord. of L. C. 2 Vic. (3) chap. 28 repealed.

15 II. And whereas it is provided, in the eighty-ninth section of the fifty-third chapter of the Acts passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to amend and consolidate the severall Acts now in force regulating the practice of Division Courts in Upper Canada, and to extend the jurisdiction thereof*, That every Bailiff or Officer executing any process of execution issuing out of any Division Court in Upper Canada, against the goods and chattels of any person, may, by virtue thereof, seize and take any of the goods and chattels of such 20 person (excepting the wearing apparel and bedding of such person and his family, and the tools and implements of his trade to the value of five pounds, which shall to that extent be protected from such seizure); Be it enacted, that instead of the exemption from seizure of such apparel, bedding and tools of trade, to the value of five pounds, under the authority of the said last 25 cited Act, and instead of any exemptions from seizure under Acts or Ordinances in force in Lower Canada, the property to be hereafter exempt shall be that which is described in the next following section of this Act; Provided, nevertheless, that nothing in this Act contained shall be taken or construed so as to deprive any creditor of any remedy he now has at law, 30 with regard to debts contracted when this Act shall come into force, or for the rent of immoveable property, and that those exemptions only which are provided in the Act last cited relative to Division Courts or in any Acts or Ordinances or laws now in force in Lower Canada, shall be continued and held to be in force for the benefit of Debtors, as respects the said debts 35 and rents.

The provisions of this Act to be substituted for certain provisions of the Division Court Act of U. C. and of certain Acts in force in L. C.

Provido.

Certain property to be exempt from levy and sale under execution,

III. The following property shall be exempt from levy and sale, under any attachment or execution, and such articles thereof as are moveable, shall continue so exempt, while the family of such person or any of them may be removing from one place of residence to another:

1. All spinning-wheels, weaving looms and stoves, put up or kept for use in any dwelling house, for domestic purposes ; 40

2. The family bible, family portraits, and school books used by or in the family of such person ; and books not exceeding in value          dollars, which are kept and used as part of the family library, and all necessary wearing apparel. 45

3. A seat or pew occupied by such person or his family in any house or place of public worship ;

4. One cow, two swine, and all necessary provisions and fuel actually provided for family use, for any period not exceeding sixty days ;

5. All necessary beds, bedsteads, and bedding for such person and his family, and necessary cooking utensils ; 50

6. The tools and implements of any mechanic, necessary to the carrying on of his trade, not exceeding          dollars in value ;

7. In addition to the articles exempted from seizure and sale under attachment or execution as above mentioned, there shall be exempted from such seizure and sale, necessary household furniture owned by any person being a householder, or having a family for which he provides, to the value of not exceeding          dollars. 55

Proviso.

Provided always, that such exemption from attachment or execution as aforesaid of any furniture, tools or articles enumerated in this Section, shall not extend to any attachment or execution issued in any suit or action for the recovery of the purchase money of the same furniture, tools or articles, nor for the recovery of any money lent for the express purpose of purchasing any such furniture, tools or articles. 60

Inventory to be delivered to Sheriff of articles exempted.

IV. The debtor, (or his wife or some member of his family in his absence,) shall point out to the Sheriff, Bailiff, Constable or other Officer authorized to seize or sell by virtue of such attachment or execution, and deliver to him a list or inventory of such of the articles exempted by sub-sections first, fourth fifth, sixth and seventh of section three, as he desires to retain possession of, and it shall not be lawful for such Sheriff or other officer to seize or sell the articles in such list or inventory, if they do not exceed in cash value the sum of          dollars., or any of the articles in sub-sections second and third of section three. 70

When this Act shall take effect.

V. This Act shall come into force and take effect upon, from and after the first day of January, one thousand eight hundred and fifty          , and not before. 75