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2nd Session, 5th Parliament, 20 Victoria, 1857.

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## BILL.

An Act to amend the Statute 12 Victoria, cap. 42, intituled, "*An Act to abolish imprisonment for debt and for the punishment of fraudulent debtors in Lower Canada, and for other purposes.*"

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Received and read, first time, Wednesday, 29th April, 1857.

Second reading, Thursday, 30th April, 1857.

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MR. SANBORN:

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TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to amend the Statute 12 Victoria, cap. 42, intituled, "*An Act to abolish imprisonment for Debt, and for the punishment of fraudulent Debtors in Lower Canada, and for other purposes.*"

**W**HEREAS inconveniences result in enforcing the provisions of the Act intituled, "*An Act to abolish imprisonment for Debt, and for the punishment of fraudulent debtors in Lower Canada, and for other purposes,*" from the vagueness of some of the provisions thereof, and it is expedient to remedy the same; Therefore Her Majesty, &c., enacts as follows:

I. Notwithstanding any thing contained in the fourth section of the said cited Act, in all suits wherein judgment shall be, or shall have been, rendered for any sum of money not less than ten pounds currency, the Plaintiff shall be entitled to the benefit of all the provisions contained in the fourth section of the said Act, and it shall be lawful for him to enforce the same against the parties therein mentioned, provided such judgment shall have been obtained in a cause where by law a *capias ad respondendum* might legally issue, and the action shall have been commenced by such process, and such *capias* shall not have been quashed or set aside prior to such judgment.

II. In all cases wherein judgment shall have been, or shall be rendered in any action legally commenced by a *capias ad respondendum*, wherein the defendant or defendants shall make failure or shall have made failure in all or any of the particulars specified in the fourth section of the said cited Act, it shall be lawful after the lapse of thirty days from the rendering of judgment, to proceed by action at once against the parties who shall have become security for such defendant or defendants, for the recovery of the amount of debt, interest and costs, for which judgment shall have been recovered against such defendant or defendants, without notice to such defendant or defendants: Provided nevertheless, that it shall be permitted to such parties so becoming surety to establish as a defence to the action so instituted against them, that the defendant or defendants in the cause wherein they have entered up security, has complied with and conformed to the provisions of said fourth section of the said cited Act.

III. It shall be the duty of the Sheriff in all actions hereafter commenced by *capias ad respondendum*, and when the defendant or defendants shall give bail for his or their appearance to answer to such action, to take recognizances for the amount sworn to as debt and for all interest and costs, and the schedule number four to the said cited Act subjoined, shall be so amended as to give effect to this provision.

IV. This Act shall apply to Lower Canada only.