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No. 95.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to reduce the expense of proceedings in Upper Canada, against the property of absconding or concealed Debtors.

Received and Read a first time, Monday, 19th
February, 1849.

Second Reading, Thursday, 8th March 1849.

M. SMITH (Durham.)

PRINTED BY LOVELL AND GIBSON.

BILL.

An Act to reduce the expenses of proceedings in Upper Canada, against the property of absconding or concealed Debtors.

WHEREAS unnecessary costs are incurred in proceedings in Upper Canada, against the property of absconding or concealed Debtors, in consequence of the Sheriff, to whom various writs of attachment may be directed, being by Law compelled to cause a separate notice in each attachment to be inserted in the Upper Canada Gazette, and also in some one or more of the Newspapers printed in his District:—Be it therefore, &c.

And it is hereby enacted, by the authority of the same, That the second Section of the Act of the Legislature of Upper Canada, passed in the second year of the Reign of His late Majesty, King William the Fourth, and intituled, "*An Act to afford means for attaching the property of absconding Debtors,*" be and the same is hereby repealed.

II. And be it enacted, That from and after the passing of this Act, it shall be the duty of the Sheriff making a seizure under any writ of attachment against the property of any absconding or concealed Debtor or Debtors, immediately to cause a notice intituled in the first suit or writ of attachment which may come into his hands, to be inserted in the Canada Gazette, and also in some one or more of the Newspapers published and printed in his District, and to be continued weekly for at least three calendar months; which notice shall set forth that by virtue of the said writ he has seized all the Estate, real and personal, of such absconding or concealed person or persons, and that unless such

Preamble.

Section 2 of Act of U. C. 2 Will. 4 c. 5, repealed.

What notice the Sheriff making a seizure under a writ of attachment against any absconding or concealed Debtor or Debtors, shall give, &c.

absconding or concealed person or persons (naming the same) return within the jurisdiction of the Court from whence such writ issued, and put in bail to the action, or cause the claim or claims of such Plaintiff or Plaintiffs (naming the same) to be discharged within three calendar months after such public notice, (to be computed from the first day of publishing the same in the Canada Gazette) all his, her or their Estate, real or personal, or so much thereof as may be necessary, will be held liable for the payment, benefit and satisfaction of the claim or claims of such Plaintiff or Plaintiffs, as well as for the payment, benefit or satisfaction of the claim or claims of such other Plaintiff or Plaintiffs, as shall or may take proceedings against the property and effects of such absconding or concealed Debtor or Debtors within twelve months from the issuing of the first writ of attachment; and such notice and service of a copy thereof, upon the several or respective Debtor or Debtors, of any such absconding or concealed Debtor or Debtors, as provided in the ninth Section of the hereinbefore mentioned Act, shall enure and be held sufficient and effective to all intents and purposes, for the benefit of all and every Plaintiff or Plaintiffs in such writ or writs of attachment, as shall be issued within twelve months from the issuing of the first attachment, against the property or effects of such absconding or concealed Debtor or Debtors; and every such subsequent writ of attachment shall and may be proceeded in without the necessity of such previous notices, or either of them, being given therein, and may be made available to all intents and purposes in the same manner as if such notices had been given therein: Provided always, that in any distribution that may be made of the proceeds of the Estate of any absconding or concealed Debtor, the amount of the charges for advertising shall be allowed in full to the first attaching Creditor, in addition to his proportion of such proceeds:

Proviso: as to costs of notice.