

No. 112.

2nd Session, 5th Parliament, 19 Victoria, 1856.

BILL.

An Act to amend the Provincial Statute 12
Vict., cap. 42, intituled "*An Act to abolish
imprisonment for debt, and for the punish-
ment of fraudulent debtors in Lower Can-
ada, and for other purposes.*"

Received and read, first time, Wednesday, 26th
March, 1856.

Second reading, Monday, 31st March, 1856.

MR. TERRILL.

TORONTO:

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An Act to amend the Act to abolish imprisonment for debt and for the punishment of fraudulent debtors in Lower Canada.

WHEREAS inconveniences result practically from the peculiar provisions of some of the clauses of the Act 12 Vict., cap. 42, to abolish imprisonment for debt, and to punish fraudulent debtors in Lower Canada and for other purposes, and it is expedient to remedy the same ;
 5 Therefore Her Majesty, &c., enacts as follows :

I. The Fourth Section of the said Provincial Statute first cited in the Preamble to this Act shall be so amended as to make all the provisions thereof applicable to any and all Judgments recovered against any and all Defendants who shall have been arrested under and in accordance with
 10 the general provisions of the said Act, whether such Judgments shall have been recovered for a greater or less sum than twenty pounds currency : provided always, that the said Judgments shall have been recovered in cases where by law *Capias ad respondendum* might legally issue and the actions shall have commenced by such process.

Preamble.

Section 4 of 12 Viet., cap. 42, to apply to cases under or over £20, if the suit commenced by ca : sa :

15 II. Any Plaintiff or Plaintiffs who shall have recovered or who may hereafter recover Judgment in any such cause where the action shall have commenced by *Capias ad respondendum*, shall be at liberty at any time after thirty days from the rendering of any such Judgment, to proceed by
 20 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 such Judgment shall have been recovered against such Defendant or Defendants.

Plaintiff may proceed at once against the sureties.

III. The Schedule number four to the said first recited Act subjoined, shall be so amended as by its terms to require Sheriffs of Districts who
 25 take Bail for the appearance of Defendants arrested and holden to bail, to take such recognizances for the amount sworn to and also for all interest and costs ; and the thirteenth section of the said first recited and hereby amended Act, in so far as the same has reference to the said
 30 said schedule number four, shall be deemed and held to have reference to the said schedule number four as hereby amended.

Schedule 4, to the said Act amended, and section 13 to refer to it as so amended.

IV. This Act shall apply to Lower Canada only.

Act limited to L. C.