## Technical and Bibliographic Notes / Notes techniques et bibliographiques

L'Institut a microfilmé le meilleur exemplaire qu'il lui a

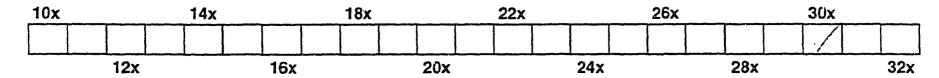
été possible de se procurer. Les détails de cet exem-

may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.		plaire qui sont peut-être uniques du point de vue bibli- ographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la métho- de normale de filmage sont indiqués ci-dessous.		
	Coloured covers / Couverture de couleur			Coloured pages / Pages de couleur
	Covers damaged / Couverture endommagée			Pages damaged / Pages endommagées  Pages restored and/or laminated /
	Covers restored and/or laminated / Couverture restaurée et/ou pellicule			Pages discoloured, stained or feved /
	·			Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
	Coloured mans / Cortes géographic	·		Pages detached / Pages détachées
	Coloured maps / Cartes géographic			Showthrough / Transparence
	Coloured ink (i.e. other than blue of Encre de couleur (i.e. autre que ble	•		Quality of print varies / Qualité inégale de l'impression
	Coloured plates and/or illustrations Planches et/ou illustrations en coul-			Includes supplementary material / Comprend du matériel supplémentaire
$\bigvee$	Bound with other material / Relié avec d'autres documents			Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best
	Only edition available / Seule édition disponible			possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à
	Tight binding may cause shadows or interior margin / La reliure serrée			obtenir la meilleure image possible.
	l'ombre ou de la distorsion le lor intérieure.	ng de la marge		Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des
	Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.			colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.
	dditional comments / Cover title page is bound in as last page in book but filmed as first page on fiche.			

This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.

The Institute has attempted to obtain the best original

copy available for filming. Features of this copy which



1st Session, 4th Parliament, 16 Victoria, 1852.

## BILL.

An Act to exempt, to the value of £, the Tools or Implements of any Householder's Trade or Calling, and the Wearing Apparel, the Bedding, and other Furniture required for the use of his Family, from seizure and sale under Execution for debt; and to prevent the property thus exempted from being assigned, pledged or sold, in liquidation of debts contracted for intoxicating drinks.

Received and read a first time, Tuesday, 24th August, 1852.

Second reading,

August, 1852.

Mr. Mackenzie.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

## BILL.

An Act to exempt the Tools or Implements of any Householder's Trade or Calling, and the Wearing Apparel. the Bedding, and other Furniture necessary for the use of his Family, from seizure and sale under Execution for debt; and to prevent the property thus exempted from being pledged or sold in liquidation of debts contracted for intoxicating drinks.

WHEREAS intemperance, fraud, theft, and other degrading crimes Preamble. and vices, oftentimes have their origin in that extreme poverty or destitution, which shuts out hope, begets despair, breaks up families, and increases pauperism; and it is the duty of a wise and paternal Government, while equitably and impartially enforcing the obligation of 5 contracts, to keep ever in view that a want of sympathy with the people weakens any state in its hour of danger: And whereas, the limit beyond which it is oppressive, unjust, and at variance with all sound policy to permit the decree of the Judge to be enforced against the personal property and effects of the debtor, is that which leaves in possession of 10 the family such necessary wearing apparel, food, fuel, furniture, bedding, and tools or implements of a trade or calling, the want of which would probably reduce the household to want and misery: And whereas, in cases where either the husband or the wife becomes habitually intelnperate, itis manifestly unjust to permit all the furniture and effects of the 15 family to be sold for debt, thus increasing the difficulties of the innocent party, and violating the Christian rule to do as one would be done by: And whereas, life and property become insecure, and the pillars upon which civilization and order rest are weakened, when a portion of the people become impoverished, demoralized and discontented, while looking for 20 aid or forbearance in their day of adversity: Be it therefore enacted, &c.,

That the fourth chapter of the Act passed by the Legislature of the late Act of U. C. Province of Upper Canada, in the 11th year of the reign of King George 11th Geo. 4, c. IV., (March 6, 1830,) being "An Act for the relief of Indigent Debtors," shall be and is hereby repealed.

II. And whereas, it is provided, in the 89th section of the 53rd chapter Section 89 of of the Acis, passed in the 18th and 14th years of the reign of Queen 13 and 14 Victoria, being, "An Act to regulate the practice of Divisioni Courts in cited."

"Upper Canada," "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 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 £5, under authority of the said Division Courts' Act, (passed August 10, 1850,) and instead of any exemptions from scizure under acts, ordinances or usages of the late Legislature of Lower Canada, the property to be hereafter exempt shall 10 be that which is described in the next following section of this Act.

The exemption therein contained extended.

perty the ex-

emption from

seizure shall

extend.

To what pro-III. And be it enacted, That the following property owned by a householder, and in actual use, or kept in use by and for his family, or, in case of his death, by and for his widow or children, or when being removed from one habitation to another upon a change of residence, 15 shall be exempt from execution, except as herein otherwise specially provided:-

- 1. Books, pictures and musical instruments, to the value of £
- 2. Necessary household, table, and kitchen furniture, including stoves, stove pipes, and stove furniture, wearing apparel, beds, bedding and 20 bedsteads, provisions actually provided for family use, sufficient for six months, including meat, fish, vegetables, flour and meal, with fuel for sixty days, one cow, ten sheep, two swine, and food for them for three months.
- 3. The seat or pew occupied by the debtor or his family, in a house of 25 Public Worship where seats are sold or rented.
- 4. The tools and implements of a mechanic, necessary to carry on his trade.
- 5. A horse, harness, and cart, or other vehicle, by the use of which a physician or constable, or a cartman, teamster, or other labourer, habi- 30 tually earns his living.

But the aggregate value of all the property so exempt, cannot exceed ; nor shall any article be exempt from an execution issued on a judgment for its price.

Debtor may point out the property he wishes to save,

IV. And be it enacted, That the debtor, [or his wife or family, in his 35 absence,] shall point out to the Sheriff, Bailiff, Constable, or other officer, authorized to seize and sell by virtue of such execution, and deliver to him a list or inventory of such of the articles exempted by Sections II and III, as he desires to retain possession of, and it shall not be lawful for such Sheriff or other officer to seize and sell the articles in 40 such list or inventory, if they do not exceed £ in cash value.

V. And be it enacted, That every assignment, sale or pledge of Assignment, sale or seizure articles or property exempted by this Act, and every levy or sale of such of exempted

articles or property, by virtue of an execution, by consent of the defen- articles, to be dant therein, shall be void, where the consideration, or any part thereof void if the for which such assignment, sale or pledge was made, or for the bethe sale of 5 debt on which judgment was rendered in any Court, and on which such intoxicating execution was issued, was for the sale of intoxicating liquors; and in liquors. any action commenced for the recovery of the value of the property sold as aforesaid, the persons for whose benefit such sale or transfer was made, may be called and examined as witnesses, relative to such sale of intoxicating liquors, in the same manner, and subject to the same 10 penalties, as if called to give evidence in any other case.