
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.

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August, 1852.

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MR. MACKENZIE.

QUEBEC:

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WHEREAS intemperance, fraud, theft, and other degrading crimes and vices, ostentimes have their origin in that extreme poverty or desitution, 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 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 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 intemperate, it is manifestly unjust to permit all the furniture and effects of the 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 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 Province of Upper Canada, in the 11th year of the reign of King George IV., (March 6, 1830,) being "*An Act for the relief of Indigent Debtors*," shall be and is hereby repealed.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 of the Acts, passed in the 13th and 14th years of the reign of Queen Victoria, being, "*An Act to regulate the practice of Division Courts in 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 5
 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 seizure 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 exemp-
 tion therein
 contained ex-
 tended.

To what pro-
 perty the ex-
 emption from
 seizure shall
 extend.

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,
 &c.

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.

Assignment,
 sale or seizure
 of exempted

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

articles or property, by virtue of an execution, by consent of the defendant therein, shall be void, where the consideration, or any part thereof for which such assignment, sale or pledge was made, or for the debt on which judgment was rendered in any Court, and on which such execution was issued, was for the sale of intoxicating liquors; and in 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 penalties, as if called to give evidence in any other case.

articles, to be void if the consideration be the sale of intoxicating liquors.