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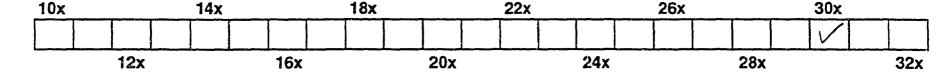
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## THE FURNITURE EXEMPTION BILL.

1st Session, 5th Parliament, 18 Victoria, 1854.

## BILL.

An Act to exempt the Tools or Implements of any Debtor'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.

Received and Read, 1st time, Friday, 15th Sept. 1854.

Second Reading, Wednesday, 20th Sept. 1854.

Mr. W. L. McKenzie.

QUEBEO:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

## BILL.

An Act to exempt the Tools or Implements of any Debtor'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.

TWHEREAS it is desirable to make further exemptions by law from Preamble. seizure and sale under execution, of the necessary wearing apparel, food, fuel, furniture, bedding and tools or implements of trade of debtors: Be it therefore enacted, &c., That the Act passed by the Legislature of the Act of U. C. 5 late Province of Upper Canada, in the eleventh year of the Reign of King 11 G: 4, c. George the Fourth, and initialed, An Act for the relief of Indigent Debtors, and Ordinance of L. C. 2 Vi. and the Ordinance passed by the Legislature of Lower Canada, in the a second year of Her Majesty's Reign, and intituled, An Ordinance to exempt certain articles from seizure in satisfaction of debts, shall be and are hereby 10 repealed.

II. And whereas, it is provided, in the eighty-ninth section of the fifty- Part of Sec. 39 third chapter of the Acts passed in the Session held in the thirteenth and of c. 53 of 13 fourteenth years of Her Majesty's Reign, intituled, An Act to amend and & 14 Vict., recited. consolidate the several Acts now in force regulating the practice of Division 15 Courts in Upper Canada, and to extend the jurisdiction thereof, 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 chatteis of such person, (excepting the wearing apparel and bedding of such person 20 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, Exemptions in bedding and tools of trade, to the value of five pounds, under the autho-next section rity of the said last cited Act, and instead of any exemptions from seizure substituted for those in that 25 under Acts or Ordinances in force in Lower Canada, the property to be Act, or Lows hereafter exempt shall be that which is described in the next following of L.C. Section of this Act; Provided nevertheless, that nothing in this Act con- Provise : as to tained shall be taken or construed so as to deprive any creditor of any debise attack. remedy he now has at Law, with regard to debts contracted or rents due ed before the 30 before this Act'shall come into force, and that those exemptions only Act. which are provided in the Act last cited relative to Division Courts or in

III. The following property shall be exempt from levy and sale, under What properany execution, and such articles thereof as are moveable, shall continue so ty shall be exempt, while the family of such person or any of them may be removing exempt from seizure in from one place of residence to another.

the said debts and rents.

any Acts or Ordinances or laws now in force in Lower Canada, shall be continued and held to be in force for the benefit of Debtors, as respects

1st. All spinning-wheels, weaving-looms and stoves, put up or kept for use in any dwelling house.

2nd. The family bible, family pictures and school books used by or in the family of such person; and books not exceeding in value pounds shillings, which are kept and used as part of the family library.

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3rd. A seat or pew occupied by such person or his family in any house or place of Public Worship.

4th. All sheep to the number of five, with their fleeces, one cow, two swine, all necessary pork, beef, fish, flour and vegetables actually provided for family use; and necessary fuel for the use of the family for thirty days. 10

5th. All necessary wearing apparel, beds, bedsteads, and bedding for such person and his family, and necessary cooking utensils.

6th. The tools and implements of any mechanic, necessary to the carrying on of his trade, not exceeding pounds shillings, in value.

7th. In addition to the articles exempted from seizure and sale under 15 execution as above mentioned, there shall be exempted from such seizure and sale, necessary household furniture owned by any person being a householder, or having a family for which he provides, to the value of not exceeding pounds shillings.

Provisa.

Provided always, that such exemption from execution as aforesaid of any 20 furniture, tools or articles enumerated in this Section shall not extend to any execution issued in any suit or action for the recovery of the purchase money of the same furniture, tools or articles.

Debtor, or some person for him to select the articles which shall be free from seizure.

IV. The debtor, (or his wife or some member of his family, in his absence,) shall point out to the Sheriff, Bailiff, Constable or other Officer 25 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 Section Three 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 such list or inventory, if they do not exceed in cash value the sum of pounds.

Assignment, &c, of exempted property void when made for intoxicating liquors.

V. Every assignment, sale or pledge of articles or property exempted by this Act, shall be void where the consideration or any part thereof, for which such assignment, sale or pledge was made, was for the sale of intoxicating liquors; and in any action commenced for the recovery of the value of the property assigned, pledged or sold as aforesaid, the persons for 35 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.

Prouf.

Commence-

VI. This Act shall come into force and take effect upon, from and after 40 the first day of January, one thousand eight hundred and fifty-five, and not before.