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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.

QUEBEC:

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.

WHEREAS it is desirable to make further exemptions by law from seizure and sale under execution, of the necessary wearing apparel, food, fuel, furniture, bedding and tools of implements of trade of debtors : Be it therefore enacted, &c., That the Act passed by the Legislature of the late Province of Upper Canada, in the eleventh year of the Reign of King George the Fourth, and intituled, *An Act for the relief of Indigent Debtors*, and the Ordinance passed by the Legislature of Lower Canada, in the 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and intituled; *An Ordinance to exempt certain articles from seizure in satisfaction of debts*, shall be and are hereby repealed.

Preamble.
Act of U. C. 11 G. 4. c. and Ordinance of L. C. 2 Vi. c. repealed.

II. And whereas, it is provided, in the eighty-ninth section of the fifty-third chapter of the Acts passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to amend and consolidate the several Acts now in force regulating the practice of Division 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 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 five pounds, under the authority of the said last cited Act, and instead of any exemptions from seizure under Acts or Ordinances in force in Lower Canada, the property to be hereafter exempt shall be that which is described in the next following Section of this Act; Provided nevertheless, that nothing in this Act contained shall be taken or construed so as to deprive any creditor of any remedy he now has at Law, with regard to debts contracted or rents due before this Act shall come into force, and that those exemptions only which are provided in the Act last cited relative to Division Courts or in 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 the said debts and rents.

Part of Sec. 39 of c. 53 of 13 & 14 Vict. recited.

Exemptions in next section substituted for those in that Act, or Laws of L. C.

Proviso : as to debts contracted before the passing of this Act.

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

What property shall be exempt from seizure in execution

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. 5

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 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. 15

Proviso. Provided always, that such exemption from execution as aforesaid of any 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 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. 30

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 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. 35

Proof.

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