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No. 43.

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4th Session, 3rd Parliament, 14 Victoria, 1851.

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## BILL.

An Act to enable Creditors to attach  
the effects of Debtors about to leave  
the Province in cases under ten  
pounds.

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Received and read a first time Monday, 2nd  
June, 1851.

Second Reading, Monday, 9th June, 1851.

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MR. McCONNELL.

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TORONTO : PRINTED BY LOVELL AND GIBSON.

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## B I L L.

An Act to enable Creditors to attach the effects of Debtors about to leave the Province in cases under ten pounds.

**W**HEREAS persons often evade the payment of their just debts, in cases where they are indebted to individual creditors to an amount less than ten pounds, by secreting or making away with their estate, debts and effects, or by leaving the Province before judgment can be obtained against them: For the prevention thereof, Be it enacted, &c

Preamble.

That process of attachment, as well in the hands of the debtor as in the hands of a third person or of third persons, (*arret simple*, or *saisie arret*, or *entiercement*), prior to trial and judgment, may issue from the Circuit Court in Lower Canada, in all cases where the sum demanded is under ten pounds and exceeds one pound and five shillings, current money of this Province, upon the affidavit of the plaintiff or his agent to the effect that the defendant or proprietor of such estate, debts or effects, is indebted to the plaintiff in a sum exceeding one pound and five shillings, current money of this Province, and that he is about to secrete, or make away with the same, or doth abscond, or is about to leave the Province to defraud his creditors.

Attachment before judgment may issue in cases between £1 5s. and £10, on affidavit to a certain effect.

II. And be it enacted, That any Clerk of the Circuit Court is hereby authorized to receive the necessary affidavit and issue such writs of attachment as aforesaid, in the same manner as he is now permitted and authorized to do in cases above ten pounds: provided, nevertheless, that nothing herein enacted shall prevent any Judge of the Superior Court or Circuit Court from receiving such affidavit, and from granting a fiat upon which to issue such writs of attachment as aforesaid; and the said Judges are hereby empowered to administer and receive such affidavits and grant such *fiats* in the same manner as they are now authorized and empowered to do in cases above ten pounds.

Clerks of Circuit Courts may issue such attachments, &c.

Proviso.

III. And be it enacted, That the additional costs attendant upon the issuing of such writs of attachment as hereinbefore provided for, shall be taxed by a Judge of the Court at such sum as in his discretion he may think right, unless and until they be regulated by a tariff of the Court under which the Clerk of the Court shall then tax such costs.

Costs.

IV. And be it enacted, That this Act shall apply only to Lower Canada.

Extent of Act.