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

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## **BILL.**

An Act to render certain effects liable to seizure under Execution, against goods and chattels, in Upper Canada.

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Received and read a first time, Thursday, 5th  
June, 1851.

Second reading, Monday, 9th June, 1851.

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**MR. BURRITT.**

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**BILL.**

An Act to render certain effects liable to seizure under Execution, against goods and chattels in Upper Canada.

**WHEREAS** by an Act passed in the Session held in Preamble.  
the thirteenth and fourteenth years of the Reign of Her Majesty, intituled, "*An Act to amend and consolidate* 13 & 14 Vict. c. 53.  
"*the several Acts now in force regulating the Practice of*  
5 "*Division Courts in Upper Canada, and to extend the*  
"*jurisdiction thereof.*" money, bank notes, cheques, bills of exchange, promissory notes, bonds, specialties or securities for money, may be taken and seized on execution against goods and chattels: And whereas it is desirable  
10 to extend the same privileges to other Courts of Law in Upper Canada: Be it therefore enacted, &c.

That upon any execution, issued out of any County Money and securities may be taken in execution.  
Court, or Her Majesty's Court of Queen's Bench, or Common Pleas in Upper Canada, against goods and  
15 chattels, the officer executing the same may seize and take in execution, money, bank notes, cheques, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to any person against whom any execution shall have issued as aforesaid.

20 II. And be it enacted, That the person seizing the effects mentioned in this Act, (not being money or bank bills,) and not actually obtaining possession of the same, shall give the defendant, or leave at his usual place of abode, a notice in the following form: Notice to be given.

"In the (*name the County*).

A. B. } I hereby give you notice that by virtue of a Form of notice.  
vs. } certain *fieri facias*, issued against your goods and  
C. D. } chattels in this cause, I have taken the following effects in execution thereon, viz: (*here describe them with as much certainty as possible.*)

Dated this                      day of                      18 .

A. B., Sheriff,

or Sheriff's officer (*as the case may be*).

To C. D., defendant.

25 And the plaintiff shall cause a copy of the said notice to be served personally upon the party owing such debts, and any payment to the defendant after such notice, and before satisfaction of the judgment, shall be fraudulent and void. Copy to be served on the debtor.

For what  
purpose such  
securities shall  
be held, and  
how enforced  
and applied.

III. And be it enacted, That the person seizing shall hold such cheques, bills of exchange, promissory notes, bonds, specialties or other securities for money, which shall have been so seized or taken as aforesaid, as a security or securities for the amount directed to be levied 5  
by such execution, or so much thereof as shall not have been otherwise levied or raised for the benefit of the plaintiff, and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the 10  
sum or sums secured or made payable thereby, when the time of payment thereof shall have arrived, and it shall not be competent for the defendant in the original cause to discharge such suit in any way, without the consent of the plaintiff, or of the Judge: Provided always, that the 15  
party who desires to sue for any such amount, shall in the first place pay or secure all costs that may attend the proceedings, and the moneys realized, or a sufficient part thereof, shall be paid over by the officer receiving the same to apply on the plaintiff's demand, and the overplus, 20  
if any, shall be forthwith paid to the defendant in the original suit, under the direction of the Judge.

Proviso.