

No. 56.

3rd Session, 6th Parliament, 23 Victoria, 1860.

BILL.

An Act to provide for the reduction of Law
Costs in the collection of Debts, and the
abolishment of Imprisonment for Debt.

Received and read, 1st time, Wednesday,
14th March, 1860.

Second Reading, Thursday, 15th March,
1860.

Mr. McMICKEN.

QUEBEC:
PRINTED BY THOMPSON & CO., ST. URSULE STREET.

An Act to provide for the reduction of Law Costs in the Collection of Debts, and to abolish Imprisonment for Debt.

WHEREAS it is contrary to every principal of humanity, that an honest debtor should be oppressed, and his misfortunes made worse by reason of any system, authorized by Law, that might be otherwise obviated, and the rights of the creditor maintained; And whereas it seems unreasonable that a series of persons should be authorized by any process to intervene between Debtor and Creditor, unnecessarily, for the obtaining a judgment against the former, by which his indebtedness is increased without benefit to the Creditor, and only for profit to the intervening parties; And whereas it is equally contrary to humanity that any Judge should be empowered to commit an honest debtor to prison on the ground of contempt of Court, when such contempt is but a misconstruction of the Debtor's inability to pay. Her Majesty therefore enacts &c.,

Preamble.

I. From and after the passing of this Act, it shall and may be lawful for a Debtor to give to the Creditor or his Attorney an acknowledgment, in writing, of his indebtedness in the form A. to this act appended, or to the like effect, which acknowledgment shall be taken as a judgment obtained in Court, and for which no costs shall be recoverable against such debtor.

Acknowledgment of debt in certain form to be in place of a judgment.

II. Fees on further proceedings, subsequent to such Judgment, shall be as is now provided for, but no sale of goods and chattels shall be made under or by virtue of such judgment so acknowledged, within a less period than three months from the date of the same.

Execution delayed three months.

III. When a creditor refuses to accept such acknowledgment, on the ground that it does not cover the amount due to him, then the proceedings may be as if this Act had not been passed, but, in the event of the judgment obtained being for a sum not exceeding the amount expressed in the acknowledgment tendered by virtue of this Act, then no costs shall be recoverable from the Debtor, on the proceedings taken in such suit, further than is allowed in cases where such acknowledgment is made and accepted.

Action, if amount acknowledged is deemed insufficient; but no costs if no more is recovered.

IV. This Act shall not be construed so as to interfere with the provisions of the Law preventing fraudulent preferences and assignments.

Not to affect law of fraudulent assignments.

V. No person shall be held in custody, nor shall any person be imprisoned on account of any Debt whatever, under any construction of Law whatsoever, after the passing of this Act, saving and excepting, where Fraud or Concealment of property is distinctly charged, upon Oath, against such Debtor, then the existing Laws shall apply as if this Act had not been passed.

No one to be imprisoned for debt, unless fraud be charged.

