



1st Session, 4th Parliament, 16 Victoria, 1853.

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## BILL.

An Act to declare the meaning of a certain enactment in the Act to abolish Imprisonment for Debt in Lower Canada.

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Received and Read a first time, Monday, 23rd  
May, 1853.

Second Reading, Wednesday, 25th May, 1853.

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MR. SANBORN.

1852-3.

**BILL.**

No. 408.

**An Act to declare the meaning of a certain enactment  
in the Act to abolish Imprisonment for Debt in Lower  
Canada.**

**W**HEREAS doubts have arisen as to the meaning and intent of Preamble.  
 a certain enactment in the Act passed in the twelfth year of  
 Her present Majesty's Reign, intituled, "*An Act to abolish Impri-* 12 V., c. 42.  
*sonment for Debt and for the punishment of fraudulent debtors*  
 5 "*in Lower Canada, and for other purposes,*" namely, the following  
 provision, contained in the first section of the said Act: "No Writ Recital.  
 of *capias ad satisfaciendum* or other execution against the person  
 shall issue or be allowed after the passing of this Act," and it is  
 expedient to explain and declare the meaning thereof; Be it there-  
 10 fore declared and enacted, &c.,

That the said recited portion of the said cited Act was intended to have Intended effect  
of the said Act  
declared.  
 force and effect only with respect to executions against the person  
 issued upon judgments for debt in cases not excepted by the terms  
 of the fifteenth Section of said cited Act; and it is hereby declared  
 15 and enacted, that it was not intended by said cited Act to pre-  
 vent, nor shall said cited Act or any of the provisions thereof  
 be construed to have prevented or hereafter to prevent the issuing  
 of any writ of execution against the person or other attachment  
 (*contrainte par corps*) against any defendant or defendants for re-  
 20 sistance to any writ or process of Court (*rebellion en justice*) or for frau-  
 dulent evasion to any judgment or order of Court, which might or could  
 have been legally issued, had or obtained at the time of the passing  
 of the said cited Act.