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No. 408.

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

B I L L .

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

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

Second Reading, Wednesday, 25th May, 1853.

MR. SANBORN.

QUEBEC.

1229.

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.

WHEREAS 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 Impris- 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
force and effect only with respect to executions against the person of the said Act
issued upon judgments for debt in cases not excepted by the terms declared.
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 fra-
udulent 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.