

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1801.* Saint John, NB: John Ryan, Printer to the King's Most Excellent Majesty, 1801.

41 George III – Chapter 5

**An ACT for the Support and Relief of confined Debtors. Passed the 21st of February, 1801.**

Whereas an Act made and passed in the thirty-ninth year of His Majesty's Reign, intituled "an Act in amendment of an Act made and passed in thirty-first year of His Majesty's Reign, intituled "an Act for the support and relief of confined Debtors," and also the Act therein referred to, are near expiring: And whereas the support and relief intended by the said Act, has been found expedient and necessary—

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That whenever any person committed to any Gaol in this Province for debt, not exceeding two hundred pounds, at the suit of any creditor, shall be incapable to provide or secure their necessary support, it shall and may be lawful for such Debtor, after fourteen days confinement, to make application to any Judge of the Supreme Court, or Justice of the Court of Common Pleas of the county where such Debtor shall be confined, for a weekly support or maintenance: And such Judge or justice, after fourteen days previous notice to such Creditor or his Attorney, shall examine on oath such confined Debtor, or any witness produced, as to the ability of such Debtor to support him or herself, and if on examination, to be taken in writing on oath as aforesaid. which shall be filed in the office of the Clerk of the Court out of which the Process issued, it shall appear to such Judge or Justice that such Debtor is utterly unable to support him or herself; it shall and may be lawful for such Judge or Justice to make an order for such Creditor to pay such Debtor a weekly sum to be applied for the support of such Debtor, which sum shall be paid weekly, and from the first day of November until the last day of March shall be three shillings and six-pence per week, and the remainder of the year two shillings and six-pence per week; and after such order, it shall be the duty of such Creditor to pay such weekly support, and in case of failure thereof, it shall and may be lawful for any such Judge or Justice as aforesaid, on such failure being made known to him, to make an order under his hand and seal to the Sheriff or Gaoler to discharge the said Debtor out of confinement. Provided that nothing in this act shall prevent such creditor from prosecuting his suit (if on *mesne process*) to final judgment, or from taking out his *Fiers Facia* against the goods and chattels, lands and tenements of such Debtor in the same manner as if no application or order had been made in manner aforesaid.

II. And be it further enacted, That every person who shall be convicted of making or taking a false oath to any of the facts herein before directed or required to be sworn, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

III. And be it further enacted, That this Act shall continue and be in force Five Years and no longer.