

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1822. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1822.

3 George IV – Chapter 15

An Act in amendment of the Laws now in force for the support and relief of Confined Debtors, and for the further relief of Debtors with respect to the imprisonment of their persons. Passed the 21st March 1822.

Whereas by the Laws now in force, no provision is made for the support of Debtors confined for sums exceeding two hundred pounds, who may be unable to provide, or secure their necessary support; and it is expedient to extend the benefits of the several Acts of Assembly in this behalf made, to all Confined Debtors, whatever may be the amount of the Debts for which they are held in confinement—

I. Be it enacted by the Lieutenant-Governor, Council, and Assembly, That the several and respective provisions and enactments of an Act made and passed in the forty-first year of the Reign of His late Majesty King George the Third, intituled “An Act for the support and relief of Confined Debtors,” and of another Act made and passed in the fiftieth year of the same Reign, intituled “An Act to revive and make perpetual an Act, intituled “An Act for the support and relief of Confined Debtors, and further to extend the provisions of the same,” and of another Act made and passed in the fifty-ninth year of the same Reign, intituled “An Act in addition to and in amendment of an Act, intituled “An Act for the support and relief of Confined Debtors, and the Act further to extend the provisions thereof,” be, and the same are hereby extended, and shall and may be applied to all cases of persons committed to any Gaol in this Province, for debt to any amount, any thing in the said above recited Acts, or any of them, to the contrary thereof in, any wise notwithstanding.

And whereas it is expedient to make further provisions for the relief of Debtors with respect to the imprisonment of their persons—

II. Be it enacted by the Lieutenant-Governor, Council, and Assembly, That the Justices of the Peace in the several Counties in this Province, or the major part of them, shall and may, and they are hereby authorized and required, at the first General Session of the Peace to be holden in the respective Counties after the passing of this Act, or at any Special Session for that purpose to be convened and holden, to designate and mark out by proper limits, fit and convenient Yards for the Gaols in their respective Counties, and to contract and agree with able and sufficient Workmen, for enclosing such Yards, with proper, substantial, and secure walls or fences, not less than ten feet in height, or to appoint Contractors for that purpose, and to agree for such sum or sums of money to be paid therefor, as to them may seem meet; and the said Justices, or the major part of them, are hereby authorized and empowered, at any such Session as aforesaid, to make a rate and assessment of any sum that may appear necessary for the above purpose, the same sum to be assessed, levied, collected, and paid, in such proportion and in the same manner, as any other County rates can or may be assessed, levied, collected, and paid, by virtue of an Act made and

passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled “An Act for assessing, collecting, and levying County rates,” or any other Act now or hereafter to be made for the like purpose. And the walls or fences enclosing such Gaol Yards, shall from time to time be maintained and repaired, as need may require, in like manner as any Gaol, Court-House, or other Public Work, is to be repaired by any Law now or hereafter to be made.

III. And be it further enacted, That whenever any person is confined in any Gaol in this Province, for debt, either upon mesne process or in execution, the Sheriff in whose custody such person may be, is hereby authorized and empowered to permit and suffer such person to go about and have his liberty within the Yard of such Gaol, so to be marked out and enclosed as herein before provided for, upon bond being given to the Sheriff, by the name of his office, by such Debtor, with two sufficient Sureties to the satisfaction of the Sheriff, in double the amount of the debt or debts for which such Debtor shall be in confinement, upon condition thereunder written, that such Debtor shall not go or be at large out of such Gaol Yard, or escape at any time while he has the liberty of the same as aforesaid, any Law, Statute, or Custom, to the contrary notwithstanding. And the Sheriff shall be entitled to demand and receive for making such bond, the sum of five shillings and no more, and such bond shall be in the following form and no other, that is to say:—

“Know all Men by these presents, that We _____ are held and firmly bound to _____ Esquire, Sheriff of the County [or City and County] of _____ in the sum of _____ lawful money of New-Brunswick, to be paid to the said Sheriff or to his certain Attorney, Executors, Administrators, or Assigns, for which payment well and truly to be made, we bind ourselves and each of us by himself, for and in the whole, our and each and every of our Heirs, Executors, and Administrators, firmly by these presents. Sealed with our Seals, and dated this _____ day of _____ in the _____ year of the Reign of our Sovereign _____ of the United Kingdom of Great-Britain and Ireland Defender of the Faith, &c. &c. and in the year of our Lord one thousand eight hundred and _____.

“Whereas the above named _____ Sheriff, as aforesaid, hath given permission to the above bounden _____ a Debtor confined in the Gaol of the County [or City and County] abovementioned, to go about and have his liberty within the Yard of the said Gaol— Now the condition of this obligation is such, that if the said _____ shall not go or be at large out of the said Yard of the said Gaol, or escape at any time while he has the liberty of the same as aforesaid, then this obligation to be void, otherwise to remain in full force and virtue.”

Signed, sealed, and delivered, in presence of _____.

Provided always, That such Sheriff shall and may at any time, upon reasonable cause, revoke and annul such permission to any confined Debtor to have the liberty of the Gaol Yard as aforesaid, and again to renew the same if he shall see fit.

IV. And be it further enacted, That no Sheriff shall be liable to any action of escape, or other suit or information, for or on account of any liberty that may be granted to any confined Debtor, under the provisions and according to the true intent and meaning of this Law. Provided always, that if

any confined Debtor shall go or be at large in any manner or by any means not authorized and permitted by this Law, the Sheriff shall be liable to all intents and purposes in the same manner as if this Law had not been made.

V. And be it further enacted, That this Act shall continue and be in force for five years, and from thence to the end of the then next Session of the General Assembly, and no longer.