

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1823.* Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1823.

4 George IV – Chapter 10

**An Act in further 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 27th March, 1823.**

Whereas in and by the second Section of an Act made and passed in the third year of His Majesty's Reign, intituled "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": It is enacted, "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 Sessions of the Peace to be holden in the respective Counties after the passing of this Act, or at any Special Sessions for that purpose to be convened and holden, to designate 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 high": And whereas it is deemed expedient to dispense with the enclosing the Yards or limits so to be designated and marked out, under and by virtue of the provisions of the said in part recited Act, with fences or walls—

I. Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That the Justices of the Peace in the several and respective Counties, be, and they are hereby authorized and empowered, at any General or Special Sessions to be holden in the respective Counties, to dispense with the closing of Yards or limits designated and marked out by them, under and by virtue of the provisions of the said herein before recited Act, with walls and fences, provided they think it expedient so to do.

II. Be it further enacted by the Lieutenant-Governor, Council, and Assembly, That the Justices of the Peace in the several and respective Counties in his Province, shall, and they are hereby authorized and empowered, any General or Special Sessions to be holden, in the respective Counties, to designate certain limits round the several and respective Gaols in province, without any reference to the Yards, which shall or may be enclosed with walls or fences. Provided always, that no limits so to be designated to any Gaol as aforesaid; shall extend less than the distance of forty rod; nor more than the distance of eighty rods from any such Gaol.

III. Be it further enacted, That when any person is confined in any Gaol in this Province, for debt, either upon mesne process or execution, the Sheriff in whose custody such person may be, is hereby authorised and empowered to permit and suffer such person to go about and have his liberty within the limits of such Gaol so-designated by the Justices of the said Counties, and not enclosed with walls or fences, in as ample and full a manner, as if the said limits were enclosed with a wall or fence, subject nevertheless, in all other respects, to the provisions and conditions of the said herein before recited Act, to which this is an amendment.

IV. And be it further enacted, That the third Section of the herein before recited Act, be, and the same is hereby repealed.

V. 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 limits of such Gaol so established or to be established by the said General or Special Sessions as aforesaid, 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 limits, 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 \_\_\_\_\_ 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 Lord of \_\_\_\_\_ the United Kingdom of Great-Britain and Ireland, King, Defender of the Faith, &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] above mentioned, to go about and have his liberty within the Yard or limits of such Gaol: Now the condition of this obligation is such, that if the said \_\_\_\_\_ shall not go or be at large out of the said limits of such 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 such limits as aforesaid, and again to renew the same if he shall see fit.

VI. And be it further enacted, That this Act shall continue and be in force for four years, and thence to the end of the then next Session of the General Assembly.