

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1826. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1826.

7 George IV – Chapter 13

An Act in further amendment of the Laws in force, for the support and relief of Confined Debtors. Passed the 7th of March, 1826.

Whereas in the Acts in force for the support and relief of confined Debtors, no power is given to the Judge or Justice who may take the examination of the confined Debtor on application for a weekly support, to order such confined Debtor to be brought up before him for the purpose of taking such examination,

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That in all cases, in which any Judge or Justice has power by the Laws in force for the support and relief of confined Debtors, to examine such confined Debtor as to the ability, of such Debtor to support him or herself, it shall and may be lawful for such Judge or Justice, to make an order under his hand and seal, to the Sheriff or Gaoler in whose custody such confined Debtor may be, to bring up such confined Debtor before him for the purpose of such examination; and that such Sheriff or Gaoler shall not be liable to any action of escape, or other suit or information for or on account of his obeying such order according to the true intent and meaning of this law. And whereas by the Laws now in force, the examination of the confined Debtor, on application for a weekly support, must in all cases be made before the Judge or Justice from whom the notice of examination may have issued, which is sometimes inconvenient:

II. Be it further enacted, That such examination may be taken either by the Judge or Justice from whom the notice of examination may have issued, or any other Judge or Justice of the same Court.

III. And whereas, doubts have arisen whether the several Acts of Assembly now in force for the relief and support of confined Debtors, extend to such Debtors as may have the benefit of the Gaol limits: And whereas it is expedient to extend the provisions of the said Acts to such Debtors as may be able to obtain security for the Gaol limits, but have no means of supporting themselves within, such limits: Be it therefore enacted and declared, that the several Acts of Assembly now in force for the relief and support of confined Debtors, shall extend and be construed to extend to Debtors who are confined within the limits of any Gaol and who are utterly unable to provide or procure their necessary support in such confinement, in the same manner as if confined within the walls of any Gaol, any Law, usage or practice to the contrary notwithstanding.

IV. And be it further enacted, that in addition to the oath now required to be taken by confined Debtors applying for support; such Debtors before they shall be entitled to support, shall swear that they have had notice of the suit being commenced, made over, assigned, transferred or put out of their hands, power, or disposal, any property real or personal whatsoever, except so much as was actually necessary for their support and maintenance.

V. And be it further enacted, That in case it shall be made to appear to the satisfaction of any Judge who may order support to be granted to any confined Debtor, or to any other Judge of the same Court or Judge of the Court out of which the process may issue upon which such Debtor shall be confined, after such support granted, that the said Debtor has means of procuring or providing his necessary support, whether from property possessed at the time, or subsequently obtained, or in some other sufficient way, that then and in either of such cases upon application made to him by the Creditor, his lawful Agent or Attorney; such Judge shall and he is hereby fully authorized and empowered by an order under his hand and seal, to suspend the payment of such support so granted, either for such stated period of time as to him may appear just and proper, or until further order is given in that behalf by such Judge or by the Court out of which the process shall have issued; Provided always, that in case the Judge shall direct the suspending or withholding support, until further order from the Court is given in that behalf; it shall and may be lawful for such Court at the next, or any future sitting, to hear and determine upon the same, and make such order as to such Court may appear fit and proper: Provided that such Court shall not direct the payment of any greater support than by the Laws now in force is authorized: And further provided, that no order shall be made for suspending the payment of support without due notice being given to the confined Debtor, of the application for that purpose being made, in order that such Debtor may attend if he think proper; and any Judge may order and direct the Sheriff or Gaoler to cause such Debtor to be brought before him for that purpose, in the same manner as directed in and by the first section of this Act.

VI. And be it further enacted, That in case any person having the liberty of the Gaol limits, may have heretofore received support and relief, or may have been discharged, in consequence of such support not having been duly paid, or after a twelve months confinement under the said Laws for the support and relief of confined Debtors, all Persons whatsoever shall be indemnified, and are hereby freed and discharged against and from all Suits, Actions, Prosecutions, Informations or Judgments whatsoever, that may be had, moved, prosecuted or adjudged against them, or any of them, for or by reason, or on account of such Person who may have had the liberty of the Gaol limits, having received such support and relief, or having been discharged as aforesaid.