

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1831. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1831.

1 William IV – Chapter 43

An Act to amend the Laws in Force relating to insolvent confined Debtors. Passed 31st March 1831.

Whereas by an Act made and passed in the Tenth and Eleventh Years of the Reign of His late Majesty King George the Fourth, intituled An Act to repeal all the Laws now in Force for the Support and Relief of confined Debtors, and to make other and more effectual Provision in lieu thereof, it is enacted that One Justice of the Inferior Court of Common Pleas authorized and empowered to carry into Effect the Provisions of the said Act: And Whereas it is considered expedient to repeal so much and such Part of the said Act as authorizes One Justice of the Inferior Court of Common Pleas to examine the confined Debtor upon Oath, and make an Order of Maintenance, and in lieu thereof to enact that not less than Two Justices of the Inferior Court of Common Pleas shall be authorised to examine such Debtor and make an Order of Maintenance:

I. Be it therefore enacted by the President, Council, and Assembly That so much of the said recited Act as authorizes any One of the Justices of the Inferior Court of Common Pleas for any County in this Province to examine on Oath such Person so confined, touching his or her Ability to support him or herself, and if found unable to support him or herself to make an Order of Maintenance, be and the same is hereby repealed; and in lieu thereof, be it further enacted, that Two Justices of the Inferior Court of Common Pleas shall be invested with the Power to examine any confined Debtor or Debtors, and to make an Order for the Support and Relief of such confined Debtor or Debtors, and to suspend the same if Occasion may require: Provided always, that in case Two Justices of the Inferior Court of Common Pleas cannot attend, that then it shall and may be lawful for any Justice of the Peace of the County, being of the Quorum, to act in the Stead such Justice of the Inferior Court of Common Pleas who shall not attend upon such Examination.

II. And be it further enacted, That such Allowance after passing of this Act shall be paid to the Gaoler of the County in which such Debtor may be confined, at any Time during the Day (between Sunrise and Sunset) such Allowance becomes due, for the Use and Support of such confined Debtor: Provided always, that nothing in the Two foregoing Sections of this Act contained shall extend to the City and County of Saint John.

III. And Whereas it is expedient in certain Cases to authorize and empower the Supreme Court of Judicature of this Province to grant Relief or discharge confined Debtors who by the strict Provisions of the said Act may not be entitled to the Benefit thereof: Be it therefore further enacted, That when any Person may have been confined in any Gaol or Limits thereof, in this Province, for the Space of One Year, at the Suit of any Person for either Debt, Costs or Damages, such confined Person may apply to the said Supreme Court in Term Time, on Affidavit of the Circumstances, for Relief or Discharge; which said Court, on Notice having been given of such Application to the adverse Party or his Attorney, may inquire into the Matter, on Affidavit or

otherwise, and if it shall thereupon appear to said Court that the Person so confined has no Property whatever, real or personal, within his Possession, Power or Control, wherewith he can satisfy such Demand, or any Part thereof, or support himself in Custody, such Court may in its Discretion make an Order either for the Maintenance or Discharge of such Person so confined, in the same Manner as any Judge of such Court may now do by virtue of said Act and which Order or Discharge shall in all Respects have the like Force and Effect as any Order or Discharge made by any Judge pursuant to the Directions of said Act.

IV. And be it further enacted, That this Act shall continue and be in Force so long as the said Act to which this is an Amendment.