

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1832.* Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1832.

2 William IV – Chapter 13 Session 1

**An Act to continue and amend the Acts rotating to the Support and Relief of confined Debtors.  
Passed 9th March 1832.**

I. Be it enacted by the Lieutenant Governor, Council, and Assembly, That an Act made and passed in the Tenth and Eleventh Years of the Reign of His late Majesty King George the Fourth, intituled *Act to repeal all the Acts now in force for the Support and Relief of confined Debtors and to make other and more effectual Provisions in lieu thereof*: and also an Act made and passed in the first year of His present Majesty's Reign, intituled *An Act to amend the Laws in force relating to insolvent and confined Debtors*, be and the same are hereby continued, (excepting so much of the same as is hereby repealed, altered or amended;) and together with this Act declared to be in force until the First Day of April which will be in the Year of our Lord One thousand eight hundred and thirty four.

II. And be it further enacted, That the Second Section of the said first herein before recited Act be and the same is hereby repealed; and in lieu thereof, Be it enacted, that whenever any Person may be confined within any Gaol or the limits thereof; within this Province, for any Debt, Damages or Costs, whether on mesne or final Process, and such Persons so confined shall be unable to provide or obtain his or her necessary Support, it shall and may be lawful for such Person, after Fourteen Days Confinement, to make Application to any Judge of the Supreme Court, or any Two Justices of the Inferior Court of Common Pleas of the County where such Person shall be confined, for a weekly Support or Maintenance; and such Judge or Justices, after Fourteen Days previous Notice to the Plaintiff or Person at whose Suit such Person may be confined, his or her Attorney, shall examine on Oath such Person so confined as to his or her Ability to support himself or herself, and if on Examination, to be taken in Writing on Oath as aforesaid, to be filed in the Office of the Clerk of the Court out of which such Process may have issued, it shall appear to such Judge or Justices that such Person is utterly unable to support him or herself, and has no Property whatever, real or personal, of what Nature or Kind soever, except necessary Bedding, wearing Apparel, Kitchen Utensils, and necessary Tools of his Trade or Occupation, not exceeding in Value in the Whole Fifteen Pounds, and that such confined Person hath not, at any Time since he or she was served with the First or mesne Process in the Suit in which he or she may have been confined, or since he or she had Notice of the said Suit having been commenced, made over, assigned, transferred, or put out of his or her Possession or Power, either directly or indirectly, any Property whatsoever, whether real or personal, for the Purpose of defrauding such Plaintiff, or giving any undue Preference to any other Plaintiff or Creditor, that then it shall be lawful for such Judge or Justices to make an Order for the Party at whose Suit such Person may be confined to pay a weekly Sum to be applied for the Support of such Person; which Sum shall be paid weekly, and the First Payment be made at the Time such Judge or Justices may in such Order direct, and from the First Day of November, until the last Day of March shall be Five Shillings per Week, and the Remainder of the Year Four Shillings per Week; and after such Order made, it shall be the Duty of

such Party, without any further Notice, to pay such weekly Support agreeably to such Order; and in case of Failure thereof it shall and may be lawful for any such Judge or Justices as aforesaid, on such Failure being made known to him or them, to make an Order under his or their Hands, directed to the Sheriff or Gaoler, to discharge the said Person out of Confinement by reason of such Suit; Provided that nothing in this Act shall prevent any Plaintiff from prosecuting his or her Suit if on mesne Process to final Judgment, or from taking out *Fieri Facias* against the Goods and Chattels, Lands and Tenements of such Defendant, or from recovering in any other Manner the Amount of the Judgment obtained in the Suit, so always that the Person of any Debtor so discharged shall be freed from Arrest in any Proceeding or Action upon such Judgment; And provided also, that in any Case where 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 of such Justice of the Inferior Court of Common Pleas who shall not attend upon such Examination.