

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1859. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1859.

22 Victoria – Chapter 17

**An Act to alter and amend the Law relating to Absconding and Insolvent Confined Debtors.
Passed 13th April 1859.**

Section.

1. Act 21 V. c. 17, repealed; reservation.

Section.

2. Rights of Mortgagees protected.

Whereas by the Absconding and Concealed Debtors' Law, it is among other things enacted, that any Judge may appoint (G) three or more fit persons to be Trustees for all the Creditors, who shall be sworn to the faithful discharge of their duty— the oath (H) to be endorsed on the appointment: And whereas doubts are entertained whether a Commissioner for taking affidavits to be read in the Supreme Court is authorized to administer such oath; and it is also necessary to amend the Insolvent Confined Debtors' Law;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—

1. That the oath required of the Trustees by the eleventh Section of Chapter 125, of Title XXXIV, of the Revised Statutes, 'Of Absconding, Concealed, or Absent Debtors,' may be made by them before any Commissioner for taking affidavits to be read in the Supreme Court, who is hereby authorized and directed to administer the same, which shall be endorsed by him on the said appointment.

2. The arrest or confinement of any debtor mentioned in the eleventh Section of Chapter 124, Title XXXIV, of the Revised Statutes, under a *capias ad satisfaciendum*, or other final process, issued out of any Court in this Province, who may now or hereafter be in custody, shall not in any case be deemed a satisfaction of the debt so as to deprive a creditor who shall discharge his debtor from custody of the benefit of his judgment and execution thereon against the property of the debtor.