

*Laws of His Majesty's Province of Newfoundland*, passed in the year 1834.

4 William IV – Chapter 11 (Session 1)

**An Act for the Relief of Insolvent Debtors taken in Execution. (12th June, 1834.)**

Whereas it is necessary to make provision for the Relief of Insolvent Debtors taken in Execution: Be it enacted, by the Governor, Council and Assembly, that from and after the passing of this Act, if any Person or Persons now charged, or who shall or may hereafter be charged in Execution for any sum or sums of Money, and shall be minded to deliver up to all his, her, or their Creditors, all his, her, or their effects, towards the satisfaction of his, her, or their Debts, it shall and may be lawful to and for such Prisoner to exhibit a Petition to the Supreme Court in Term time, or to the Chief Justice, or in his absence, to the other Judges of the said Court in vacation, setting forth the cause or causes of his, or their imprisonment, and exhibiting a full and true account of his or their Real and Personal Estate, Rights and Credits, and an account of his, her or their Debts, as far as his or their knowledge extends therein; and upon such Petition, the said Court, or the said Chief Justice, or other Judges, may, and are hereby respectively required, by order or rule of the said Court, or by order under the hand of the said Chief Justice, or other Judges, to cause the said Prisoner to be brought before the said Court, or before Such Chief Justice, or other Judges, at a day certain, and not less than Ten Days after a notice of such application shall have been served upon the several Creditors of such Person or Persons personally, or upon their Attorney in Court, or left at his, her or their last place of abode, and published in the Gazette, and in any Local Paper published near the residence of such Debtor, and upon the day of such appearance, to enter upon and proceed with the same examinations as to the fact of such Debtor's Insolvency, as though the same had been pleaded at the return of the Original Writ; and thereupon, if it appear to the said Court, or the said Chief Justice, or other Judges respectively, that such Debtor is unable to pay Twenty Shillings in the Pound, to all his, her, or their Creditors, and that such Debtor or Debtors might have been declared Insolvent at the return of the Writ, and that there has been no fraud on the part of such Debtor or Debtors, to declare the said Debtor or Debtors Insolvent, accordingly; and to take such order for discovering, collecting, and settling the Estates, Debts and Effects, of such Debtor or Debtors, and distributing the produce thereof among all his, her, or their Creditors, by appointing Trustees and otherwise, as if such Debtor or Debtors had been declared Insolvent at the return of the original Writ: Provided always, that it shall be lawful for the said Court to appoint Trustees of the Estate and Effects of Debtors declared Insolvent, other than Creditors of any such Debtor or Debtors, if the Court should deem it expedient so to do.

II. And be it further enacted, that upon such declaration of Insolvency being made as aforesaid, it shall and may be lawful for the said Court, or the said Chief Justice, or in his absence, for the other Judges respectively, forthwith to direct the discharge of the said Debtor or Debtors from Gaol, and that such Debtor or Debtors shall not thereafter be liable to imprisonment for his, her, or their Debts then due or owing.

III. Provided always, and be it further enacted, that in case such Debtor or Debtors so charged in Execution shall be imprisoned elsewhere than in Saint Johns, it shall be lawful for the said Chief Justice or other Judges respectively, to authorize one or more Commissioner or Commissioners, to take such

order for the examination of such Debtor or Debtors, before his, her, or their Creditors, as the said Chief Justice or other Judges respectively, may think fit to direct; and upon the receipt of such examination so taken as aforesaid, such Chief Justice, or other Judge respectively, shall, if satisfied therewith, declare such Debtor or Debtors Insolvent, and proceed therein, as hereinbefore directed to be done in case of such examinations being taken before them or either of them.

IV. And be it further enacted, that no Female shall be charged in Execution, by Capias and Satisfaciendum, in any Civil Suit, instituted in any Court of Law in this Island.

V. And be it further enacted, that this Act shall continue in force for Two Years, and no longer.