

and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That when and so often as any Prisoner or Prisoners in custody and charged in execution for debt in any civil suit, shall apply to the Court whence such process or execution issued, either to be discharged or allowed a weekly maintenance by reason of any alleged insolvency, it shall and may be lawful for the Plaintiff or Plaintiffs at whose suit such Prisoner is detained his her or their attorney to file such interrogatories as he she or they shall be advised or think expedient, touching or concerning, or for the purpose of discovering any property or credits which the said Prisoner may be possessed of, or which he or she may be suspected or having secreted or fraudulently parted with, which Interrogatories the said Prisoner is hereby required to answer upon oath, before some person authorised to receive and take affidavit in the Court in which such suit shall be depending who is hereby authorised to administer the same.

Plaintiff may tender Interrogatories to insolvent debtor, claiming weekly allowance touching their solvency

Answer may be sworn before Commissioners for taking Affidavits.

Debtor to receive no benefit from any order for a weekly allowance until he has answered the said Interrogatories

II. *And be it further enacted by the authority aforesaid,* That after any interrogatories shall have been filed as aforesaid, and a copy thereof delivered to the said Prisoner his or her Attorney the said Prisoner shall not receive any further benefit from his or her application and the orders and other proceedings thereon shall be stayed until the said Prisoner shall have fully answered the same and filed such answer or answers thereto in the Court from whence the Writ on which he or she shall be confined, shall have issued, and given notice thereof to the Plaintiff or Attorney in such suit.

Court in term time or Judge in vacation may order Prisoners to be discharged on Non payment of their weekly allowance.

Such Discharge not to operate as a release of the Debt.

III. *And be it further enacted by the authority aforesaid,* That in default of the payment of the sum of five shillings weekly allowance, pursuant to any rule or rules of court under the provisions of an Act passed in the 15th year of His late Majesty's reign, entitled "An Act for the relief of insolvent debtors," the first payment of which said sum of five shillings is hereby declared to become due and payable on Monday next after the service of such rule on the Plaintiff or his attorney within the District where such defendant shall be imprisoned: the Prisoner upon application to the said Court from which such execution issued, in term time. or a Judge thereof in vacation, shall by order of the said Court or Judge be discharged out of custody, *Provided Nevertheless* that such discharge shall not be construed as a release or satisfaction of the subsisting Judgment, or to deprive the Plaintiff or Plaintiffs of his her or their remedy thereafter against the Goods and Chattels, Lands and tenements of such prisoner so discharged.

C H A P. IX.

An act to continue an Act passed in the fourth sixth year of His late Majesty's reign, entitled "An act to make provision for certain Sheriffs in this Province" and certain other Act of the Par-

liament of this Province, passed in the fifty-seventh year of His late Majesty's Reign, entitled, "An Act further to continue an Act passed in the forty-sixth year of His Majesty's Reign, entitled 'An Act to make provision for certain Sheriffs in this Province' and also to extend the provisions of the said Act" and to protect the interest of Suitors in certain cases.

[Passed 17th January 1822.]

WHEREAS an Act passed in the forty-sixth year of the Reign of His late Majesty King George the Third, entitled "An Act to make provision for certain Sheriffs in this Province" and also a certain other Act passed in the fifty-seventh year of His said Majesty's Reign, entitled "An Act further to continue an Act passed in the forty-sixth year of His Majesty's Reign, entitled "An Act to make provision for certain Sheriffs in this Province," and also to extend the provisions of the said Act, will shortly expire, and it is expedient to continue the same. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province'" and by the authority of the same. That the said Act passed in the forty-sixth year of His late Majesty's Reign, and also the said Act passed in the fifty-seventh year of His late Majesty's Reign, shall be and the same is hereby continued.

II. *And Whereas*, it is expedient that suitors should be protected against any losses which may happen from such Sheriffs continuing in office when they are no longer possessed of substance sufficient to answer for any damages which may be occasioned by their defaults, *Be it therefore enacted by the authority aforesaid*, That from and after the passing of this Act, a Writ of *Capias ad Satisfaciendum* may issue upon any Judgment which has been or may hereafter be obtained against any person now holding or who may hereafter hold the Office of Sheriff in any District of this Province for any default in not paying over monies levied or collected by him in the execution of his said office without any Affidavit for that purpose, and that whenever it shall happen, that any Sheriff shall remain committed in Execution upon any such Writ, or upon any attachment issued from His Majesty's Court of King's Bench in this Province, for default in payment of monies levied and collected by him beyond the period of three months, it shall upon being certified to the Governor or Person Administering the Government, by the next ensuing Court of Quarter Sessions of the said District, be deemed a forfeiture of his Office.

III. *Provided always nevertheless*, That nothing herein contained shall in any manner interfere with, or prevent recourse to any other remedy against such Sheriffs, and that the same shall remain as if this had never been passed.

Preamble

46 Geo 3 Ch 1 and
57 Geo. 3 Ch 8 contin-
ued.

Ch. 48. may issue a-
gainst Sheriffs in cer-
tain Cases.

Sheriff laying in
Gaol 3 months to forfeit
his office.

This Act not to inter-
fere with any other re-
medy against such Sher-
iffs.

Act to continue in
force 4 years.

14. And be it further enacted by the authority aforesaid, That this Act shall continue and be in force four years and from thence to the end of the then next ensuing Session of Parliament.

C H A P. X.

An Act to repeal an Act passed in the fifty-sixth year of His late Majesty's Reign, entitled "An Act for granting to His Majesty a Sum of Money and to provide for the appointment of a Provincial Agent for this Province.

[Passed 17th January, 1822.]

Preamble.

WHEREAS, an Act was passed in the fifty-sixth year of His late Majesty's Reign, entitled "An Act for granting to His Majesty a sum of money, and to provide for the appointment of a Provincial Agent," and whereas the appointment of a Provincial Agent has not been productive of the advantages contemplated at the time of passing the said Law. And whereas the said Office has become vacant by the decease of the late William Halton, Esquire, and it is expedient to repeal the said Act. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the said Act shall be and the same is hereby repealed,

35 Geo 3d. Ch. 35
repealed.

C H A P. XI.

An Act to repeal in part, a certain part of an Act passed in the forty-third year of His late Majesty's Reign, entitled "An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, entitled "An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine, to run at large. And further to enable the Magistrates in their respective Districts in this Province, in General Quarter Sessions assembled, to make such rules and regulations as may restrain swine running at large in the respective Towns in this Province, where a Police is or may hereafter be established by Law.

[Passed 17th January, 1822.]

WHEREAS, the Laws now in force for restraining the Custom of permitting Swine to run at large in certain Towns in this Province, have