

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 in all cases in which, by the Criminal Law of England in force in this Province, the whole or any part of any Fine or Penalty imposed for the punishment of any offence is in any manner appropriated for the Support of the Poor, or to any Parochial or other purpose, inapplicable to the existing state of this Province, such Fine or Penalty, or such part thereof as shall be so appropriated, shall be paid, when received, to the Treasurer of the District in which the Conviction shall have taken place, to be appropriated to the purposes of the District, and accounted for in the same manner as the Assessments levied in the several Districts are generally applicable by Law.

Such portion of all Fines distributed by the Law of England to the poor, shall be paid to the Treasurers of the several Districts, for the purposes of the respective Districts.

CHAP. II.

AN ACT to continue the Laws now in force for establishing the Limits to the respective Gaols in this Province.

[Passed 30th January, 1830.]

Repealed.

(Repealed.—See Chap. 3.)

CHAP. III.

AN ACT to Repeal, and Amend, the Laws now in force respecting the Limits of the respective Gaols in this Province.

[Passed 6th March, 1830.]

Preamble.

WHEREAS it is expedient to assign certain enlarged Limits to the several Gaols within this Province, in which Debtors may have the greater benefit of exercise and air, without subjecting the Sheriff, or other Officer

in whose custody the Debtor may be, to any action at Law for an escape; and also, to render more efficient and summary, the remedies to be continued on behalf of Creditors against any Debtor or Debtors availing themselves of the Provisions of this 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 whole of a certain Act, passed in the second year of the Reign of King George the Fourth, entitled, "An Act for assigning Limits to the respective Gaols in this Province"; and also a certain other Act, passed in the seventh year of the Reign of King George the Fourth, entitled, "An Act to continue and amend an Act passed in the second year of the Reign of King George the Fourth, entitled, 'An Act for assigning Limits to the respective Gaols in this Province'"; and also a certain other Act, passed in the eighth year of the Reign of King George the Fourth, entitled, "An Act to repeal part of, and amend the Law now in force assigning Limits to Gaols in this Province"; and also a certain other Act, passed in the eleventh year of His Majesty's Reign, and during the present Session of Parliament, entitled, "An Act to continue the Laws now in force for establishing the Limits to the respective Gaols in this Province," be, and the same are hereby wholly repealed.

2nd Geo. 4, ch. 6;

7th Geo. 4, ch. 7;

5th Geo. 4, ch. 9;

11th Geo. 4, ch. 2.
repealed.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Justices in General Quarter Sessions of the Peace assembled, in each and every District of this Province, other than the District of Niagara, and they are hereby authorized and required, at the first Session of the General Quarter Sessions of the Peace held after the passing of this Act, to assign and mark as Limits to the respective Gaols in each District of the Province, other than the District of Niagara, not more than Sixteen Acres of ground, contiguous to the said Gaols, and that after the establishment of such Limits, it shall and may be lawful for any Debtor or Debtors, confined, or to be confined in such Gaols, to be and remain at any part or place within such Limits, without subjecting the Sheriff, or other Officer in whose custody such Debtor or Debtors may be, to any action or suit for any escape from such Gaol Limits: *Provided however*, That it shall not be incumbent upon such Sheriff, or other Officer, to allow any Debtor or Debtors the use and benefit of such Limits unless such Debtor or Debtors shall furnish good and satisfactory

Sixteen Acres of ground contiguous to the several Gaols in the Province to be assigned as Limits, within which Debtors confined in Gaol may be permitted to reside, upon giving security to the Sheriff.

Debtors having the Liberty of Gaol Limits not to be entitled to weekly allowance.

security that he, she, or they, shall not at any time, during his, her, or their confinement, go or remove beyond such established Limits: *Provided nevertheless*, That during such time as any Debtor in execution shall have the liberty of such Limits as aforesaid, such Debtor shall not be entitled to receive from the Plaintiff in the action, any weekly maintenance by reason of any Statute for the benefit of Insolvent Debtors.

The Limits of the Gaol in Niagara may be extended to twenty-six Acres.

III. *And whereas*, From the peculiar local situation of the Gaol of the District of Niagara, owing to the greater distance thereof from the Town, it is expedient that the area assigned as Limits thereto should be more extensive than to others: *Be it further enacted by the authority aforesaid*, That the Justices of the said District of Niagara, shall and may, in manner and form aforesaid, assign as Limits to the said Gaol, any extent of ground not exceeding Twenty-six Acres.

Sheriffs may recover Debt, Damages, and Costs against Debtors withdrawing from the Limits, or their Bail.

IV. *And be it further enacted by the authority aforesaid*, That if any Debtor or Debtors, who may be confined in any Gaol within this Province, and who may have given security to entitle himself, herself, or themselves, to the benefit of such Limits, shall withdraw or depart from or out of the said Limits, it shall and may be lawful for the Sheriff, or other Officer, from whose custody such Debtor or Debtors may so withdraw, to sue for and recover from the prisoner, or person or persons giving such security, or either of them, such sum or sums of money as such Debtor or Debtors may have been confined for in such Gaol or Limits, together with all such costs and damages as he may have sustained by reason of such Debtor or Debtors withdrawing from and out of the said Limits.

Bond for the Limits may be assigned.

V. *And be it further enacted by the authority aforesaid*, That the Sheriff, or other Officer, on such Debtor or Debtors so withdrawing or departing, shall be bound to assign over the Security to the Plaintiff, if required by him, and that the Sheriff, upon so doing, shall be discharged from any claim the Plaintiff may have on him the said Sheriff, for or on account of such Debtor or Debtors.

This Act not to extend to persons in custody for any Criminal charge.

VI. *And be it further enacted by the authority aforesaid*, That this Act shall not extend, or be construed to extend, to any person or persons confined for debt, who may at the same time be in custody for any criminal charge.

Assignee of Bond for the Limits may maintain an action thereon which shall

VII. *And be it further enacted by the authority aforesaid*, That upon such assignment of the security to the Plaintiff, or his legal Representatives, he, she or they may, as Assignee or Assignees, sue therefore, in

his, her, or their own name; and that it shall not be in the power of the Sheriff, in whose name such security was taken, to release such action.

not be released by the Sheriff.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons having given security to the Sheriff for any prisoner to enjoy the Limits of the Gaol, to surrender such Prisoner into the hands of the Sheriff, or his Deputy, or Gaoler, and upon such surrender, the Sheriff shall, and he is hereby required, to deliver up the bond or security given to him by such person or persons, and that he, she, or they, shall be wholly discharged therefrom. *Provided always,* That nothing in this clause contained shall extend, or be construed to extend, to prevent the Sheriff of any District from renewing such security in the same manner as if such Prisoner had not enjoyed the Limits of such Gaol.

Bail for the Limits may surrender their Principal.

Surrender not to prevent fresh security being given.

IX. *And be it further enacted by the authority aforesaid,* That whenever any person or persons shall be in execution upon a Capias ad Satisfaciendum, at the suit of any Creditor or Creditors, and shall have obtained leave, under the provisions of this Act, to reside upon the limits of the Gaol where he shall have been confined, it shall and may be lawful for such Creditor or Creditors to sue out any other species of Execution, notwithstanding such person or persons may have been charged in Execution as aforesaid: *Provided always,* that his, her, or their Household Furniture, not exceeding Twelve Pounds Ten Shillings in value, together with the Tools and Implements of Trade used by such person or persons in any Trade or Handicraft, shall not be liable to any such subsequent Execution so to be sued out as aforesaid.

Creditors may sue out any other species of Execution against Debtors charged upon Casa.

Household Furniture and Tools of such Debtors not to be seized on subsequent Execution.

X. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any such Creditor or Creditors as last aforesaid, to tender such and the like interrogatories to any such Debtor or Debtors so residing on the Limits of any Gaol as aforesaid, in like manner as may now be tendered to any Insolvent Debtor charged in Execution: And in case such Debtor or Debtors shall refuse or neglect to answer such Interrogatories for the space of twenty days next after a copy thereof shall have been delivered to such Debtor or Debtors, he, she, or they shall no longer be entitled to the benefit of such Limits, but shall be re-committed to the Gaol of the District, where he, she, or they shall be confined.

Creditors may tender Interrogatories to Debtors confined on the Limits, in like manner as to Insolvent Debtors.

If Debtors neglect to answer Interrogatories tendered, for twenty days, they shall stand committed to close custody.

XI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, upon any answer or answers to such Interrogatories, swear falsely, he, she, or they shall be liable to all the pains and penalties of wilful and corrupt perjury.

False swearing subjects offenders to the penalties of Perjury.

Prisoners enjoying the old Limits to continue there on until new Limits assigned.

XII. *And be it further enacted by the authority aforesaid,* That notwithstanding any thing contained in this Act, every person now in execution for debt, enjoying the privileges of the present Gaol Limits in any District of this Province, shall continue to enjoy such limits, between the time which shall elapse after the passing of this Act, and the establishment of enlarged Limits, under the provisions herein contained, and shall further, in like manner, continue to enjoy such limits as heretofore established, subject to the several provisions in this Act contained, until such new security shall be given by such person respectively, as will be sufficient, under this Act, to afford the party the benefit of the Limits hereby authorized.

CHAP. IV.

AN ACT for the Relief of Indigent Debtors.

[Passed 6th March, 1830.]

Preamble.

WHEREAS it is expedient that not only the Bed and Bedding of Debtors should be exempt from being Seized and Sold in Execution of Judgment, but also, that their necessary wearing Apparel, and the Bed and Bedding of their family should in like manner be exempt from such Seizure and Sale: *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 in all cases wherein a Writ of Execution shall be issued upon any Judgment obtained in any Court in this Province, it shall not be lawful for the Sheriff, or other Officer executing such Writ, to Seize the necessary Wearing Apparel of the Debtor or Debtors against whom such Judgment shall have been obtained, or of his, her, or their family. nor the Bed or Bedding in actual use by the members of his, her, or their family, in satisfaction of such Judgment, any Law, Usage, or Custom to the contrary notwithstanding.

Wearing Apparel and Bedding in actual use, not to be seized under Execution.

CHAP.