

Laws of His Majesty's Province of Upper Canada, passed in the year 1822. York: R. C. Horne, 1822.

2 George IV – Chapter 7

An Act for assigning Limits to the respective Gaols within this Province. Passed 17th January, 1822.

Whereas it is expedient to assign certain Limits to the Gaols within this Province in which debtors may have the benefit of exercise and air, without subjecting the Sheriff or other Officer in whose Custody such debtor may be, to any action at Law for an escape, 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 from and after the passing of this Act it shall and may be lawful for His Majesty's Justice of the Peace in Quarter Sessions assembled, from time to time, in each and every District within this Province to order determine and appoint certain Limits of Ground, not exceeding six Acres, to each and every Gaol within the said Province, 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 an escape from such Gaol or 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 security, that he or they will not at any time during his 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.

II. 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 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 debt or debtors may so withdraw to sue for and recover from the prisoner 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.

III. 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.

IV. 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.

V. And be it further enacted by the authority aforesaid, That this Act shall be and continue in force four years and no longer.

VI. And be it further enacted by the authority aforesaid, That upon such assignment of the security to the Plaintiff or his legal representatives, he or they may as assignee or assignees sue therefore in his 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.