

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

2 George IV – Chapter 8

An Act to make further regulations respecting the Weekly maintenance of Insolvent Debtors. Passed 17th January 1822.

Whereas it is necessary for the prevention of fraudulent conveyances or property by insolvent Debtors claiming the weekly allowance granted by Law, to compell the said debtors when required to answer such Interrogatories as shall be filed by the Plaintiff at whose suit he shall be confined, 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 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.

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.

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 Plaintiff's of his her or their remedy thereafter against the Goods and Chattels, Lands and tenements of such prisoner so discharged.