

Laws of His Majesty's Province of Upper Canada, passed in the year 1830. York: Robert Stanton, 1830.

11 George IV – Chapter 3

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.

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now in force for establishing the Limits to the respective Gaols in this Province,*" be, and the same are hereby wholly repealed.

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 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.