

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1834. York: Robert Stanton, 1834.

4 William IV — Chapter 10

**An Act to extend the Limits assigned to the respective Gaols in this Province, and to afford to Plaintiffs the means in some cases of more effectually compelling the payment of Debts due to them by Defendants in Execution. Passed 6th March, 1834.**

Whereas it is expedient to extend the Limits of the several Gaols throughout this Province: 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 Limits to the respective District Gaols situate in any Town in this Province shall be co-extensive with the limits of the several Towns in which such Gaols respectively are situate, any Law to the contrary thereof in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That the Limits to those District Gaols which are not situate in any Town shall and may be extended by the Magistrates of the District, in Quarter Sessions assembled, to the distance of half a mile on each side of the several Gaols so situated.

III. And be it further enacted by the authority aforesaid, That such extension of Gaol Limits hereby established or authorised to be made shall not in any manner affect or make void any of the Securities already given for the enjoyment of the present Gaol Limits, but the same shall continue in force and extend to the said newly assigned Limits.

IV. And whereas it is expedient to afford to Plaintiffs more effectual means of compelling Defendants to a just application of their effects in satisfaction of their Debts than are now provided by Law; be it therefore further enacted by the authority aforesaid, That whenever the Plaintiff in any action shall have reason to believe that the Defendant, being a Debtor in execution and admitted to the Limits before or after the passing of this Act, hath the means at his disposal or within his control of satisfying the Debt for which he is in execution, or a considerable portion thereof, it shall be competent to him to apply to the Court of King's Bench in Term, or to a Judge thereof in vacation, or to the District Court, or a Judge thereof in like manner, when such execution shall have issued from a District Court, shewing his grounds for such belief upon affidavit, and if upon the return of any summons or rule to shew cause that may thereupon issue, which summons or rule shall be served personally upon the Debtor, it shall appear to the satisfaction of the Court or Judge that the Debtor has the means at his disposal or within his control of satisfying the debt, or a considerable

portion thereof, or that he had such means at the time of the service upon him of any notice by the Plaintiff of an intended application under this Act, it shall be competent to such Court or Judge, upon a view of the facts disclosed, and upon a consideration of any other matters which such Court or Judge thereof may require to have stated upon affidavit in relation to such application, either by way of answers by either party to such interrogatories as the other party may desire, or the Court may direct to be filed or otherwise, to make an order or rule upon the Sheriff directing him to apprehend the Defendant and keep him in custody within the walls of the Gaol of his District, and such Defendant shall, when committed upon such order, remain imprisoned in execution in the same manner as if he had not before obtained the benefit of the limits.

V. Provided always nevertheless, and be it further enacted by the authority aforesaid, That it shall nevertheless be competent to the Defendant, after he shall have been so imprisoned in close custody under this Act, to apply to the Court from which the execution issued, or to a Judge thereof in vacation, for a rule or summons upon the Plaintiff to shew cause why he should not be allowed the benefit of the Limits upon giving the Security required by Law, which application shall be supported by affidavit shewing that such Defendant has made or tendered just and reasonable satisfaction to the Plaintiff in respect to the grounds upon which he was taken from the limits and committed to close custody, and that the Court or Judge upon the return of such rule or order served on the Plaintiff, or his Attorney, or otherwise as under the circumstances such Court or Judge shall direct or shall deem sufficient, may make a rule or order allowing to the Defendant the benefit of the Limits upon his giving the Security required by Law, if it shall appear reasonable and just so to do under all the circumstances of the case.

VI. Provided always, and be it further enacted by the authority aforesaid, That upon the occasion of such an application as last herein mentioned the Court or Judge may require information upon affidavit, or by way of answers to interrogatories, in the same manner as herein directed in respect to any application to be made for depriving a Defendant of the benefit of the Limits; and provided also, that after such second admission, or any future admission of a Defendant to the Limits under the authority of this Act, similar proceedings may be adopted by reason of any new facts discovered for again depriving the Defendant of the benefit of the Limits., or for again admitting him to the Limits as the case may require.

VII. And be it further enacted by the authority aforesaid, That when a Defendant in execution and upon the Limits shall refuse or neglect, upon demand made by the Plaintiff or his Attorney either verbally or in writing, to deliver to him within such time as shall appear reasonable under the the circumstances to the Court or Judge to whom application shall be made under this Act, an account or schedule in writing under the hand of such Defendant, and verified by his oath, of all his real and personal estate, debts and effects of every description, such refusal or neglect, if not accounted for to the satisfaction of the Court or Judge, may, in their or his discretion, be taken as sufficient ground for making a rule or order as in this Act mentioned for committing such Defendant to close custody within the Gaol as aforesaid.