

The Provincial Statutes of Canada, passed in the year 1841. Kingston: Stewart Derbishire & George Desbarats, 1841.

4 & 5 Victoria – Chapter 83

An Act for the relief of Philippe Aubert De Gaspé. 18th September, 1841.

Whereas Philippe Aubert De Gaspé, a Debtor, confined in the Common Gaol at Quebec, hath by his petition represented that he has been incarcerated since the month of May, one thousand eight hundred and thirty eight, under a judgment of the Court of King's Bench at Quebec, rendered in the month of June, in the year one thousand eight hundred and thirty four, at the suit of the Crown, for the sum of eleven hundred and sixty nine pounds, fourteen shillings, currency, and that towards satisfying and discharging the said debt, and to obtain his enlargement, he hath, according to the provisions of a Statute of the Legislature of the late Province of Lower Canada, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled *An Act to afford relief during a limited time to Insolvent Debtors*, given into Her Majesty's Court of Queen's Bench, at Quebec, a statement under oath of all his property, real and personal, in possession and in expectancy, offering to surrender the same towards the satisfaction of the said debt, but that by a decision rendered by the Court of Appeals in the said late Province of Lower Canada, it hath been determined that the benefits intended by the said Act to Insolvent Debtors, do not extend to Debtors of the Crown; and whereas it appears that the health of the said Philippe Aubert De Gaspé is materially impaired by his long confinement, and that he is willing in good faith to surrender all his property of every description, towards satisfying the aforesaid debt, and it is consistent with humanity in such case to afford him relief on certain conditions; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, that from and after the passing of this Act, the said Philippe Aubert De Gaspé, on making oath before any Justice of Her Majesty's Court of King's Bench at Quebec, or any Judge of the Division of the Court of Common Pleas, sitting in the Territorial Division of Quebec, that he hath not, since he gave in on oath to the said Court of King's Bench at Quebec, the said statement of his property, real and personal, that is to say, since the eighteenth day of May, one thousand eight hundred and thirty-six, done or caused any thing to be done, whereby such property is deteriorated or may be less available towards satisfying the said Judgment, than at the time when the said statement was made and given into Court; and on giving good and sufficient security to the satisfaction of any one of Her Majesty's Justices of the said Court of King's Bench or Common Pleas, that he will not exceed the limits of the District of Quebec, shall be entitled to his liberty, and to go at large within the limits of the said District of Quebec, any Statute, Law, Usage, or Custom in force in this Province to the contrary in anywise notwithstanding; and the condition of the recognizance to be entered into in this behalf, shall be that the cognizees shall not become liable unless the said Philippe Aubert De Gaspé shall depart from or exceed the limits of the said District, without having paid the said debt due to Her Majesty under the judgment aforesaid: Provided

always, that if the said Phillippe Aubert De Gaspé shall go on board of any vessel or boat lying in any river within or opposite the said District of Quebec, this shall not be held to operate a forfeiture of the recognizance so to be entered into by him.

II. Provided always, and be it enacted, that nothing herein contained, shall be construed to invalidate or affect in anywise any security or securities or other legal recourse Her Majesty may have for the recovery of the amount of the said judgment.