

to the distance of half a mile on each side of the gaols. A debtor upon the limits withholding, upon request of the creditor, an account of his effects, was made liable to be committed to close custody. Provision was made for the examination of a judgment debtor as to his means of satisfying the debt. If it were made to appear that he had the means, he was liable to be committed to close custody. Provision was also made for enabling, under him certain circumstances, to regain the limits.

On 28th July, 1847, the Legislature passed the 10th & 11th Vic., cap. 15. It enacted that the gaol limits to the respective gaols should consist of the whole of the district in which situate. Persons in gaol under process for non-payment of costs, were declared to be entitled to the benefit of the limits in the same manner as if in custody in execution for debt. Persons entitled to the limits were required to enter into a recognizance or bail piece, conditioned that the debtor "should remain and abide within the limits of the gaol of the district, and not depart therefrom unless released by due course of law," and also "should well and truly obey all notices, orders and rules of court, touching or concerning such debtor remaining or continuing upon the limits, or being remanded or ordered therefrom." The sureties were required to justify in double the amount of the sum for which the debtor was arrested. The recognizance was then filed in the office of the clerk of the court from which the writ authorizing the arrest issued. Notice thereof was then given to the creditor in like manner as in case of bail to the action. Upon the production to the Sheriff of a certificate from the clerk of the court that the recognizance of bail and affidavit of justification had been filed, the Sheriff was authorized to give the debtor the benefit of the limits, and the Sheriff himself was thereupon discharged from all responsibility respecting the debtor, unless again committed to close custody by due form of law. The bail were bound to produce the body of the debtor within such time as the court or judge might direct, but provision was made for granting such further time and relief to the bail as the court or judge might deem equitable.

On 14th June, 1853, the Legislature passed the 16th Vic., cap. 175; section 7 enacted that it frequently happened that persons in custody entitled to the benefit of the gaol limits were compelled to go to prison until a rule or order for the allowance of the recognizance of bail. For remedy it enacted that it should be lawful for the Sheriff to take from the party arrested a bond conditioned "that such person would not depart the gaol limits," and "should forthwith surrender himself to the custody of the Sheriff for re-committal to close custody, upon a rule of court or judge's order being made for that purpose, and

should in other respects well and truly observe and obey all rules of court or judge's orders in relation to such party." Upon receipt of this bond the Sheriff was required forthwith to allow the party arrested the benefit of the limits. If after the giving of the bond the debtor delivered to the Sheriff the certificate that the recognizance of bail above mentioned and affidavit of justification had been duly filed, the debtor and his sureties were discharged from all liability on the bond to the Sheriff. If the certificate were not produced within one month from the execution of the bond the Sheriff was authorized to commit the debtor to close custody. A right of action on the bond was given to the Sheriff in the event of a breach. It was, however, provided that the Sheriff, upon request of the creditor, might assign over the bond to him and so release himself from responsibility. The party accepting the assignment of the bond was authorized to sue in his own name.

On 3rd April, 1855, the Legislature passed the 18th Vic., cap. 69; section 5 of which enacted that notwithstanding the dissolution of a union of Counties, debtors on the limits at the time of the dissolution should, continue to have the benefit of the limits of both counties.

On 19th June, 1856, the Legislature passed the 19th Vic., cap. 43, commonly called "The Common Law Procedure Act, 1856." It consolidated all previous acts, without substantial variation.

On 10th June, 1857, the Legislature passed the 20th Vic., cap. 57; section 25 of which enacted that in all cases in which any Sheriff should take a bond to the limits, to enable the debtor to put in the ordinary recognizance of bail to the limits, such bond should, in addition to the ordinary conditions, contain a further condition that the debtor "should within thirty days from the delivery thereof to the Sheriff, cause and procure the bond or that substituted for it, according to provisions hereinafter mentioned, to be allowed by the Judge of the County Court wherein the debtor was confined." For this purpose, upon reasonable notice by the debtor given to the Sheriff, the latter was required to cause his bond to be produced before the Judge. Upon allowance endorsed by the Judge the Sheriff was discharged from all responsibility unless the debtor was committed to close custody in due form of law. The allowance was required to be made upon motion by the debtor, and four clear days notice thereof given in writing to the plaintiff or his attorney. If the Judge refused the allowance of the bond then the debtor was enabled to cause another bond to be made to the Sheriff in the same terms and under the same conditions, to be executed without any further application to the Sheriff, and was also enabled to move in the like manner and upon the like notice for the