

cessive calendar months, may, (on giving to the party at whose suit he is a prisoner or to his Attorney, fifteen days notice of his intention to apply to be discharged from custody) upon proof of such notice, and upon making oath that he is not worth five pounds exclusive of his necessary wearing apparel and that of his family, and their beds and bedding and their ordinary household utensils, not exceeding in the whole the value of ten pounds, and that he hath answered all interrogatories which have been fyled by the Plaintiff, and hath given due notice of such answers (or if no interrogatories have been served, that he hath not been served with any interrogatories), apply to the Court from which the process on which he is confined issued, or to a Judge as aforesaid, for a rule or summons to shew cause why he should not be discharged from custody, and upon the return of such rule or summons and where there are interrogatories if the answers thereto are deemed sufficient by such Court or Judge, such debtor shall be by rule or order discharged from custody, and such discharge shall have the same and no other effect as a discharge for non-payment of the weekly allowance: Provided that the Court or Judge may on the return of the rule or summons, if the Plaintiff has already fyled interrogatories (which he is hereby authorized to do in like manner as on an application for the weekly allowance), and if further inquiry appears requisite for the ends of Justice, allow to the Plaintiff a reasonable time to fyle further interrogatories, and for the debtor to answer them before the rule or summons be finally disposed of; Provided also, that the Court or Judge may make it a condition of the debtor's discharge, that he shall first assign and convey to the party at whose suit he is in custody any right or interest which he may have or be presumed to have in and to any property, credits and effects other than the wearing apparel, beds, bedding and household utensils before mentioned, such assignment or conveyance to be approved by the Court or Judge; Provided lastly, that if it shall appear that the debt for which such debtor is confined was contracted by any manner of fraud or breach of trust, or that he is confined by reason of any Judgment in an action for breach of promise of marriage, seduction, criminal conversation, libel or slander, the Court or Judge may order the Applicant to be recommitted to close custody for any period not exceeding twelve calendar months and to be then discharged.

three months may obtain his discharge on certain conditions.

Proviso.

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CCXXXIX. The limits of each County and Union of Counties in Upper Canada for judicial purposes, shall be and are hereby declared to be the limits of the Gaols of such Counties or Union of Counties respectively.

Limits of Counties to be limits of Gaols thereof.

CCXXX. The Sheriff of any such County or Union of Counties may take from any debtor confined in the Gaol thereof in execution or upon mesne process, a bond with not less than two or more than four sufficient sureties, to be jointly and severally bound in a penalty double the amount for which such debtor is so confined, conditioned that such debtor shall remain and abide within the limits of such Gaol and shall not depart therefrom, unless discharged from custody in the suit or matter upon which he was so confined by due course of law, and also that such debtor shall and will during all the time that he shall be upon the limits subject to such custody, observe and obey all notices, orders or rules of Court touching or concerning such debtor, or his answering interrogatories, or his returning and being remanded into close custody, and that they will produce such debtor to the Sheriff when they or either of them shall be required, upon reasonable notice; and the Sheriff may also require each surety when there are only two, to make oath in writing, to be annexed to the bond, that he is a freeholder or householder in some part of Upper Canada, stating where, and is worth the sum for which

Sheriff may take security from any Debtor that he will keep the limits, obey all lawful orders of the Court, &c.

Justification of the Sureties