

No. VIII.

IMPRISONED DEBTORS. An Act for the Relief of Persons imprisoned for Debt. [30th March, 1825.]

Preamble.

WHEREAS it hath been the practice of the Supreme Court established in New South Wales under and by virtue of His Majesty's Charter bearing date at Westminster the fourth day of February in the fifty-fourth year of the reign of His late Majesty King George the Third when any Defendant hath been imprisoned by the Process of the said Court for debt and it hath been made to appear to the satisfaction of the Judge of the said Court that such Debtor had not sufficient estate and effects to relieve himself from prison for the said Judge to order the Plaintiff to make reasonable allowance for the support of the Defendant or in default thereof to discharge such Defendant from prison And whereas the said practice hath been found convenient and it is expedient that the same should be continued until further provision shall be made in relation thereto Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Council that when and as often as any Defendant charged in execution by the Process of the Supreme Courts or Courts of

Debtors imprisoned
by their Creditors
must be maintained
by them during their
confinement in gaol
and in default shall
be discharged.

of Request of New South Wales or Van Diemen's Land respectively shall be brought before the respective Judges of the said Courts out of which such process shall have issued by a rule for that purpose to be made either in Term time or Vacation and it shall be made to appear to the satisfaction of the said Judges respectively that such Debtor hath not any estate or effects sufficient to maintain him or herself in prison the said Judges respectively may issue an Order in writing directing the Plaintiff to pay to the Defendant such allowance as shall be thought reasonable weekly during his confinement in gaol at the suit of the Plaintiff and if such Plaintiff after such Order shall have been duly served upon him shall make default in the payment of such allowance for the space of one week such Defendant shall be discharged out of custody at the suit of the said Plaintiff upon application to the aforesaid Judges respectively verifying the fact by affidavit and giving reasonable notice to the Plaintiff of his intention to apply for such discharge Provided always that where more Creditors than one shall charge any such Defendant in Execution and shall desire to have him or her detained each and every such Creditor shall only pay such proportion of such weekly allowance to such Defendant as the Judge before whom such Defendant shall be brought up to be discharged shall direct or appoint.
