

Weekly allowance may be stopped if after order made it shall appear that the debtor has means of supporting himself.

VIII. And be it enacted, That in any case when it shall be made to appear to the satisfaction of any Judge or Justices who may have ordered support to any person, or to any other Judge or Justice of the Court out of which the process may have issued, upon which such person may be confined, after such support ordered, that such person has the means of providing his or her necessary support, whether from property possessed at the time or since obtained, or by any other means, in either of such cases, upon application made to him or them, such Judge or Justices shall be and are hereby authorized and empowered, by order under his or their hand and seal, to suspend the payment of such support for a stated time, or until further orders given in that behalf by such Judge or Justices, or by the Court out of which the process shall have issued; provided always, that in case the said Judge or Justices shall direct the suspending or withholding support until further order from the Court is given in that behalf, it shall and may be lawful for such Court, at the next or any future sitting, to hear and determine upon the same, and make such order as to such Court may appear fit and proper; provided that such Court shall not direct the payment of any greater support than by this Act is authorized; and further provided, that no order shall be made for suspending the payment of support without due notice being given to the confined person of the application for that purpose being made, in order that such person may attend if he or she think proper; and any Judge or Justices aforesaid may order and direct the Sheriff or Gaoler to cause such person to be brought before him or them for that purpose, in the same manner as directed hereinbefore.

Maintenance may be refused or suspended if debtor can earn it.

IX. And be it enacted, That if it shall at any time be made out to the satisfaction of any Judge or Justices as aforesaid, that the person so applying for, or having support under this Act, (and having the benefit of the gaol limits,) can either by labour or otherwise earn or procure his or her necessary support or maintenance, such Judge or Justices shall and may refuse to make such order for support as aforesaid, or in case the same be made, to suspend the same in the manner hereinbefore provided.

Persons not strictly entitled to the benefit of this Act may, after six months confinement, apply to the Supreme Court for relief.

X. ' And whereas it is expedient in certain cases to authorize and empower the Supreme Court of Judicature of this Province to grant relief or discharge to confined debtors, who by the strict provisions of this Act may not be entitled to the benefit thereof; ' Be it enacted, That when any person may have been confined in any gaol or limits thereof in this Province, for the space of six months, at the suit of any person for either debt, costs or damages, such confined person may apply to the said Supreme Court in Term time, on affidavit of the circumstances, for relief or discharge, which said Court, on notice having been given of such application to the adverse party or his Attorney, may inquire into the matter on affidavit or otherwise, and if it shall thereupon appear to said Court that the person so confined has no property whatever, real or personal, within his possession, power or control, wherewith he can satisfy such demand or any part thereof, or support himself in custody, such Court may in its discretion make an order either for the maintenance or discharge of such person so confined, in the same manner as any Judge of such Court may do by virtue of this Act, and which order or discharge shall in all respects have the like force and effect as any order or discharge made by any Judge, pursuant to the directions of this Act.

After receipt of weekly allowance for six months, debtor to be discharged from confinement.

XI. And be it enacted, That any person who may have received such weekly allowance for the space of six months, shall immediately thereafter be entitled to his or her discharge from confinement, at the suit of the party who may have paid the same; and in such case the said Judge or Justices of the Peace who made the order for such weekly support, or any other Judge or Justice of the Peace as aforesaid, is hereby authorized and required to discharge such person from custody at the suit of the party who may have paid the support: provided always, that in case of such discharge, the party shall be entitled to the same remedy by proceeding to final judgment, or taking out execution against goods, chattels, lands and tenements, as is provided hereinbefore.

Creditor may consent to discharge his debtor in custody on execution without losing the benefit of the judgment.

XII. ' And whereas it is expedient that creditors may have power to discharge debtors without losing the benefit of judgment obtained against such debtors; ' Be it therefore enacted, That it shall and may be lawful for any creditor or creditors, at whose suit any debtor or debtors is, are or shall be in prison, and taken and charged in execution for any sum of money by writing, signed by such creditor or creditors, or by one of them, for and in behalf of himself or herself, and the others of them, (being complainants in the same action,) to signify or declare his, her or their consent to the discharge of such debtor or debtors from the prison in which he, she or they is, are or shall be confined in execution, at the