

suit of such creditor or creditors, without losing benefit of the judgment upon which such execution issued, except as is hereinafter provided; and that notwithstanding the discharge of any debtor or debtors in pursuance of such consent as aforesaid, the judgment upon which such debtor or debtors was or were taken or charged in execution, shall continue and remain in full force to all intents and purposes, except as hereinafter provided; and it shall be lawful for such creditor or creditors at any time to take out execution in every such judgment against the lands, tenements, hereditaments, goods and chattels of such debtor or debtors, or any of them, (other than and except the necessary apparel and bedding of him, her or them, or his, her or their families, and the necessary tools of his, her or their trade or occupation, not exceeding the value of fifteen pounds in the whole,) or to bring an action or actions on every such judgment, or to bring any action, or use any remedy for the recovery of his, her or their demand against any other person or persons liable to satisfy the same, in such and the same manner as such creditor or creditors could or might have had or done in case such debtor or debtors had never been taken or charged in execution upon such judgment; provided always, that no debtor or debtors who shall be discharged in pursuance of this Act, shall at any time afterwards be taken or charged in execution, or convicted upon any judgment hereinbefore declared to continue and remain in full force, or in any action which may be brought on any such judgment; and that no proceeding by *fiery facias*, action or otherwise, shall be had against any bail in the action on which such judgment was obtained.

Bail discharged.

XIII. And be it enacted, That the Executors and Administrators of any such creditor as aforesaid, shall and may consent to the discharge of any debtor or debtors to their testator or intestate, in such and the same manner, and with the same advantages and consequences in all respects as such creditor if living might or could have done in pursuance of this Act, and such Executors and Administrators respectively, shall not by reason of any such discharge in pursuance of this Act, be deemed guilty of devastavit, or be chargeable with the debt due from the person or persons so discharged.

Executors and administrators may consent to the discharge of debtors.

XIV. And be it enacted, That every Sheriff, Gaoler or keeper, in whose prison, gaol or custody, any debtor or debtors is, are or shall be confined, or detained in execution, shall, and every of them is hereby required, within twenty four hours next after such consent in writing of any creditor or creditors as hereinbefore mentioned shall have been produced to and left with such Sheriff, Gaoler or keeper, or his deputy or agent, at such prison or gaol, (the hand writing or mark of such creditor or creditors to such consent in writing being duly proved by affidavit of some creditable person to be thereunto annexed, and to be sworn before one of the Judges of the Court out of which the execution against such debtor or debtors issued, or a Commissioner duly authorized to take affidavits in the County where such debtor or debtors shall be confined,) to discharge and set at liberty the debtor or debtors to whose discharge such consent shall be signified or declared as aforesaid.

Debtor to be set at liberty after consent of creditor in writing being produced, &c.

XV. And be it enacted, That every person who shall be convicted of making or taking a false oath to any of the matters hereinbefore described or required to be sworn to, shall be deemed guilty of perjury, and shall be liable to all the pains and penalties to which persons are liable for wilful and corrupt perjury.

False swearing under this Act deemed perjury.

XVI. And be it enacted, That in case any confined person may have been discharged in consequence of the weekly support ordered agreeably to the provisions of this Act not having been paid, or after a six months' confinement, agreeably to this Act, all persons whomsoever shall be indemnified, and are hereby freed and discharged against and from all suits, actions and prosecution, informations or judgments whatsoever, that may be had, moved, prosecuted or adjudged against them or any of them, for or by reason or on account of such person having been discharged as aforesaid.

Indemnification for discharge of debtor for non-payment of maintenance, or after six months confinement.

XVII. And be it enacted, That when any person has been arrested in this Province either upon mesne process or execution, the Sheriff or other officer in whose custody such person may be, is hereby authorized and empowered to permit such person to go about and have his liberty within the limits designated for such gaol, upon a bond being given to the Sheriff, by the name of his office, by such person, with two sufficient sureties to the satisfaction of the Sheriff, in double the amount of the sum for which such person shall be in custody, upon condition thereunder written that such defendant shall not go or be at large out of such limits, or escape at any time while he has the liberty of the same as aforesaid, any law or custom to the contrary notwithstanding; and the Sheriff shall be entitled to demand and receive for making such bond five shillings, and no more, and such bond shall be in the form following, that is to say:—

Sheriff may permit persons arrested on mesne process or execution to have liberty within the gaol limits upon bond.

Fee.