

No. VII.

IMPRISONMENT FOR
DEBT ABOLITION.

An Act to simplify the Law abolishing Imprisonment for Debt. [30th October, 1846.]

Preamble.

Repeal of sections
26 to 30 of 7 Vict.
No. 19 and of
sections 3 & 4 of 8
Vict. No. 15.

WHEREAS it is expedient to simplify the Law abolishing Imprisonment for Debt Be it enacted by His Excellency the Governor of New South Wales by and with the advice and consent of the Legislative Council thereof That the twenty-sixth and all the following sections of the Act passed in the seventh year of the reign of Her present Majesty and intituled "*An Act to amend an Act intituled 'An Act for giving relief to Insolvent Persons and providing for the administration of Insolvent Estates and to abolish Imprisonment for Debt'*" and the third and fourth sections of the Act passed in the eighth year of the reign of Her present Majesty and intituled "*An Act to amend the Act passed in the fifth year of Her Majesty's reign for the relief of Insolvent Debtors and also the Act lately passed for amending the same and abolishing Imprisonment for Debt'*" shall be and the same are hereby repealed.

As to arrest on
Courts of Requests
process.

2. And be it enacted That no person shall be arrested on final process issuing out of any Court of Requests unless the Commissioner thereof shall be satisfied by affidavit that the defendant fraudulently conceals money goods or valuable securities from his judgment creditor or that the defendant is about to leave the Colony without satisfying the judgment or that he has any income salary or other means whereby in the opinion of the Commissioner he can pay such judgment or is about to remove any of his property out of the jurisdiction of the said Court.

As to arrests on
Supreme Court writs.
Proviso as to fraudulent
concealments
and as to departure
from the Colony.

3. And be it enacted That except as hereinafter provided no person shall be arrested on any writ of *capias ad satisfaciendum* issuing out of the Supreme Court Provided always that if any Judge of the said Supreme Court shall be satisfied by affidavit that the defendant fraudulently conceals money goods or valuable securities from his judgment creditor or that the defendant is about to leave the Colony without satisfying the judgment the said Judge shall order such writ to issue and the defendant may be arrested on such writ anything hereinbefore contained notwithstanding Provided also that nothing in this section contained shall extend to any writ of *ca. sa.* issued in any action for breach of promise of marriage libel slander seduction criminal conversation with the plaintiff's wife or any malicious injury.

Proviso as to
malicious injuries.