

No. XII.

An Act to give further remedies to Creditors against persons removing from one Australasian Colony to another. [7th September, 1855.]

CREDITORS'
REMEDIES.

WHEREAS the proximity of the several Australasian Colonies to each other and the separation of their respective jurisdictions greatly facilitate the evasion of the judgments decrees rules and orders of the Supreme Courts of the said Colonies respectively And it is expedient to provide a remedy in that behalf Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

1. It shall be lawful for any person in whose favour any judgment decree rule or order whereby any sum of money is made payable shall have been obtained in the Supreme Court of any of Her Majesty's Australasian Colonies (including the Islands and Colonies of New Zealand) to cause a memorial of the same containing the particulars hereinafter mentioned and authenticated by the seal of the Court wherein such judgment decree rule or order was obtained to be filed in the office of the Supreme Court at Sydney and such memorial being so filed shall thenceforth be a record of such judgment decree rule or order and execution may issue thereon as hereinafter provided.

Preamble.
Memorial of judgment &c. under seal of Supreme Court of any other Australasian Colony filed in Supreme Court at Sydney shall be a record thereof and execution may issue.

2. Every such memorial shall be on parchment and signed by the party in whose favour such judgment decree rule or order was obtained or his attorney and shall contain the following particulars all of which shall be fairly written without interlineations or erasures and (with the exception of dates) in words at length that is to say the names and additions of the parties the form and nature of the action or suit or other proceeding and when commenced the date of the signing or entering up of the judgment or of passing the decree or of making the rule or order and the amount recovered or the decree pronounced or rule or order made and if there was a trial the date of such trial and the amount of verdict given.

Particulars of memorial.

3. It shall be lawful for any Judge of the Supreme Court of this Colony upon the application of the person in whose favour such judgment decree rule or order was obtained or his attorney to issue a summons calling upon the person against whom such judgment decree rule or order was obtained to shew cause within such time after personal or such other service of the summons as such Judge shall direct why execution should not issue upon such judgment decree rule or order and such summons shall give notice that in default of appearance execution may issue accordingly and if the person so summoned does not appear or does not shew sufficient cause against such summons it shall be lawful for any Judge of the Supreme Court or the said Court on due proof of such service as aforesaid to order execution to issue as upon a judgment decree rule or order of the Supreme Court of this Colony subject to such terms and conditions (if any) as to such Judge or Court may seem fit and thereupon and subject thereto the person entitled to such execution shall have and be entitled to all such process and to all such rights and remedies for the enforcement thereof and the person against whom such execution is ordered shall in like manner be entitled to all such protective rights and advantages as they would respectively have been entitled to had such judgment decree rule or order been obtained in the Supreme Court

Mode of obtaining execution.

Public Loans.

Court of this Colony and all such proceedings may be had or taken for the revival of such judgment decree rule or order or the enforcement thereof by and against persons not parties to such judgment decree rule or order as may be had for the like purposes upon any judgment decree rule or order of the Supreme Court of this Colony.
