

A BILL

To authorize the Master in Equity and the Chief Commissioner in Insolvency to issue Writs of Summons and Arrest during the absence of the Judges of the Supreme Court from Sydney.

(Presented by THE ATTORNEY GENERAL, 3 October, 1860.)

WHEREAS it is expedient to provide means of issuing Writs of Preamble.
Summons or *Capias* in Sydney during the occasional absence on
Circuit of all the Judges of the Supreme Court Be it therefore enacted
by the Queen's Most Excellent Majesty by and with the advice and
5 consent of the Legislative Council and Legislative Assembly of New
South Wales in Parliament assembled and by the authority of the same
as follows:—

1. For the purposes of this Act the following terms in inverted Interpretation.
commas shall unless the context otherwise indicate bear the meanings
10 set against them respectively—

“*Ca Re*”—*Capias ad respondendum*.

“Plaintiff”—Any person having commenced or being about to
commence an action in the Supreme Court.

15 “Defendant”—Any person against whom such action has been
or is about to be commenced.

2. During any absence from Sydney of all the Judges of the
Supreme Court the Master in Equity of the said Court and the Chief
Commissioner in Insolvency shall be Commissioners for the purposes of
this Act and may as such Commissioners at the instance of any Plaintiff
20 issue a Writ of Summons and of *Ca Re* in the Supreme Court against any
Defendant about to depart out of the Colony in any case where by law
an arrest upon *mesne* process is or may be allowed in an action in the
said Court and every such Writ shall have the same force and effect as
if issued by either of the said Judges.

Requisites for issue
of *Capias*.

3. No Writ of Summons shall be issued by such Commissioners except to ground a Writ of *Ca Re* to be issued under this Act and no Writ of *Ca Re* shall be issued hereunder unless proof by affidavit be first given to such Commissioners that the Defendant is about to depart out of the Colony and of all such other facts and matters as are or may be necessary to obtain an order from a Judge of the said Court for the issue of an ordinary Writ of *Ca Re* out of the said Court nor unless the Plaintiff shall first give to the Defendant a bond of two sufficient persons (of whom the Plaintiff if in the opinion of the said Commissioners of sufficient ability may be one) to the satisfaction of such Commissioners in like form and of the like force and effect and for the like or corresponding amount as would be required by such Judge on making a like order and such bond shall in all respects be dealt with in like manner as any like bond is now dealt with.

Indorsement in lieu
of Order.

4. No order need be made to warrant the issuing of any Writ of *Ca Re* under this Act but the Commissioners shall by memorandum thereon under their hands certify on whose application and on what affidavits or affidavit and when it was issued and the amount for which the Defendant is to be arrested or held to bail thereunder in the form or to the effect following “This Writ was issued this day of 18 20
“ under the provisions of the ‘Absconding Debtors’ Arrest Act of 1860’
“ on the application of the therein named [A B] and upon reading the
“ affidavit of [naming the Deponent] sworn on the day of 18
“ [describing each affidavit if more than one] And the Defendant [C D]
“ is to be arrested or held to bail hereunder for or in the sum of [specify
“ the amount in words.]

“ [Signatures of the Commissioners.]”

Form of Writs.

5. Every Writ of Summons and of *Ca Re* issued under this Act shall be issued under the signature of the said Commissioners and the seal of the Supreme Court and except as aforesaid shall in all other respects be in the same form and have all such notices and indorsements thereon respectively as ordinary Writs of Summons and of *Ca Re* issued out of the said Court and shall be dealt with in like manner in all respects by the several officers of the said Court.

No action against
Commissioner except
in case of corruption.

6. No action shall lie against either of the said Commissioners for issuing any Writ of *Ca Re* under this Act unless the Plaintiff in such action shall allege and prove that such Commissioner knowingly and wilfully issued the same without reasonable proof to warrant the issuing thereof and also that in issuing the same he acted corruptly.

7. All proceedings in any action commenced by any Writ of Summons and under any Writ of *Ca Re* issued under the provisions of this Act shall be taken and had in like manner as if such action had been commenced by ordinary Writ of Summons issued out of the Supreme Court and the said Court and any Judge thereof shall have all such and the same powers to set aside any such Writ or to discharge from custody any Defendant arrested under any such Writ of *Ca Re* and to order any bail bond given thereunder to be cancelled and in every other respect as such Court or any Judge thereof has or may have in case of ordinary Writs of Summons or *Ca Re* issued out of the said Court.

Proceedings in
Actions commenced
by Writs under this
Act.

8. The Judges of the said Court or any two of them may make Rules for carrying this Act into complete effect and such Rules when published in the *Gazette* shall have the force of law.

Judges to make
Rules.

9. This Act shall be styled and may be cited as the “Absconding Debtors’ Arrest Act of 1860.”

Short Title.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

REPORT ON THE PROGRESS OF WORK DURING THE YEAR 1954

BY
RICHARD FEYNMAN
AND
MORDECAI HELLER

Submitted to the Faculty of the Division of Physical Sciences
in partial fulfillment of the requirements for the degree of
Doctor of Philosophy

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1955

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