

Legislative Council.

52° VICTORIAE, 1889.

A BILL

To facilitate the Recovery of Judgments against Debtors who have removed into adjacent Colonies, and the enforcement of Judgments obtained in such Colonies against Debtors who have removed therefrom into New South Wales.

[MR. SIMPSON;—4 April, 1889.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows (that is to say):—

5 1. In this Act, which may be cited as the "Intercolonial Debts Act, 1889," and which shall be read with the District Courts Acts the expression—

Short title, &c.
Interpretation.

- 10 "Clerk" means clerk, registrar, or other proper officer of the Court in connection with which the term is used,—
- "Colony" means any Colony or Province in Australia or in Tasmania or New Zealand,—
- "District Court Acts" means the "District Courts Act of 1858" together with every Act amending that Act,—
- 15 "Local Court" includes District Court and any inferior Court being a Court of record, and having jurisdiction, in actions of debt or for a liquidated sum, to the amount of two hundred pounds.

Governor may apply Act to any Australasian Colony in which a similar Act is in force.

2. If in any Colony there be any law in force by which effect may be given by the Local Courts thereof to the judgments of the District Courts of New South Wales, the Governor may, by proclamation to be published in the *Gazette*, declare that the provisions of this Act shall apply to the judgments of the Local Courts of such Colony, and that process issuing out of such Local Courts may be served in New South Wales, and that certificates of judgments obtained in District Courts in New South Wales may, at the request of the judgment creditors, be forwarded to such Colony; and thereupon the provisions of this Act shall so apply, and the registrars of District Courts shall, subject to the provisions of this Act, give certificates of judgments obtained in such Courts for registration in the Local Courts of such Colony. 5 10

District Court summons may be served out of jurisdiction.

3. (i) Any summons issued under the authority of the District Courts Acts for a debt or liquidated demand in money, whether on balance of account or otherwise, not exceeding in the whole the sum of two hundred pounds (if such summons bear an endorsement under the seal of the District Court whence it issues to the effect that it is for service out of the jurisdiction), may be served out of the jurisdiction. 15 20

Affidavit to be filed. First Schedule.

(ii) Before any such summons is so endorsed and sealed, the plaintiff, or some person on his behalf, shall file an affidavit, in the form in the first Schedule hereto or to the like effect, stating that the defendant is resident out of the jurisdiction, and that the plaintiff has a good cause of action which arose within the jurisdiction, and the nature of the same and the amount sought to be recovered. 25

(iii) Such affidavit shall also state that the claim is for a debt or a liquidated demand in money not exceeding in the whole the sum of two hundred pounds, or that if it originally exceeded that sum it has been reduced, by payment or admitted set-off or by abandonment of excess, to a sum not exceeding two hundred pounds, and shall set forth what is believed to be the defendant's then place of residence and the distance in miles (approximately) of such place of residence from the Court in which such summons is issued. 30 35

(iv) Proof shall also be given to the satisfaction of the Judge of the District Court whence such summons issues, or to the satisfaction of a Police Magistrate acting for the District in which such District Court is situate, that, *prima facie*, a good cause of action exists, and that apparently justice will be done by allowing the summons to be so endorsed and sealed and the plaintiff to proceed under this Act. 40

Service and proof of summons.

4. Every such summons shall be served personally, and proof of such service shall be made by affidavit before any Justice of the Peace of the Colony in which such summons was served, or before a commissioner for taking affidavits in the Supreme Court of New South Wales resident in such Colony; but if it be made to appear to the Judge of the District Court whence any such summons issued, that reasonable efforts were made to effect personal service thereof upon the defendant, and that it came to such defendant's knowledge, and that he wilfully neglects to appear to such summons, or if it be made to appear to such Judge that the defendant has removed, or is living, out of the jurisdiction in order to defeat or delay his creditors or deprive the plaintiff of the relief to which he is entitled, such Judge may, on the application of the plaintiff, order that personal service may be dispensed with, and that the plaintiff shall be at liberty to proceed in the action in such manner and subject to such conditions as to such Judge may seem fit, although the summons has not been served personally upon the defendant, and thereupon the plaintiff may proceed in the action against such defendant accordingly. 45 50 55

5. Where the defendant resides within twenty miles of the District Court at which any summons issued for service out of the jurisdiction is returnable, such summons shall be issued six clear days, and served four clear days at least, before the return day thereof; where he resides beyond twenty and within fifty miles of such Court, such summons shall be issued eight clear days, and served six clear days at least, before the return day thereof; and where he resides beyond fifty miles from such Court, the respective periods to elapse between the issue and the service of the summons and the return day thereof shall be fixed by the Judge of such Court or Police Magistrate as aforesaid after the affidavit aforesaid has been filed and before the issue of the summons, and in fixing such periods regard shall be had to the distance of the place of residence of the defendant from such Court.

Issue service and return of summons.

6. (i) Any person who obtains a judgment in any action in any District Court may file with the Registrar of such Court an affidavit by himself or some person on his behalf cognizant of the facts. Such affidavit shall be in the form in the Second Schedule hereto or to the like effect, and shall set forth that a judgment has been obtained in such Court in respect of a cause of action which arose within the jurisdiction, for a debt or a liquidated demand in money, and shall specify the nature of the cause of action and the amount recovered, and shall state that the time for appealing has expired and that no appeal is pending, that such judgment is still in full force and remains unsatisfied (or if partly satisfied, to what extent, and the amount or balance remaining due and unsatisfied), and that the person against whom such judgment was recovered is resident out of the jurisdiction.

On affidavit of judgment certificate of judgment to be prepared.
Second Schedule.

(ii) Any such person obtaining a judgment as aforesaid may, after such affidavit has been filed, deliver to such registrar a notice, in the form in the Third Schedule hereto or to the like effect, requiring such registrar to prepare a certificate of such judgment and to forward the same as hereinafter provided; and thereupon such registrar shall prepare a certificate of such judgment in the form in the Fourth Schedule hereto or to the like effect, and the same shall be signed by him and shall be authenticated by the seal of such Court.

Third Schedule.

Such certificate shall state that such judgment was obtained in such Court in respect of a cause of action which arose within the jurisdiction for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, and shall specify the nature of the cause of action and the amount recovered, and shall state that the same is in full force and remains unsatisfied (or if partly satisfied the amount or balance remaining due and unsatisfied), and shall be addressed to the clerk of such Local Court of a Colony in which this Act has been proclaimed to be in force as such person may require, and shall be forwarded by the Registrar of the Court giving the same through the post by registered letter addressed to the clerk of such Local Court.

Fourth Schedule.

7. The Registrar of any District Court in which a judgment has been obtained and of which judgment a certificate as aforesaid has been given shall (upon receipt of a certificate in the form in the Fifth Schedule hereto or to the like effect under the hand of the clerk of any Local Court of a Colony in which this Act has been proclaimed to be in force and authenticated by the seal of such Court stating that such judgment has been satisfied either wholly or in part) enter up satisfaction in the register of such District Court to the amount mentioned in such last-mentioned certificate.

Entry of satisfaction.

Fifth Schedule.

8. (i) The Registrar of any District Court shall upon receipt through the post of a registered letter containing a certificate (in the form in the Sixth Schedule hereto or to the like effect addressed to him as such registrar under the hand of the clerk of any Local Court of a Colony in which this Act has been proclaimed to be in force and

Judgment of Local Court may be entered up in District Court of New South Wales.
Sixth Schedule.

and authenticated by the seal of such Court) of a judgment obtained in such Local Court against any person resident in New South Wales stating that such judgment was obtained in such Local Court in respect of a cause of action which arose within the jurisdiction thereof for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, and specifying the nature of the cause of action and the amount recovered, and stating that the same is in full force and remains unsatisfied (or if partly satisfied the amount or balance remaining due and unsatisfied), enter up judgment in the register of such District Court for the amount appearing in such certificate to be due in favour of the person named therein as the judgment creditor and against the person named therein as the judgment debtor.

Seventh Schedule.

(II) The registrar of such District Court shall on the receipt of such certificate forthwith send by post a notice in the form in the Seventh Schedule hereto or to the like effect addressed to the defendant at his address specified in such certificate.

(III) Such judgment shall thereupon be deemed to be a judgment of such District Court, and shall have the same force and effect as if such judgment had been obtained in such District Court, and the like proceedings may be had and taken upon and under the same accordingly.

(IV) The Supreme Court or a Judge thereof may, on the application of any person against whom judgment has been so entered up, either set aside such judgment or direct a stay of execution or of proceedings on such judgment; or the Judge of such District Court or a Police Magistrate acting for the District within which the person against whom judgment has been so entered up resides, may on the application of such person direct a stay of execution, or of proceedings, on such judgment; and on the hearing of any such application such Court, Judge or Police Magistrate may enter upon the merits of the whole case, but the judgment so entered up shall be regarded as *prima facie* proof of the plaintiff's case.

(V) The setting aside such judgment or stay of execution or of proceedings may be ordered by such Court, or Judge or Police Magistrate upon such terms as to giving security or payment of costs, or as to making application to the Local Court in which the judgment was originally made to set aside the same, or otherwise, as to the said Supreme Court, or Judge or Police Magistrate may seem fit.

Certificate of satisfaction.

Eighth Schedule.

9. On the satisfaction, either wholly or in part, of any judgment entered up in the register of any District Court under the provisions of the last preceding section, the registrar of such District Court shall forthwith give notice in the form in the Eighth Schedule hereto or to the like effect of such satisfaction or part satisfaction (as the case may be) to the clerk of the Local Court in which such judgment was originally obtained, and from whom he received the certificate thereof. All moneys received or paid into Court in satisfaction of such judgment shall, after the cost of remitting the same has been deducted therefrom, be remitted to the clerk of such Local Court.

SCHEDULES.

FIRST SCHEDULE.

COLONY OF NEW SOUTH WALES.

In the District Court at No. of plaintiff
 5 Between A.B., of [address and description], plaintiff,
 and
 C.D., of [address and description], defendant.

I, A.B., of [address and description], made oath and say as follows :—
 That I am informed and verily believe that the said C.D. is resident out of the
 10 jurisdiction, at
 That I have a good cause of action which arose within the jurisdiction against the
 said C.D. for the sum of for [here state shortly the amount sought to be recovered
 and nature of the suit or cause of action; if the amount originally due has been reduced
 by payment or admitted set-off or by abandonment of excess the same must be stated and
 15 particulars given], and that I am informed and verily believe that the said C.D. now
 resides at and that the same is distant about miles from this Court.
 (Signed) A.B.

Sworn at in the Colony of New South Wales this day of
 one thousand eight hundred and before me, G.H., a Judge of District Courts,
 20 &c., in the Colony of New South Wales [or a Commissioner for taking affidavits in the
 Supreme Court of the Colony of New South Wales, or Justice of the Peace of the Colony
 of New South Wales, or a Registrar or Deputy-Registrar of the District Court at
 in the Colony of New South Wales.]

SECOND SCHEDULE.

COLONY OF NEW SOUTH WALES.

In the District Court at No. of plaintiff
 25 Between A.B., plaintiff,
 and
 C.D., defendant.

30 I, A.B., of [address and description] make oath and say as follows :—
 That on the day of one thousand eight hundred
 judgment in the District Court at in a certain cause [No. of plaintiff]
 wherein I am plaintiff and C.D. is defendant was recovered by me in respect of a cause
 of action which arose within the Colony of New South Wales for a debt [or liquidated
 35 demand in money] not exceeding the sum of two hundred pounds, to wit the sum of
 including costs of suit against the said C.D., that such judgment was obtained in
 an action for [here state cause of action and give particulars; also if the amount originally
 due was reduced before action by payment, admitted set-off, or abandonment of excess, so
 state and give particulars], and that the time for appealing against such judgment has
 40 expired, and that no appeal is pending, and that such judgment is still in force and
 unsatisfied [or that such judgment has been satisfied in part by the payment of the sum
 of but is still in force and remains unsatisfied to the extent of the sum of
], and that I am informed and verily believe that the said C.D. is resident
 out of the jurisdiction at [address].
 45 Sworn at in the Colony of New South Wales this day of
 one thousand eight hundred before me, G.H., a Judge of District Courts,
 &c., in the Colony of New South Wales [or Commissioner for taking affidavits in the
 Supreme Court of the Colony of New South Wales, or Justice of the Peace of the Colony
 of New South Wales, or a Registrar or Deputy-Registrar of the District Court at
 50 in the Colony of New South Wales.]

THIRD SCHEDULE.

COLONY OF NEW SOUTH WALES.

In the District Court at No. of plaintiff
 55 Between A.B. plaintiff,
 and
 C.D. defendant.

I, A.B., of [address and description] the abovenamed plaintiff do hereby
 require you to give a certificate of judgment in the above action and to forward the same
 to the clerk of the Local Court of [or at] in the Colony of
 60 (Signed) A.B.

To the registrar of the District Court at

FOURTH

FOURTH SCHEDULE.

COLONY OF NEW SOUTH WALES.

Certificate of Judgment.

In the District Court of

No. of plaintiff

Between A.B. plaintiff,
and
C.D. defendant.

(Seal)

5

I, W.J., the registrar of the District Court at _____ in the Colony of New South Wales and the person having the lawful custody of all records, books, process, and other proceedings, and of the seal of the said Court, do hereby certify that A.B. of [address and description] did in the said District Court at _____ on the _____ day of one thousand eight hundred and _____ recover judgment against the said C.D. now of _____ out of the jurisdiction in respect of a cause of action which arose within the Colony of New South Wales for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, to wit the sum of _____ including costs of suit, that such judgment was obtained in an action for [here state cause of action and give particulars; also if the amount originally due was reduced before action by payment, admitted set-off, or abandonment of excess, so state and give particulars], and that the time for appealing against such judgment has expired and that no appeal is pending, and that such judgment is still unsatisfied and in full force [or that such judgment has been satisfied in part by the payment of the sum of _____ but is still in force and unsatisfied to the extent of the sum of _____].

Given under my hand and the seal of the District Court at _____ this
day of _____ 18 .

W.J.,

25

(L.S.)

Registrar of the said District Court at
To the clerk of the Local Court of [or at] _____
in the Colony of _____

FIFTH SCHEDULE.

I, E.F., the clerk of the Local Court of [or at] _____ in the Colony of _____ and the person having the lawful custody of all records, books, process, and other proceedings, and of the seal of the said Court, do hereby certify that the judgment mentioned in the certificate of judgment dated the _____ day of _____ one thousand eight hundred and _____ of W.J. the registrar of the District Court at _____ in the Colony of New South Wales, and the seal of the said Court in a certain action in the said District Court at _____ in the said Colony of New South Wales, wherein A.B. is plaintiff and C.D. is defendant, has been wholly paid and satisfied [or has been satisfied to the extent of the sum of _____].

Given under my hand and the seal of the Local Court of _____ in the province
of _____ this _____ day of _____ 18 .

(L.S.)

E.F.,

40

Clerk of the said Local Court of [or at] _____

To the registrar of the District Court at _____
in the Colony of New South Wales.

SIXTH SCHEDULE.

Certificate of Judgment.

In the Local Court of

No. of plaintiff

Between A.B. plaintiff,
and
C.D. defendant.

(Seal)

50

I, E.F., the clerk of the Local Court of [or at] _____ in the Colony of _____ and the person having the lawful custody of all records, books, process, and other proceedings, and of the seal of the said Court, do hereby certify that A.B. of [address and description] did in the said Local Court of [or at] _____ on the _____ day of one thousand eight hundred and _____ recover judgment against the said C.D. of _____ in the Colony of New South Wales in respect of a cause of action which arose within the Colony of _____ for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, to wit the sum of _____ including costs of suit, that such judgment was obtained in an action for [cause of action to be stated and particulars given; also if amount originally due was reduced before action by payment, admitted set-off, or abandonment of excess, the same should be stated and particulars given], and that the time for appealing against such judgment has expired and that no appeal is pending, and that such judgment is still unsatisfied and in full force [or that such judgment has been satisfied in part by the payment of the sum of _____ but is still in force and unsatisfied to the extent of the sum of _____].

Given under my hand and the seal of the Local Court of [or at] _____ this
day of _____ 18 .

(L.S.)

E.F.,

65

Clerk of the said Local Court of [or at] _____

To the registrar of the District Court at _____
in the Colony of New South Wales.

70

SEVENTH

SEVENTH SCHEDULE.

In the District Court at _____ (Seal)
 To C.D. of [address and description]
 I, W.J., the registrar of the District Court at _____ do hereby give you notice
 5 that a judgment has been obtained against you by A.B. of [address and description]
 in respect of a cause of action which arose within the Colony of _____ for
 a debt or liquidated demand in money not exceeding the sum of two hundred and fifty
 pounds, to wit the sum of _____ including costs of suit in the Local Court of [or at]
 _____, that such judgment was obtained in an action for [here state cause of action
 10 and give particulars; also if the amount originally due was reduced by payment, admitted
 set-off, or abandonment of excess, so state and give particulars], and that the time for
 appealing against such judgment has expired and that no appeal is pending, and that
 such judgment is still unsatisfied and in full force [or that such judgment has been
 15 satisfied in part by the payment of the sum of _____ but is unsatisfied to the
 extent of the sum of _____].
 Given under my hand and the seal of the District Court at _____ this
 day of _____ 18 .
 W.J.,
 Registrar of the said District Court at _____

EIGHTH SCHEDULE.

20 In the District Court at _____ (Seal)
 I, W.J., the registrar of the District Court at _____ in the Colony of New
 South Wales, and the person having the lawful custody of all records, books, process,
 and other proceedings, and of the seal of the said Court, do hereby certify that the
 25 judgment mentioned in the certificate of judgment dated the _____ day of
 one thousand eight hundred and _____ under the hand of E.F., the clerk of the
 Local Court of [or at] _____ in the Colony of _____ and the seal of the said
 Court in a certain action in the said Local Court of [or at] _____ wherein A.B. is
 plaintiff and C.D. is defendant, has been wholly paid and satisfied [or has been satisfied
 30 to the extent of the sum of _____].
 Given under my hand and the seal of the District Court at _____ in the Colony
 of New South Wales this _____ day of _____ 18 .
 (L.S.) W.J.,
 Registrar of the District Court at _____
 35 To the clerk of the Local Court of [or at] _____
 in the Colony of _____

Legislative Council.

52° VICTORIAE, 1889.

A BILL

To facilitate the Recovery of Judgments against Debtors who have removed into adjacent Colonies, and the enforcement of Judgments obtained in such Colonies against Debtors who have removed therefrom into New South Wales.

[MR. SIMPSON ;—4 April, 1889.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows (that is to say) :—

5 1. In this Act, which may be cited as the "Intercolonial Debts Act, 1889," and which shall be read with the District Courts Acts the expression—

Short title, &c.
Interpretation.

"Clerk" means clerk, registrar, or other proper officer of the Court in connection with which the term is used,—

10 "Colony" means any Colony or Province in Australia or in Tasmania or New Zealand,—

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Governor may apply Act to any Australasian Colony in which a similar Act is in force.

2. If in any Colony there be any law in force by which effect may be given by the Local Courts thereof to the judgments of the District Courts of New South Wales, the Governor may, by proclamation to be published in the *Gazette*, declare that the provisions of this Act shall apply to the judgments of the Local Courts of such Colony, and that process issuing out of such Local Courts may be served in New South Wales, and that certificates of judgments obtained in District Courts in New South Wales may, at the request of the judgment creditors, be forwarded to such Colony; and thereupon the provisions of this Act shall so apply, and the registrars of District Courts shall, subject to the provisions of this Act, give certificates of judgments obtained in such Courts for registration in the Local Courts of such Colony.

District Court summons may be served out of jurisdiction.

3. (I) Any summons issued under the authority of the District Courts Acts for a debt or liquidated demand in money, whether on balance of account or otherwise, not exceeding in the whole the sum of two hundred pounds (if such summons bear an endorsement under the seal of the District Court whence it issues to the effect that it is for service out of the jurisdiction), may be served out of the jurisdiction.

Affidavit to be filed. First Schedule.

(II) Before any such summons is so endorsed and sealed, the plaintiff, or some person on his behalf, shall file an affidavit, in the form in the first Schedule hereto or to the like effect, stating that the defendant is resident out of the jurisdiction, and that the plaintiff has a good cause of action which arose within the jurisdiction, and the nature of the same and the amount sought to be recovered.

(III) Such affidavit shall also state that the claim is for a debt or a liquidated demand in money not exceeding in the whole the sum of two hundred pounds, or that if it originally exceeded that sum it has been reduced, by payment or admitted set-off or by abandonment of excess, to a sum not exceeding two hundred pounds, and shall set forth what is believed to be the defendant's then place of residence and the distance in miles (approximately) of such place of residence from the Court in which such summons is issued.

(IV) Proof shall also be given to the satisfaction of the Judge of the District Court whence such summons issues, or to the satisfaction of a Police Magistrate acting for the District in which such District Court is situate, that, *prima facie*, a good cause of action exists, and that apparently justice will be done by allowing the summons to be so endorsed and sealed and the plaintiff to proceed under this Act.

Service and proof of summons.

4. Every such summons shall be served personally, and proof of such service shall be made by affidavit before any Justice of the Peace of the Colony in which such summons was served, or before a commissioner for taking affidavits in the Supreme Court of New South Wales resident in such Colony; but if it be made to appear to the Judge of the District Court whence any such summons issued, that reasonable efforts were made to effect personal service thereof upon the defendant, and that it came to such defendant's knowledge, and that he wilfully neglects to appear to such summons, or if it be made to appear to such Judge that the defendant has removed, or is living, out of the jurisdiction in order to defeat or delay his creditors or deprive the plaintiff of the relief to which he is entitled, such Judge may, on the application of the plaintiff, order that personal service may be dispensed with, and that the plaintiff shall be at liberty to proceed in the action in such manner and subject to such conditions as to such Judge may seem fit, although the summons has not been served personally upon the defendant, and thereupon the plaintiff may proceed in the action against such defendant accordingly.

5. Where the defendant resides within twenty miles of the District Court at which any summons issued for service out of the jurisdiction is returnable, such summons shall be issued six clear days, and served four clear days at least, before the return day thereof; where he resides beyond twenty and within fifty miles of such Court, such summons shall be issued eight clear days, and served six clear days at least, before the return day thereof; and where he resides beyond fifty miles from such Court, the respective periods to elapse between the issue and the service of the summons and the return day thereof shall be fixed by the Judge of such Court or Police Magistrate as aforesaid after the affidavit aforesaid has been filed and before the issue of the summons, and in fixing such periods regard shall be had to the distance of the place of residence of the defendant from such Court.

Issue service and return of summons.

6. (I) Any person who obtains a judgment in any action in any District Court may file with the Registrar of such Court an affidavit by himself or some person on his behalf cognizant of the facts. Such affidavit shall be in the form in the Second Schedule hereto or to the like effect, and shall set forth that a judgment has been obtained in such Court in respect of a cause of action which arose within the jurisdiction, for a debt or a liquidated demand in money, and shall specify the nature of the cause of action and the amount recovered, and shall state that the time for appealing has expired and that no appeal is pending, that such judgment is still in full force and remains unsatisfied (or if partly satisfied, to what extent, and the amount or balance remaining due and unsatisfied), and that the person against whom such judgment was recovered is resident out of the jurisdiction.

On affidavit of judgment certificate of judgment to be prepared. Second Schedule.

(II) Any such person obtaining a judgment as aforesaid may, after such affidavit has been filed, deliver to such registrar a notice, in the form in the Third Schedule hereto or to the like effect, requiring such registrar to prepare a certificate of such judgment and to forward the same as hereinafter provided; and thereupon such registrar shall prepare a certificate of such judgment in the form in the Fourth Schedule hereto or to the like effect, and the same shall be signed by him and shall be authenticated by the seal of such Court.

Third Schedule.

Such certificate shall state that such judgment was obtained in such Court in respect of a cause of action which arose within the jurisdiction for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, and shall specify the nature of the cause of action and the amount recovered, and shall state that the same is in full force and remains unsatisfied (or if partly satisfied the amount or balance remaining due and unsatisfied), and shall be addressed to the clerk of such Local Court of a Colony in which this Act has been proclaimed to be in force as such person may require, and shall be forwarded by the Registrar of the Court giving the same through the post by registered letter addressed to the clerk of such Local Court.

Fourth Schedule.

7. The Registrar of any District Court in which a judgment has been obtained and of which judgment a certificate as aforesaid has been given shall (upon receipt of a certificate in the form in the Fifth Schedule hereto or to the like effect under the hand of the clerk of any Local Court of a Colony in which this Act has been proclaimed to be in force and authenticated by the seal of such Court stating that such judgment has been satisfied either wholly or in part) enter up satisfaction in the register of such District Court to the amount mentioned in such last-mentioned certificate.

Entry of satisfaction.

Fifth Schedule.

8. (I) The Registrar of any District Court shall upon receipt through the post of a registered letter containing a certificate (in the form in the Sixth Schedule hereto or to the like effect addressed to him as such registrar under the hand of the clerk of any Local Court of a Colony in which this Act has been proclaimed to be in force and

Judgment of Local Court may be entered up in District Court of New South Wales. Sixth Schedule.

and authenticated by the seal of such Court) of a judgment obtained in such Local Court against any person resident in New South Wales stating that such judgment was obtained in such Local Court in respect of a cause of action which arose within the jurisdiction thereof for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, and specifying the nature of the cause of action and the amount recovered, and stating that the same is in full force and remains unsatisfied (or if partly satisfied the amount or balance remaining due and unsatisfied), enter up judgment in the register of such District Court for the amount appearing in such certificate to be due in favour of the person named therein as the judgment creditor and against the person named therein as the judgment debtor. 5

Seventh Schedule.

(II) The registrar of such District Court shall on the receipt of such certificate forthwith send by post a notice in the form in the Seventh Schedule hereto or to the like effect addressed to the defendant at his address specified in such certificate. 15

(III) Such judgment shall thereupon be deemed to be a judgment of such District Court, and shall have the same force and effect as if such judgment had been obtained in such District Court, and the like proceedings may be had and taken upon and under the same accordingly. 20

(IV) The Supreme Court or a Judge thereof may, on the application of any person against whom judgment has been so entered up, either set aside such judgment or direct a stay of execution or of proceedings on such judgment; or the Judge of such District Court or a Police Magistrate acting for the District within which the person against whom judgment has been so entered up resides, may on the application of such person direct a stay of execution, or of proceedings, on such judgment; and on the hearing of any such application such Court, Judge or Police Magistrate may enter upon the merits of the whole case, but the judgment so entered up shall be regarded as *prima facie* proof of the plaintiff's case. 25 30

(V) The setting aside such judgment or stay of execution or of proceedings may be ordered by such Court, or Judge or Police Magistrate upon such terms as to giving security or payment of costs, or as to making application to the Local Court in which the judgment was originally made to set aside the same, or otherwise, as to the said Supreme Court, or Judge or Police Magistrate may seem fit. 35

Certificate of satisfaction.

Eighth Schedule.

9. On the satisfaction, either wholly or in part, of any judgment entered up in the register of any District Court under the provisions of the last preceding section, the registrar of such District Court shall forthwith give notice in the form in the Eighth Schedule hereto or to the like effect of such satisfaction or part satisfaction (as the case may be) to the clerk of the Local Court in which such judgment was originally obtained, and from whom he received the certificate thereof. All moneys received or paid into Court in satisfaction of such judgment shall, after the cost of remitting the same has been deducted therefrom, be remitted to the clerk of such Local Court. 40 45 50

SCHEDULES.

FIRST SCHEDULE.

COLONY OF NEW SOUTH WALES.

5 In the District Court at No. of plaint
 Between A.B., of [address and description], plaintiff,
 and
 C.D., of [address and description], defendant.
 I, A.B., of [address and description], made oath and say as follows :—
 That I am informed and verily believe that the said C.D. is resident out of the
 10 jurisdiction, at
 That I have a good cause of action which arose within the jurisdiction against the
 said C.D. for the sum of for [here state shortly the amount sought to be recovered
 and nature of the suit or cause of action; if the amount originally due has been reduced
 by payment or admitted set-off or by abandonment of excess the same must be stated and
 15 particulars given], and that I am informed and verily believe that the said C.D. now
 resides at and that the same is distant about miles from this Court.
 (Signed) A.B.
 Sworn at in the Colony of New South Wales this day of
 one thousand eight hundred and before me, G.H., a Judge of District Courts,
 20 &c., in the Colony of New South Wales [or a Commissioner for taking affidavits in the
 Supreme Court of the Colony of New South Wales, or Justice of the Peace of the Colony
 of New South Wales, or a Registrar or Deputy-Registrar of the District Court at
 in the Colony of New South Wales.]

SECOND SCHEDULE.

COLONY OF NEW SOUTH WALES.

25 In the District Court at No. of plaint
 Between A.B., plaintiff,
 and
 C.D., defendant.
 30 I, A.B., of [address and description] make oath and say as follows :—
 That on the day of one thousand eight hundred
 judgment in the District Court at in a certain cause [No. of plaint]
 wherein I am plaintiff and C.D. is defendant was recovered by me in respect of a cause
 of action which arose within the Colony of New South Wales for a debt [or liquidated
 35 demand in money] not exceeding the sum of two hundred pounds, to wit the sum of
 including costs of suit against the said C.D., that such judgment was obtained in
 an action for [here state cause of action and give particulars; also if the amount originally
 due was reduced before action by payment, admitted set-off, or abandonment of excess, so
 state and give particulars], and that the time for appealing against such judgment has
 40 expired, and that no appeal is pending, and that such judgment is still in force and
 unsatisfied [or that such judgment has been satisfied in part by the payment of the sum of
 of but is still in force and remains unsatisfied to the extent of the sum of
], and that I am informed and verily believe that the said C.D. is resident
 out of the jurisdiction at [address].
 45 Sworn at in the Colony of New South Wales this day of
 one thousand eight hundred before me, G.H., a Judge of District Courts,
 &c., in the Colony of New South Wales [or Commissioner for taking affidavits in the
 Supreme Court of the Colony of New South Wales, or Justice of the Peace of the Colony
 of New South Wales, or a Registrar or Deputy-Registrar of the District Court at
 50 in the Colony of New South Wales.]

THIRD SCHEDULE.

COLONY OF NEW SOUTH WALES.

In the District Court at No. of plaint
 Between A.B. plaintiff,
 55 and
 C.D. defendant.
 I, A.B., of [address and description] the abovenamed plaintiff do hereby
 require you to give a certificate of judgment in the above action and to forward the same
 to the clerk of the Local Court of [or at] in the Colony of
 60 (Signed) A.B.
 To the registrar of the District Court at

FOURTH

FOURTH SCHEDULE.

COLONY OF NEW SOUTH WALES.

Certificate of Judgment.

In the District Court of _____ No. of plaint 5
 Between A.B. plaintiff, _____
 and _____ (Seal)
 C.D. defendant.

I, W.J., the registrar of the District Court at _____ in the Colony of New South Wales and the person having the lawful custody of all records, books, process, and other proceedings, and of the seal of the said Court, do hereby certify that A.B. of [address and description] did in the said District Court do _____ on the _____ day of _____ one thousand eight hundred and _____ recover judgment against the said C.D. now of _____ out of the jurisdiction in respect of a cause of action which arose within the Colony of New South Wales for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, to wit the sum of _____ including costs of suit, that such judgment was obtained in an action for [here state cause of action and give particulars; also if the amount originally due was reduced before action by payment, admitted set-off, or abandonment of excess, so state and give particulars], and that the time for appealing against such judgment has expired and that no appeal is pending, and that such judgment is still unsatisfied and in full force [or that such judgment 20 has been satisfied in part by the payment of the sum of _____ but is still in force and unsatisfied to the extent of the sum of _____].

Given under my hand and the seal of the District Court at _____ this _____ day of _____ 18 . _____ 25
 (L.S.) W.J.,
 Registrar of the said District Court at _____

To the clerk of the Local Court of [or at] _____
 in the Colony of _____

FIFTH SCHEDULE.

I, E.F., the clerk of the Local Court of [or at] _____ in the Colony of _____ 30
 and the person having the lawful custody of all records, books, process, and other proceedings, and of the seal of the said Court, do hereby certify that the judgment mentioned in the certificate of judgment dated the _____ day of _____ one thousand eight hundred and _____ of W.J. the registrar of the District Court at _____ in the Colony of New South Wales, and the seal of the said Court in a certain action in the 35 said District Court at _____ in the said Colony of New South Wales, wherein A.B. is plaintiff and C.D. is defendant, has been wholly paid and satisfied [or has been satisfied to the extent of the sum of _____].

Given under my hand and the seal of the Local Court of _____ in the province _____ of _____ this _____ day of _____ 18 . _____ 40
 (L.S.) E.F.,
 Clerk of the said Local Court of [or at] _____

To the registrar of the District Court at _____
 in the Colony of New South Wales.

SIXTH SCHEDULE.

Certificate of Judgment.

In the Local Court of _____ No. of plaint 45
 Between A.B. plaintiff, _____
 and _____ (Seal)
 C.D. defendant. 50

I, E.F., the clerk of the Local Court of [or at] _____ in the Colony of _____ and the person having the lawful custody of all records, books, process, and other proceedings, and of the seal of the said Court, do hereby certify that A.B. of [address and description] did in the said Local Court of [or at] _____ on the _____ day of _____ one thousand eight hundred and _____ recover judgment against the said C.D. of _____ 55 in the Colony of New South Wales in respect of a cause of action which arose within the Colony of _____ for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, to wit the sum of _____ including costs of suit, that such judgment was obtained in an action for [cause of action to be stated and particulars given; also if amount originally due was reduced before action by payment, admitted set-off, or 60 abandonment of excess, the same should be stated and particulars given], and that the time for appealing against such judgment has expired and that no appeal is pending, and that such judgment is still unsatisfied and in full force [or that such judgment has been satisfied in part by the payment of the sum of _____ but is still in force and unsatisfied to the extent of the sum of _____]. 65

Given under my hand and the seal of the Local Court of [or at] _____ this _____ day of _____ 18 . _____ (L.S.) E.F.,
 Clerk of the said Local Court of [or at] _____

To the registrar of the District Court at _____
 in the Colony of New South Wales. 70

SEVENTH

SEVENTH SCHEDULE.

In the District Court at

(Seal)

To C.D. of [address and description]

I, W.J., the registrar of the District Court at do hereby give you notice
 5 that a judgment has been obtained against you by A.B. of [address and description]
 in respect of a cause of action which arose within the Colony of for
 a debt or liquidated demand in money not exceeding the sum of two hundred and fifty
 pounds, to wit the sum of including costs of suit in the Local Court of [or at]
 , that such judgment was obtained in an action for [here state cause of action
 10 and give particulars; also if the amount originally due was reduced by payment, admitted
 set-off, or abandonment of excess, so state and give particulars], and that the time for
 appealing against such judgment has expired and that no appeal is pending, and that
 such judgment is still unsatisfied and in full force [or that such judgment has been
 satisfied in part by the payment of the sum of but is unsatisfied to the
 15 extent of the sum of].

Given under my hand and the seal of the District Court at this
 day of 18 .

W.J.,
 Registrar of the said District Court at

EIGHTH SCHEDULE.

20

In the District Court at

(Seal)

I, W.J., the registrar of the District Court at in the Colony of New
 South Wales, and the person having the lawful custody of all records, books, process,
 and other proceedings, and of the seal of the said Court, do hereby certify that the
 25 judgment mentioned in the certificate of judgment dated the day of
 one thousand eight hundred and under the hand of E.F., the clerk of the
 Local Court of [or at] in the Colony of and the seal of the said
 Court in a certain action in the said Local Court of [or at] wherein A.B. is
 plaintiff and C.D. is defendant, has been wholly paid and satisfied [or has been satisfied
 30 to the extent of the sum of].

Given under my hand and the seal of the District Court at in the Colony
 of New South Wales this day of 18 .

(L.S.) W.J.,
 Registrar of the District Court at

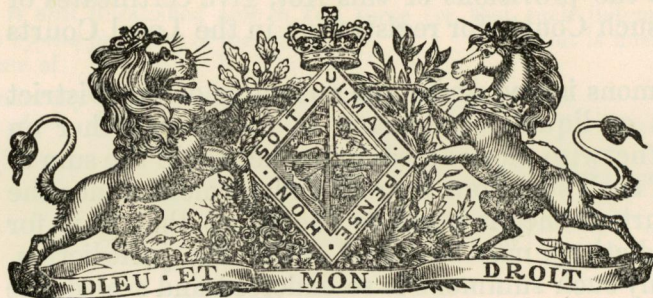
35 To the clerk of the Local Court of [or at]
 in the Colony of

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber,
Sydney, April, 1889. }

Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. .

An Act to facilitate the Recovery of Judgments against Debtors who have removed into adjacent Colonies, and the enforcement of Judgments obtained in such Colonies against Debtors who have removed therefrom into New South Wales.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows (that is to say) :—

5 1. In this Act, which may be cited as the "Intercolonial Debts Act, 1889," and which shall be read with the District Courts Acts the expression—

Short title, &c.
Interpretation.

"Clerk" means clerk, registrar, or other proper officer of the Court in connection with which the term is used,—

10 "Colony" means any Colony or Province in Australia or in Tasmania or New Zealand,—

"District Courts Acts" means the "District Courts Act of 1858" together with every Act amending that Act,—

15 "Local Court" includes District Court and any inferior Court being a Court of record, and having jurisdiction, in actions of debt or for a liquidated sum, to the amount of two hundred pounds.

Intercolonial Debts.

2. If in any Colony there be any law in force by which effect may be given by the Local Courts thereof to the judgments of the District Courts of New South Wales, the Governor, with advice of the Executive Council, may, by proclamation, declare that the provisions of this Act shall apply to the judgments of the Local Courts of such Colony, and that process issuing out of such Local Courts may be served in New South Wales, and that certificates of judgments obtained in District Courts in New South Wales may, at the request of the judgment creditors, be forwarded to such Colony; and thereupon the provisions of this Act shall so apply, and the registrars of District Courts shall, subject to the provisions of this Act, give certificates of judgments obtained in such Courts for registration in the Local Courts of such Colony.

Governor may apply Act to any Australasian Colony in which a similar Act is in force.

3. (I) Any summons issued under the authority of the District Courts Acts for a debt or liquidated demand in money, whether on balance of account or otherwise, not exceeding in the whole the sum of two hundred pounds (if such summons bear an endorsement under the seal of the District Court whence it issues to the effect that it is for service out of the jurisdiction), may be served out of the jurisdiction.

District Court summons may be served out of jurisdiction.

(II) Before any such summons is so endorsed and sealed, the plaintiff, or some person on his behalf, shall file an affidavit, in the form in the First Schedule hereto or to the like effect, stating that the defendant is resident out of the jurisdiction, and that the plaintiff has a good cause of action which arose within the jurisdiction, and the nature of the same and the amount sought to be recovered.

Affidavit to be filed.

First Schedule.

(III) Such affidavit shall also state that the claim is for a debt or a liquidated demand in money not exceeding in the whole the sum of two hundred pounds, or that if it originally exceeded that sum it has been reduced, by payment or admitted set-off or by abandonment of excess, to a sum not exceeding two hundred pounds, and shall set forth what is believed to be the defendant's then place of residence and the distance in miles (approximately) of such place of residence from the Court in which such summons is issued.

(IV) Proof shall also be given to the satisfaction of the Judge of the District Court whence such summons issues, or to the satisfaction of a Stipendiary or Police Magistrate acting for the District in which such District Court is holden, or should there be no such Magistrate to the satisfaction of a Justice of the Peace for the Colony of New South Wales that, *prima facie*, a good cause of action exists, and that apparently justice will be done by allowing the summons to be so endorsed and sealed and the plaintiff to proceed under this Act.

4. Every such summons shall be served personally, and proof of such service shall be made by affidavit before any Justice of the Peace of the Colony in which such summons was served, or before a commissioner for taking affidavits in the Supreme Court of New South Wales resident in such Colony; but if it be made to appear to the Judge of the District Court whence any such summons issued, that reasonable efforts were made to effect personal service thereof upon the defendant, and that it came to such defendant's knowledge, and that he wilfully neglects to appear to such summons, or if it be made to appear to such Judge that the defendant has removed, or is living, out of the jurisdiction in order to defeat or delay his creditors or deprive the plaintiff of the relief to which he is entitled, such Judge may, on the application of the plaintiff, order that personal service may be dispensed with, and that the plaintiff shall be at liberty to proceed in the action in such manner and subject to such conditions as to such Judge may seem fit, although the summons has not been served personally upon the defendant, and thereupon the plaintiff may proceed in the action against such defendant accordingly.

Service and proof of summons.

Intercolonial Debts.

5. Where the defendant resides within twenty miles of the District Court at which any summons issued for service out of the jurisdiction is returnable, such summons shall be issued six clear days, and served four clear days at least, before the return day thereof; where he resides beyond twenty and within fifty miles of such Court, such summons shall be issued eight clear days, and served six clear days at least, before the return day thereof; and where he resides beyond fifty miles from such Court, the respective periods to elapse between the issue and the service of the summons and the return day thereof shall be fixed by the Judge of such Court or Stipendiary or Police Magistrate or Justice as aforesaid after the affidavit aforesaid has been filed and before the issue of the summons, and in fixing such periods regard shall be had to the distance of the place of residence of the defendant from such Court.
6. (I) Any person who obtains a judgment in any action in any District Court may file with the Registrar of such Court an affidavit by himself or some person on his behalf cognizant of the facts. Such affidavit shall be in the form in the Second Schedule hereto or to the like effect, and shall set forth that a judgment has been obtained in such Court in respect of a cause of action which arose within the jurisdiction, for a debt or a liquidated demand in money, and shall specify the nature of the cause of action and the amount recovered, and shall state that the time for appealing has expired and that no appeal is pending, that such judgment is still in full force and remains unsatisfied (or if partly satisfied, to what extent, and the amount or balance remaining due and unsatisfied), and that the person against whom such judgment was recovered is resident out of the jurisdiction.
- (II) Any such person obtaining a judgment as aforesaid may, after such affidavit has been filed, deliver to such registrar a notice, in the form in the Third Schedule hereto or to the like effect, requiring such registrar to prepare a certificate of such judgment and to forward the same as hereinafter provided; and thereupon such registrar shall prepare a certificate of such judgment in the form in the Fourth Schedule hereto or to the like effect, and the same shall be signed by him and shall be authenticated by the seal of such Court. Such certificate shall state that such judgment was obtained in such Court in respect of a cause of action which arose within the jurisdiction for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, and shall specify the nature of the cause of action and the amount recovered, and shall state that the same is in full force and remains unsatisfied (or if partly satisfied the amount or balance remaining due and unsatisfied), and shall be addressed to the clerk of such Local Court of a Colony in which this Act has been proclaimed to be in force as such person may require, and shall be forwarded by the Registrar of the Court giving the same through the post by registered letter addressed to the clerk of such Local Court.
7. The Registrar of any District Court in which a judgment has been obtained and of which judgment a certificate as aforesaid has been given shall (upon receipt of a certificate in the form in the Fifth Schedule hereto or to the like effect under the hand of the clerk of any Local Court of a Colony in which this Act has been proclaimed to be in force and authenticated by the seal of such Court stating that such judgment has been satisfied either wholly or in part) enter up satisfaction in the register of such District Court to the amount mentioned in such last-mentioned certificate.
8. (I) The Registrar of any District Court shall upon receipt through the post of a registered letter containing a certificate (in the form in the Sixth Schedule hereto or to the like effect addressed to him as such registrar under the hand of the clerk of any Local Court

Issue service and
return of summons.

On affidavit of
judgment certificate
of judgment to be
prepared.
Second Schedule.

Third Schedule.

Fourth Schedule.

Entry of satisfaction.

Fifth Schedule.

Judgment of Local
Court may be entered
up in District Court
of New South Wales.
Sixth Schedule.

of

Intercolonial Debts.

of a Colony in which this Act has been proclaimed to be in force and authenticated by the seal of such Court) of a judgment obtained in such Local Court against any person resident in New South Wales stating that such judgment was obtained in such Local Court in respect
 5 of a cause of action which arose within the jurisdiction thereof for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, and specifying the nature of the cause of action and the amount recovered, and stating that the same is in full force and remains unsatisfied (or if partly satisfied the amount or balance
 10 remaining due and unsatisfied), enter up judgment in the register of such District Court for the amount appearing in such certificate to be due in favour of the person named therein as the judgment creditor and against the person named therein as the judgment debtor.

(II) The registrar of such District Court shall on the receipt
 15 of such certificate forthwith send by post a notice in the form in the Seventh Schedule hereto or to the like effect addressed to the defendant at his address specified in such certificate. Seventh Schedule.

(III) Such judgment shall thereupon be deemed to be a judgment of such District Court, and shall have the same force and
 20 effect as if such judgment had been obtained in such District Court, and the like proceedings may be had and taken upon and under the same accordingly.

(IV) The Supreme Court or a Judge thereof may, on the application of any person against whom judgment has been so entered
 25 up, either set aside such judgment or direct a stay of execution or of proceedings on such judgment; or the Judge of such District Court or a Stipendiary or Police Magistrate acting for the District within which the person against whom judgment has been so entered up resides, or should there be no such Magistrate, a Justice of the Peace for the
 30 Colony of New South Wales may on the application of such person direct a stay of execution, or of proceedings, on such judgment; and on the hearing of any such application such Court, Judge, District Court Judge, Stipendiary or Police Magistrate, or Justice may enter upon the merits of the whole case, but the judgment so entered up
 35 shall be regarded as *prima facie* proof of the plaintiff's case.

(V) The setting aside such judgment or stay of execution or of proceedings may be ordered by such Court, Judge, District Court Judge, Stipendiary or Police Magistrate, or Justice upon such terms
 40 as to giving security or payment of costs, or as to making application to the Local Court in which the judgment was originally made to set aside the same, or otherwise, as to the said Supreme Court Judge, District Court Judge, Stipendiary or Police Magistrate, or Justice may seem fit.

9. On the satisfaction, either wholly or in part, of any judgment
 45 entered up in the register of any District Court under the provisions of the last preceding section, the registrar of such District Court shall forthwith give notice in the form in the Eighth Schedule hereto or to
 50 the like effect of such satisfaction or part satisfaction (as the case may be) to the clerk of the Local Court in which such judgment was originally obtained, and from whom he received the certificate thereof. All moneys received or paid into Court in satisfaction of such judgment shall, after the cost of remitting the same has been deducted therefrom, be remitted to the clerk of such Local Court. Certificate of satisfaction.
Eighth Schedule.

Intercolonial Debts.

SCHEDULES.

FIRST SCHEDULE.

COLONY OF NEW SOUTH WALES.

In the District Court at No. of plaintiff
 5 Between A.B., of [address and description], plaintiff,
 and
 C.D., of [address and description], defendant.

I, A.B., of [address and description], make oath and say as follows:—

That I am informed and verily believe that the said C.D. is resident out of the
 10 jurisdiction, at

That I have a good cause of action which arose within the jurisdiction against the
 said C.D. for the sum of for [here state shortly the amount sought to be recovered
 and nature of the suit or cause of action; if the amount originally due has been reduced
 by payment or admitted set-off or by abandonment of excess the same must be stated and
 15 particulars given], and that I am informed and verily believe that the said C.D. now
 resides at and that the same is distant about miles from this Court.

(Signed) A.B.

Sworn at in the Colony of New South Wales this day of
 one thousand eight hundred and before me, G.H., a District Court Judge,
 20 &c., in the Colony of New South Wales [or a Commissioner for taking affidavits in the
 Supreme Court of the Colony of New South Wales, or Justice of the Peace of the Colony
 of New South Wales, or a Registrar or Deputy-Registrar of the District Court at
 in the Colony of New South Wales.]

SECOND SCHEDULE.

COLONY OF NEW SOUTH WALES.

25 In the District Court at No. of plaintiff
 Between A.B., plaintiff,
 and
 C.D., defendant.

30 I, A.B., of [address and description] make oath and say as follows:—

That on the day of one thousand eight hundred
 judgment in the District Court at in a certain cause [No. of plaintiff]
 wherein I am plaintiff and C.D. is defendant was recovered by me in respect of a cause
 of action which arose within the Colony of New South Wales for a debt [or liquidated
 35 demand in money] not exceeding the sum of two hundred pounds, to wit the sum of

including costs of suit against the said C.D., that such judgment was obtained in
 an action for [here state cause of action and give particulars; also if the amount originally
 due was reduced before action by payment, admitted set-off, or abandonment of excess, so
 state and give particulars], and that the time for appealing against such judgment has
 40 expired, and that no appeal is pending, and that such judgment is still in force and
 unsatisfied [or that such judgment has been satisfied in part by the payment of the sum of
 of but is still in force and remains unsatisfied to the extent of the sum of

], and that I am informed and verily believe that the said C.D. is resident
 out of the jurisdiction at [address].

45 Sworn at in the Colony of New South Wales this day of
 one thousand eight hundred before me, G.H., a District Court Judge,
 &c., in the Colony of New South Wales [or Commissioner for taking affidavits in the
 Supreme Court of the Colony of New South Wales, or Justice of the Peace of the Colony
 of New South Wales, or a Registrar or Deputy-Registrar of the District Court at
 50 in the Colony of New South Wales.

THIRD SCHEDULE.

COLONY OF NEW SOUTH WALES.

In the District Court at No. of plaintiff
 55 Between A.B. plaintiff,
 and
 C.D. defendant.

I, A.B., of [address and description] the abovenamed plaintiff do hereby
 require you to give a certificate of judgment in the above action and to forward the same
 to the clerk of the Local Court of [or at] in the Colony of
 (Signed) A.B.

60 To the registrar of the District Court at

FOURTH

*Intercolonial Debts.*FOURTH SCHEDULE.
COLONY OF NEW SOUTH WALES.
Certificate of Judgment.

In the District Court at No. of plaint

5 Between A.B. plaintiff, (Seal)
and
C.D. defendant.

I, W.J., the registrar of the District Court at in the Colony of New
South Wales and the person having the lawful custody of all records, books, process, and
10 other proceedings, and of the seal of the said Court, do hereby certify that A.B. of
[*address and description*] did in the said District Court at on the day of
one thousand eight hundred and recover judgment against the said
C.D. now of out of the jurisdiction in respect of a cause of action which
15 arose within the Colony of New South Wales for a debt or liquidated demand in money
not exceeding the sum of two hundred pounds, to wit the sum of including costs
of suit, that such judgment was obtained in an action for [*here state cause of action and*
give particulars; also if the amount originally due was reduced before action by payment,
20 *admitted set-off, or abandonment of excess, so state and give particulars*], and that the
time for appealing against such judgment has expired and that no appeal is pending,
and that such judgment is still unsatisfied and in full force [*or that such judgment*
has been satisfied in part by the payment of the sum of but is still in force and
unsatisfied to the extent of the sum of].

Given under my hand and the seal of the District Court at this
day of 18 .

25 W.J.,
(L.S.) Registrar of the said District Court at
To the clerk of the Local Court of [*or at*]
in the Colony of

FIFTH SCHEDULE.

30 I, E.F., the clerk of the Local Court of [*or at*] in the Colony of
and the person having the lawful custody of all records, books, process, and other pro-
ceedings, and of the seal of the said Court, do hereby certify that the judgment mentioned
in the certificate of judgment dated the day of one thousand eight
hundred and given under the hand of W.J. the registrar of the District Court
35 at in the Colony of New South Wales, and the seal of the said Court in a
certain action in the said District Court at in the said Colony of New South
Wales, wherein A.B. is plaintiff and C.D. is defendant, has been wholly paid and
satisfied [*or has been satisfied to the extent of the sum of*].

40 Given under my hand and the seal of the Local Court of [*or at*] in the
Colony of this day of 18 .

(L.S.) E.F.,
Clerk of the said Local Court of [*or at*]
To the registrar of the District Court at
in the Colony of New South Wales.

SIXTH SCHEDULE.

Certificate of Judgment.

In the Local Court of [*or at*] No. of plaint

45 Between A.B. plaintiff, (Seal)
and
50 C.D. defendant.

I, E.F., the clerk of the Local Court of [*or at*] in the Colony of
and the person having the lawful custody of all records, books, process, and other pro-
ceedings, and of the seal of the said Court, do hereby certify that A.B. of [*address and*
description] did in the said Local Court of [*or at*] on the day of one
55 thousand eight hundred and recover judgment against the said C.D. of
in the Colony of New South Wales in respect of a cause of action which arose within the
Colony of for a debt or liquidated demand in money not exceeding the sum
of two hundred pounds, to wit the sum of including costs of suit, that such
judgment was obtained in an action for [*cause of action to be stated and particulars given;*
60 *also if amount originally due was reduced before action by payment, admitted set-off, or*
abandonment of excess, the same should be stated and particulars given], and that the time
for appealing against such judgment has expired and that no appeal is pending, and
that such judgment is still unsatisfied and in full force [*or that such judgment has been*
satisfied in part by the payment of the sum of but is still in force and
65 unsatisfied to the extent of the sum of].

Given under my hand and the seal of the Local Court of [*or at*] this
day of 18 . (L.S.) E.F.,

Clerk of the said Local Court of [*or at*]
70 To the registrar of the District Court at
in the Colony of New South Wales.

SEVENTH

Intercolonial Debts.

SEVENTH SCHEDULE.

In the District Court at

(Seal)

To C.D. of [address and description]

I, W.J., the registrar of the District Court at do hereby give you notice
 5 that a judgment has been obtained against you by A.B. of [address and description]
 in respect of a cause of action which arose within the Colony of for
 a debt or liquidated demand in money not exceeding the sum of two hundred and fifty
 pounds, to wit the sum of including costs of suit in the Local Court of [or at]
 , that such judgment was obtained in an action for [here state cause of action
 10 and give particulars; also if the amount originally due was reduced by payment, admitted
 set-off, or abandonment of excess, so state and give particulars], and that the time for
 appealing against such judgment has expired and that no appeal is pending, and that
 such judgment is still unsatisfied and in full force [or that such judgment has been
 satisfied in part by the payment of the sum of but is unsatisfied to the
 15 extent of the sum of].

Given under my hand and the seal of the District Court at this
 day of 18 .

W.J.,
 Registrar of the said District Court at

EIGHTH SCHEDULE

20

In the District Court at

(Seal)

I, W.J., the registrar of the District Court at in the Colony of New
 South Wales, and the person having the lawful custody of all records, books, process,
 and other proceedings, and of the seal of the said Court, do hereby certify that the
 25 judgment mentioned in the certificate of judgment dated the day of
 one thousand eight hundred and under the hand of E.F., the clerk of the
 Local Court of [or at] in the Colony of and the seal of the said
 Court in a certain action in the said Local Court of [or at] wherein A.B. is
 plaintiff and C.D. is defendant, has been wholly paid and satisfied [or has been satisfied
 30 to the extent of the sum of].

Given under my hand and the seal of the District Court at in the Colony
 of New South Wales this day of 18 .

(L.S.) W.J.,
 Registrar of the District Court at

35 To the clerk of the Local Court of [or at]
 in the Colony of

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber,
Sydney, April, 1889. }

Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. .

An Act to facilitate the Recovery of Judgments against Debtors who have removed into adjacent Colonies, and the enforcement of Judgments obtained in such Colonies against Debtors who have removed therefrom into New South Wales.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows (that is to say):—

5 1. In this Act, which may be cited as the "Intercolonial Debts Act, 1889," and which shall be read with the District Courts Acts the expression—

Short title, &c.
Interpretation.

"Clerk" means clerk, registrar, or other proper officer of the Court in connection with which the term is used,—

10 "Colony" means any Colony or Province in Australia or in Tasmania or New Zealand,—

"District Courts Acts" means the "District Courts Act of 1858" together with every Act amending that Act,—

15 "Local Court" includes District Court and any inferior Court being a Court of record, and having jurisdiction, in actions of debt or for a liquidated sum, to the amount of two hundred pounds.

c 14—

2.

Intercolonial Debts.

2. If in any Colony there be any law in force by which effect may be given by the Local Courts thereof to the judgments of the District Courts of New South Wales, the Governor, with advice of the Executive Council, may, by proclamation, declare that the provisions of this Act shall apply to the judgments of the Local Courts of such Colony, and that process issuing out of such Local Courts may be served in New South Wales, and that certificates of judgments obtained in District Courts in New South Wales may, at the request of the judgment creditors, be forwarded to such Colony; and thereupon the provisions of this Act shall so apply, and the registrars of District Courts shall, subject to the provisions of this Act, give certificates of judgments obtained in such Courts for registration in the Local Courts of such Colony.

Governor may apply Act to any Australasian Colony in which a similar Act is in force.

3. (I) Any summons issued under the authority of the District Courts Acts for a debt or liquidated demand in money, whether on balance of account or otherwise, not exceeding in the whole the sum of two hundred pounds (if such summons bear an endorsement under the seal of the District Court whence it issues to the effect that it is for service out of the jurisdiction), may be served out of the jurisdiction.

District Court summons may be served out of jurisdiction.

(II) Before any such summons is so endorsed and sealed, the plaintiff, or some person on his behalf, shall file an affidavit, in the form in the First Schedule hereto or to the like effect, stating that the defendant is resident out of the jurisdiction, and that the plaintiff has a good cause of action which arose within the jurisdiction, and the nature of the same and the amount sought to be recovered.

Affidavit to be filed.

First Schedule.

(III) Such affidavit shall also state that the claim is for a debt or a liquidated demand in money not exceeding in the whole the sum of two hundred pounds, or that if it originally exceeded that sum it has been reduced, by payment or admitted set-off or by abandonment of excess, to a sum not exceeding two hundred pounds, and shall set forth what is believed to be the defendant's then place of residence and the distance in miles (approximately) of such place of residence from the Court in which such summons is issued.

(IV) Proof shall also be given to the satisfaction of the Judge of the District Court whence such summons issues, or to the satisfaction of a Stipendiary or Police Magistrate acting for the District in which such District Court is holden, or should there be no such Magistrate to the satisfaction of a Justice of the Peace for the Colony of New South Wales that, *prima facie*, a good cause of action exists, and that apparently justice will be done by allowing the summons to be so endorsed and sealed and the plaintiff to proceed under this Act.

4. Every such summons shall be served personally, and proof of such service shall be made by affidavit before any Justice of the Peace of the Colony in which such summons was served, or before a commissioner for taking affidavits in the Supreme Court of New South Wales resident in such Colony; but if it be made to appear to the Judge of the District Court whence any such summons issued, that reasonable efforts were made to effect personal service thereof upon the defendant, and that it came to such defendant's knowledge, and that he wilfully neglects to appear to such summons, or if it be made to appear to such Judge that the defendant has removed, or is living, out of the jurisdiction in order to defeat or delay his creditors or deprive the plaintiff of the relief to which he is entitled, such Judge may, on the application of the plaintiff, order that personal service may be dispensed with, and that the plaintiff shall be at liberty to proceed in the action in such manner and subject to such conditions as to such Judge may seem fit, although the summons has not been served personally upon the defendant, and thereupon the plaintiff may proceed in the action against such defendant accordingly.

Service and proof of summons.

Intercolonial Debts.

5. Where the defendant resides within twenty miles of the District Court at which any summons issued for service out of the jurisdiction is returnable, such summons shall be issued six clear days, and served four clear days at least, before the return day thereof; where he resides beyond twenty and within fifty miles of such Court, such summons shall be issued eight clear days, and served six clear days at least, before the return day thereof; and where he resides beyond fifty miles from such Court, the respective periods to elapse between the issue and the service of the summons and the return day thereof shall be fixed by the Judge of such Court or Stipendiary or Police Magistrate or Justice as aforesaid after the affidavit aforesaid has been filed and before the issue of the summons, and in fixing such periods regard shall be had to the distance of the place of residence of the defendant from such Court.
6. (i) Any person who obtains a judgment in any action in any District Court may file with the Registrar of such Court an affidavit by himself or some person on his behalf cognizant of the facts. Such affidavit shall be in the form in the Second Schedule hereto or to the like effect, and shall set forth that a judgment has been obtained in such Court in respect of a cause of action which arose within the jurisdiction, for a debt or a liquidated demand in money, and shall specify the nature of the cause of action and the amount recovered, and shall state that the time for appealing has expired and that no appeal is pending, that such judgment is still in full force and remains unsatisfied (or if partly satisfied, to what extent, and the amount or balance remaining due and unsatisfied), and that the person against whom such judgment was recovered is resident out of the jurisdiction.
- (ii) Any such person obtaining a judgment as aforesaid may, after such affidavit has been filed, deliver to such registrar a notice, in the form in the Third Schedule hereto or to the like effect, requiring such registrar to prepare a certificate of such judgment and to forward the same as hereinafter provided; and thereupon such registrar shall prepare a certificate of such judgment in the form in the Fourth Schedule hereto or to the like effect, and the same shall be signed by him and shall be authenticated by the seal of such Court. Such certificate shall state that such judgment was obtained in such Court in respect of a cause of action which arose within the jurisdiction for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, and shall specify the nature of the cause of action and the amount recovered, and shall state that the same is in full force and remains unsatisfied (or if partly satisfied the amount or balance remaining due and unsatisfied), and shall be addressed to the clerk of such Local Court of a Colony in which this Act has been proclaimed to be in force as such person may require, and shall be forwarded by the Registrar of the Court giving the same through the post by registered letter addressed to the clerk of such Local Court.
7. The Registrar of any District Court in which a judgment has been obtained and of which judgment a certificate as aforesaid has been given shall (upon receipt of a certificate in the form in the Fifth Schedule hereto or to the like effect under the hand of the clerk of any Local Court of a Colony in which this Act has been proclaimed to be in force and authenticated by the seal of such Court stating that such judgment has been satisfied either wholly or in part) enter up satisfaction in the register of such District Court to the amount mentioned in such last-mentioned certificate.
8. (i) The Registrar of any District Court shall upon receipt through the post of a registered letter containing a certificate (in the form in the Sixth Schedule hereto or to the like effect addressed to him as such registrar under the hand of the clerk of any Local Court

Issue service and
return of summons.

On affidavit of
judgment certificate
of judgment to be
prepared.
Second Schedule.

Third Schedule.

Fourth Schedule.

Entry of satisfaction.

Fifth Schedule.

Judgment of Local
Court may be entered
up in District Court
of New South Wales.
Sixth Schedule.

of

Intercolonial Debts.

of a Colony in which this Act has been proclaimed to be in force and authenticated by the seal of such Court) of a judgment obtained in such Local Court against any person resident in New South Wales stating that such judgment was obtained in such Local Court in respect
 5 of a cause of action which arose within the jurisdiction thereof for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, and specifying the nature of the cause of action and the amount recovered, and stating that the same is in full force and remains unsatisfied (or if partly satisfied the amount or balance
 10 remaining due and unsatisfied), enter up judgment in the register of such District Court for the amount appearing in such certificate to be due in favour of the person named therein as the judgment creditor and against the person named therein as the judgment debtor.

(II) The registrar of such District Court shall on the receipt
 15 of such certificate forthwith send by post a notice in the form in the Seventh Schedule hereto or to the like effect addressed to the defendant at his address specified in such certificate. Seventh Schedule.

(III) Such judgment shall thereupon be deemed to be a judgment of such District Court, and shall have the same force and
 20 effect as if such judgment had been obtained in such District Court, and the like proceedings may be had and taken upon and under the same accordingly.

(IV) The Supreme Court or a Judge thereof may, on the application of any person against whom judgment has been so entered
 25 up, either set aside such judgment or direct a stay of execution or of proceedings on such judgment; or the Judge of such District Court or a Stipendiary or Police Magistrate acting for the District within which the person against whom judgment has been so entered up resides, or should there be no such Magistrate, a Justice of the Peace for the
 30 Colony of New South Wales may on the application of such person direct a stay of execution, or of proceedings, on such judgment; and on the hearing of any such application such Court, Judge, District Court Judge, Stipendiary or Police Magistrate, or Justice may enter upon the merits of the whole case, but the judgment so entered up
 35 shall be regarded as *prima facie* proof of the plaintiff's case.

(V) The setting aside such judgment or stay of execution or of proceedings may be ordered by such Court, Judge, District Court Judge, Stipendiary or Police Magistrate, or Justice upon such terms
 40 as to giving security or payment of costs, or as to making application to the Local Court in which the judgment was originally made to set aside the same, or otherwise, as to the said Supreme Court Judge, District Court Judge, Stipendiary or Police Magistrate, or Justice may seem fit.

9. On the satisfaction, either wholly or in part, of any judgment
 45 entered up in the register of any District Court under the provisions of the last preceding section, the registrar of such District Court shall forthwith give notice in the form in the Eighth Schedule hereto or to
 50 the like effect of such satisfaction or part satisfaction (as the case may be) to the clerk of the Local Court in which such judgment was originally obtained, and from whom he received the certificate thereof. All moneys received or paid into Court in satisfaction of such judgment shall, after the cost of remitting the same has been deducted therefrom, be remitted to the clerk of such Local Court. Certificate of satisfaction.
Eighth Schedule.

Intercolonial Debts.

SCHEDULES.

FIRST SCHEDULE.

COLONY OF NEW SOUTH WALES.

5 In the District Court at No. of plaintiff
Between A.B., of [address and description], plaintiff,
and
C.D., of [address and description], defendant.

I, A.B., of [address and description], make oath and say as follows:—

10 That I am informed and verily believe that the said C.D. is resident out of the jurisdiction, at

That I have a good cause of action which arose within the jurisdiction against the said C.D. for the sum of for [here state shortly the amount sought to be recovered and nature of the suit or cause of action; if the amount originally due has been reduced by payment or admitted set-off or by abandonment of excess the same must be stated and 15 particulars given], and that I am informed and verily believe that the said C.D. now resides at and that the same is distant about miles from this Court.

(Signed) A.B.

Sworn at in the Colony of New South Wales this day of
one thousand eight hundred and before me, G.H., a District Court Judge,
20 &c., in the Colony of New South Wales [or a Commissioner for taking affidavits in the Supreme Court of the Colony of New South Wales, or Justice of the Peace of the Colony of New South Wales, or a Registrar or Deputy-Registrar of the District Court at in the Colony of New South Wales.]

SECOND SCHEDULE.

COLONY OF NEW SOUTH WALES.

25 In the District Court at No. of plaintiff
Between A.B., plaintiff,
and
C.D., defendant.

30 I, A.B., of [address and description] make oath and say as follows:—

That on the day of one thousand eight hundred judgment in the District Court at in a certain cause [No. of plaintiff] wherein I am plaintiff and C.D. is defendant was recovered by me in respect of a cause of action which arose within the Colony of New South Wales for a debt [or liquidated 35 demand in money] not exceeding the sum of two hundred pounds, to wit the sum of including costs of suit against the said C.D., that such judgment was obtained in an action for [here state cause of action and give particulars; also if the amount originally due was reduced before action by payment, admitted set-off, or abandonment of excess, so state and give particulars], and that the time for appealing against such judgment has 40 expired, and that no appeal is pending, and that such judgment is still in force and unsatisfied [or that such judgment has been satisfied in part by the payment of the sum of but is still in force and remains unsatisfied to the extent of the sum of], and that I am informed and verily believe that the said C.D. is resident out of the jurisdiction at [address].

45 Sworn at in the Colony of New South Wales this day of
one thousand eight hundred before me, G.H., a District Court Judge,
&c., in the Colony of New South Wales [or Commissioner for taking affidavits in the Supreme Court of the Colony of New South Wales, or Justice of the Peace of the Colony of New South Wales, or a Registrar or Deputy-Registrar of the District Court at
50 in the Colony of New South Wales.]

THIRD SCHEDULE.

COLONY OF NEW SOUTH WALES.

In the District Court at No. of plaintiff
55 Between A.B. plaintiff,
and
C.D. defendant.

I, A.B., of [address and description] the abovenamed plaintiff do hereby require you to give a certificate of judgment in the above action and to forward the same to the clerk of the Local Court of [or at] in the Colony of

60 To the registrar of the District Court at (Signed) A.B.

FOURTH

*Intercolonial Debts.*FOURTH SCHEDULE.
COLONY OF NEW SOUTH WALES.
Certificate of Judgment.

In the District Court at No. of plaintiff
 5 Between A.B. plaintiff,
 and (Seal)
 C.D. defendant.

I, W.J., the registrar of the District Court at in the Colony of New
 South Wales and the person having the lawful custody of all records, books, process, and
 10 other proceedings, and of the seal of the said Court, do hereby certify that A.B. of
 [address and description] did in the said District Court at on the day of
 one thousand eight hundred and recover judgment against the said
 C.D. now of out of the jurisdiction in respect of a cause of action which
 15 arose within the Colony of New South Wales for a debt or liquidated demand in money
 not exceeding the sum of two hundred pounds, to wit the sum of including costs
 of suit, that such judgment was obtained in an action for [here state cause of action and
 give particulars; also if the amount originally due was reduced before action by payment,
 admitted set-off, or abandonment of excess, so state and give particulars], and that the
 20 time for appealing against such judgment has expired and that no appeal is pending,
 and that such judgment is still unsatisfied and in full force [or that such judgment
 has been satisfied in part by the payment of the sum of but is still in force and
 unsatisfied to the extent of the sum of].

Given under my hand and the seal of the District Court at this
 day of 18 .

25 W.J.,
 (L.s.) Registrar of the said District Court at
 To the clerk of the Local Court of [or at]
 in the Colony of

FIFTH SCHEDULE.

30 I, E.F., the clerk of the Local Court of [or at] in the Colony of
 and the person having the lawful custody of all records, books, process, and other pro-
 ceedings, and of the seal of the said Court, do hereby certify that the judgment mentioned
 in the certificate of judgment dated the day of one thousand eight
 hundred and given under the hand of W.J. the registrar of the District Court
 35 at in the Colony of New South Wales, and the seal of the said Court in a
 certain action in the said District Court at in the said Colony of New South
 Wales, wherein A.B. is plaintiff and C.D. is defendant, has been wholly paid and
 satisfied [or has been satisfied to the extent of the sum of].

40 Given under my hand and the seal of the Local Court of [or at] in the
 Colony of this day of 18 .

(L.s.) E.F.,
 Clerk of the said Local Court of [or at]

To the registrar of the District Court at
 in the Colony of New South Wales.

SIXTH SCHEDULE.

45 *Certificate of Judgment.*
 In the Local Court of [or at] No. of plaintiff
 Between A.B. plaintiff,
 and (Seal)
 50 C.D. defendant.

I, E.F., the clerk of the Local Court of [or at] in the Colony of
 and the person having the lawful custody of all records, books, process, and other pro-
 ceedings, and of the seal of the said Court, do hereby certify that A.B. of [address and
 description] did in the said Local Court of [or at] on the day of one
 55 thousand eight hundred and recover judgment against the said C.D. of
 in the Colony of New South Wales in respect of a cause of action which arose within the
 Colony of for a debt or liquidated demand in money not exceeding the sum
 of two hundred pounds, to wit the sum of including costs of suit, that such
 judgment was obtained in an action for [cause of action to be stated and particulars given;
 60 also if amount originally due was reduced before action by payment, admitted set-off, or
 abandonment of excess, the same should be stated and particulars given], and that the time
 for appealing against such judgment has expired and that no appeal is pending, and
 that such judgment is still unsatisfied and in full force [or that such judgment has been
 satisfied in part by the payment of the sum of but is still in force and
 65 unsatisfied to the extent of the sum of].

Given under my hand and the seal of the Local Court of [or at] this
 day of 18 . (L.s.) E.F.,
 Clerk of the said Local Court of [or at]

To the registrar of the District Court at
 70 in the Colony of New South Wales.

SEVENTH

Intercolonial Debts.

SEVENTH SCHEDULE.

In the District Court at

(Seal)

To C.D. of [address and description]

I, W.J., the registrar of the District Court at do hereby give you notice
 5 that a judgment has been obtained against you by A.B. of [address and description]
 in respect of a cause of action which arose within the Colony of for
 a debt or liquidated demand in money not exceeding the sum of two hundred and fifty
 pounds, to wit the sum of including costs of suit in the Local Court of [or at]
 , that such judgment was obtained in an action for [here state cause of action
 10 and give particulars; also if the amount originally due was reduced by payment, admitted
 set-off, or abandonment of excess, so state and give particulars], and that the time for
 appealing against such judgment has expired and that no appeal is pending, and that
 such judgment is still unsatisfied and in full force [or that such judgment has been
 satisfied in part by the payment of the sum of but is unsatisfied to the
 15 extent of the sum of].

Given under my hand and the seal of the District Court at this
 day of 18 .

W.J.,
 Registrar of the said District Court at

EIGHTH SCHEDULE

20

In the District Court at

(Seal)

I, W.J., the registrar of the District Court at in the Colony of New
 South Wales, and the person having the lawful custody of all records, books, process,
 and other proceedings, and of the seal of the said Court, do hereby certify that the
 25 judgment mentioned in the certificate of judgment dated the day of
 one thousand eight hundred and under the hand of E.F., the clerk of the
 Local Court of [or at] in the Colony of and the seal of the said
 Court in a certain action in the said Local Court of [or at] wherein A.B. is
 plaintiff and C.D. is defendant, has been wholly paid and satisfied [or has been satisfied
 30 to the extent of the sum of].

Given under my hand and the seal of the District Court at in the Colony
 of New South Wales this day of 18 .

(L.S.) W.J.,
 Registrar of the District Court at

35 To the clerk of the Local Court of [or at]
 in the Colony of

Administrative Justice

SEVENTH SCHEDULE

(20)

In the District Court at
 To C.D. of [Name and Address]
 I, W.L. the Registrar of the District Court at
 do hereby give you notice
 that a judgment has been obtained against you by A.B. of [Name and Address]
 in respect of a cause of action which arose within the County of [Name]
 a debt or liability demand in money not exceeding the sum of two hundred and fifty
 pounds to wit the sum of [Amount]
 that such judgment was obtained in an action for [Name and Address]
 10 and [Name and Address]; also of the amount of [Amount] was retained by payment, instalment
 or otherwise of [Name and Address] and give you notice, and that the time for
 appealing against such judgment has expired and that no appeal is pending and that
 such judgment is still unsatisfied and in full force; and that such judgment has been
 retained in force by the payment of the sum of [Amount]
 15 to the extent of the sum of [Amount]

Given under my hand and the seal of the District Court at [Name and Address]
 this [Day] day of [Month] 18[Year]

W.L.
 Registrar of the said District Court at [Name and Address]

EIGHTH SCHEDULE

(21)

In the District Court at
 I, W.L. the Registrar of the District Court at
 South Wales and the person having the legal custody of all records books, process
 and other proceedings and of the seal of the said Court do hereby certify that the
 22 judgment mentioned in the certificate of judgment dated the [Day] day of [Month]
 one thousand eight hundred and [Year] in the County of [Name] and the fall of the said
 Court in a certain action in the said County of [Name] between [Name and Address] plaintiff
 and [Name and Address] defendant has been fully satisfied in full and retained
 25 to the extent of the sum of [Amount]

Given under my hand and the seal of the District Court at [Name and Address]
 this [Day] day of [Month] 18[Year]

W.L.
 Registrar of the District Court at [Name and Address]

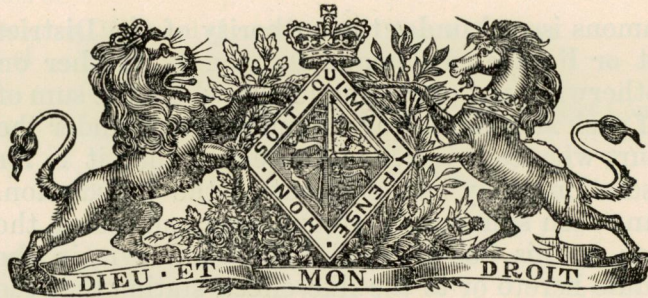
28 To the clerk of the local Court of [Name] in the County of [Name]

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber,
Sydney, 17th April, 1889. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. .

An Act to facilitate the Recovery of Judgments against Debtors who have removed into adjacent Colonies, and the enforcement of Judgments obtained in such Colonies against Debtors who have removed therefrom into New South Wales.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows (that is to say):—

5 1. In this Act, which may be cited as the "Intercolonial Debts Act, 1889," and which shall be read with the District Courts Acts the expression—

Short title, &c.
Interpretation.

10 "Clerk" means clerk, registrar, or other proper officer of the Court in connection with which the term is used,—

"Colony" means any Colony or Province in Australia or in Tasmania or New Zealand,—

"District Courts Acts" means the "District Courts Act of 1858" together with every Act amending that Act,—

15 "Local Court" includes District Court and any inferior Court being a Court of record, and having jurisdiction, in actions of debt or for a liquidated sum, to the amount of two hundred pounds.

Intercolonial Debts.

2. If in any Colony there be any law in force by which effect may be given by the Local Courts thereof to the judgments of the District Courts of New South Wales, the Governor, with the advice of the Executive Council, may, by proclamation, declare that the provisions of this Act shall apply to the judgments of the Local Courts of such Colony, and that process issuing out of such Local Courts may be served in New South Wales, and that certificates of judgments obtained in District Courts in New South Wales may, at the request of the judgment creditors, be forwarded to such Colony; and thereupon the provisions of this Act shall so apply, and the registrars of District Courts shall, subject to the provisions of this Act, give certificates of judgments obtained in such Courts for registration in the Local Courts of such Colony.

Governor may apply Act to any Australasian Colony in which a similar Act is in force.

3. (I) Any summons issued under the authority of the District Courts Acts for a debt or liquidated demand in money, whether on balance of account or otherwise, not exceeding in the whole the sum of two hundred pounds (if such summons bear an endorsement under the seal of the District Court whence it issues to the effect that it is for service out of the jurisdiction), may be served out of the jurisdiction.

District Court summons may be served out of jurisdiction.

(II) Before any such summons is so endorsed and sealed, the plaintiff, or some person on his behalf, shall file an affidavit, in the form in the First Schedule hereto or to the like effect, stating that the defendant is resident out of the jurisdiction, and that the plaintiff has a good cause of action which arose within the jurisdiction, and the nature of the same and the amount sought to be recovered.

Affidavit to be filed.

First Schedule.

(III) Such affidavit shall also state that the claim is for a debt or a liquidated demand in money not exceeding in the whole the sum of two hundred pounds, or that if it originally exceeded that sum it has been reduced, by payment or admitted set-off or by abandonment of excess, to a sum not exceeding two hundred pounds, and shall set forth what is believed to be the defendant's then place of residence and the distance in miles (approximately) of such place of residence from the Court in which such summons is issued.

(IV) Proof shall also be given to the satisfaction of the Judge of the District Court whence such summons issues, or to the satisfaction of a Stipendiary or Police Magistrate acting for the District in which such District Court is holden, or should there be no such Magistrate to the satisfaction of a Justice of the Peace for the Colony of New South Wales that, *prima facie*, a good cause of action exists, and that apparently justice will be done by allowing the summons to be so endorsed and sealed and the plaintiff to proceed under this Act.

4. Every such summons shall be served personally, and proof of such service shall be made by affidavit before any Justice of the Peace of the Colony in which such summons was served, or before a commissioner for taking affidavits in the Supreme Court of New South Wales resident in such Colony; but if it be made to appear to the Judge of the District Court whence any such summons issued, that reasonable efforts were made to effect personal service thereof upon the defendant, and that it came to such defendant's knowledge, and that he wilfully neglects to appear to such summons, or if it be made to appear to such Judge that the defendant has removed, or is living, out of the jurisdiction in order to defeat or delay his creditors or deprive the plaintiff of the relief to which he is entitled, such Judge may, on the application of the plaintiff, order that personal service may be dispensed with, and that the plaintiff shall be at liberty to proceed in the action in such manner and subject to such conditions as to such Judge may seem fit, although the summons has not been served personally upon the defendant, and thereupon the plaintiff may proceed in the action against such defendant accordingly.

Service and proof of summons.

Intercolonial Debts.

5. Where the defendant resides within twenty miles of the District Court at which any summons issued for service out of the jurisdiction is returnable, such summons shall be issued six clear days, and served four clear days at least, before the return day thereof; where he resides beyond twenty and within fifty miles of such Court, such summons shall be issued eight clear days, and served six clear days at least, before the return day thereof; and where he resides beyond fifty miles from such Court, the respective periods to elapse between the issue and the service of the summons and the return day thereof shall be fixed by the Judge of such Court or Stipendiary or Police Magistrate or Justice as aforesaid after the affidavit aforesaid has been filed and before the issue of the summons, and in fixing such periods regard shall be had to the distance of the place of residence of the defendant from such Court.

Issue service and
return of summons.

6. (I) Any person who obtains a judgment in any action in any District Court may file with the Registrar of such Court an affidavit by himself or some person on his behalf cognizant of the facts. Such affidavit shall be in the form in the Second Schedule hereto or to the like effect, and shall set forth that a judgment has been obtained in such Court in respect of a cause of action which arose within the jurisdiction, for a debt or a liquidated demand in money, and shall specify the nature of the cause of action and the amount recovered, and shall state that the time for appealing has expired and that no appeal is pending, that such judgment is still in full force and remains unsatisfied (or if partly satisfied, to what extent, and the amount or balance remaining due and unsatisfied), and that the person against whom such judgment was recovered is resident out of the jurisdiction.

On affidavit of
judgment certificate
of judgment to be
prepared.

Second Schedule.

(II) Any such person obtaining a judgment as aforesaid may, after such affidavit has been filed, deliver to such registrar a notice, in the form in the Third Schedule hereto or to the like effect, requiring such registrar to prepare a certificate of such judgment and to forward the same as hereinafter provided; and thereupon such registrar shall prepare a certificate of such judgment in the form in the Fourth Schedule hereto or to the like effect, and the same shall be signed by him and shall be authenticated by the seal of such Court. Such certificate shall state that such judgment was obtained in such Court in respect of a cause of action which arose within the jurisdiction for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, and shall specify the nature of the cause of action and the amount recovered, and shall state that the same is in full force and remains unsatisfied (or if partly satisfied the amount or balance remaining due and unsatisfied), and shall be addressed to the clerk of such Local Court of a Colony in which this Act has been proclaimed to be in force as such person may require, and shall be forwarded by the Registrar of the Court giving the same through the post by registered letter addressed to the clerk of such Local Court.

Third Schedule.

Fourth Schedule.

7. The Registrar of any District Court in which a judgment has been obtained and of which judgment a certificate as aforesaid has been given shall (upon receipt of a certificate in the form in the Fifth Schedule hereto or to the like effect under the hand of the clerk of any Local Court of a Colony in which this Act has been proclaimed to be in force and authenticated by the seal of such Court stating that such judgment has been satisfied either wholly or in part) enter up satisfaction in the register of such District Court to the amount mentioned in such last-mentioned certificate.

Entry of satisfaction.

Fifth Schedule.

8. (I) The Registrar of any District Court shall upon receipt through the post of a registered letter containing a certificate (in the form in the Sixth Schedule hereto or to the like effect addressed to him as such registrar under the hand of the clerk of any Local Court

Judgment of Local
Court may be entered
up in District Court
of New South Wales.
Sixth Schedule.

of

Intercolonial Debts.

of a Colony in which this Act has been proclaimed to be in force and authenticated by the seal of such Court) of a judgment obtained in such Local Court against any person resident in New South Wales stating that such judgment was obtained in such Local Court in respect
 5 of a cause of action which arose within the jurisdiction thereof for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, and specifying the nature of the cause of action and the amount recovered, and stating that the same is in full force and remains unsatisfied (or if partly satisfied the amount or balance
 10 remaining due and unsatisfied), enter up judgment in the register of such District Court for the amount appearing in such certificate to be due in favour of the person named therein as the judgment creditor and against the person named therein as the judgment debtor.

(II) The registrar of such District Court shall on the receipt
 15 of such certificate forthwith send by post a notice in the form in the Seventh Schedule hereto or to the like effect addressed to the defendant at his address specified in such certificate. Seventh Schedule.

(III) Such judgment shall thereupon be deemed to be a judgment of such District Court, and shall have the same force and
 20 effect as if such judgment had been obtained in such District Court, and the like proceedings may be had and taken upon and under the same accordingly.

(IV) The Supreme Court or a Judge thereof may, on the application of any person against whom judgment has been so entered
 25 up, either set aside such judgment or direct a stay of execution or of proceedings on such judgment; or the Judge of such District Court or a Stipendiary or Police Magistrate acting for the District within which the person against whom judgment has been so entered up resides, or should there be no such Magistrate, a Justice of the Peace for the
 30 Colony of New South Wales may on the application of such person direct a stay of execution, or of proceedings, on such judgment; and on the hearing of any such application such Court, Judge, District Court Judge, Stipendiary or Police Magistrate, or Justice may enter upon the merits of the whole case, but the judgment so entered up
 35 shall be regarded as *prima facie* proof of the plaintiff's case.

(V) The setting aside such judgment or stay of execution or of proceedings may be ordered by such Court, Judge, District Court Judge, Stipendiary or Police Magistrate, or Justice upon such terms
 40 as to giving security or payment of costs, or as to making application to the Local Court in which the judgment was originally made to set aside the same, or otherwise, as to the said Supreme Court Judge, District Court Judge, Stipendiary or Police Magistrate, or Justice may seem fit.

9. On the satisfaction, either wholly or in part, of any judgment
 45 entered up in the register of any District Court under the provisions of the last preceding section, the registrar of such District Court shall forthwith give notice in the form in the Eighth Schedule hereto or to
 50 the like effect of such satisfaction or part satisfaction (as the case may be) to the clerk of the Local Court in which such judgment was originally obtained, and from whom he received the certificate thereof. All moneys received or paid into Court in satisfaction of such judgment shall, after the cost of remitting the same has been deducted therefrom, be remitted to the clerk of such Local Court. Certificate of satisfaction.
Eighth Schedule.

Intercolonial Debts.

SCHEDULES.

FIRST SCHEDULE.

COLONY OF NEW SOUTH WALES.

In the District Court at No. of plaintiff
 5 Between A.B., of [address and description], plaintiff,
 and
 C.D., of [address and description], defendant.

I, A.B., of [address and description], make oath and say as follows:—

10 That I am informed and verily believe that the said C.D. is resident out of the
 jurisdiction, at

That I have a good cause of action which arose within the jurisdiction against the
 said C.D. for the sum of for [here state shortly the amount sought to be recovered
 and nature of the suit or cause of action; if the amount originally due has been reduced
 by payment or admitted set-off or by abandonment of excess the same must be stated and
 15 particulars given], and that I am informed and verily believe that the said C.D. now
 resides at and that the same is distant about miles from this Court.

(Signed) A.B.

Sworn at in the Colony of New South Wales this day of
 one thousand eight hundred and before me, G.H., a District Court Judge,
 20 &c., in the Colony of New South Wales [or a Commissioner for taking affidavits in the
 Supreme Court of the Colony of New South Wales, or Justice of the Peace of the Colony
 of New South Wales, or a Registrar or Deputy-Registrar of the District Court at
 in the Colony of New South Wales.]

SECOND SCHEDULE.

COLONY OF NEW SOUTH WALES.

25 In the District Court at No. of plaintiff
 Between A.B., plaintiff,
 and
 C.D., defendant.

30 I, A.B., of [address and description] make oath and say as follows:—

That on the day of one thousand eight hundred
 judgment in the District Court at in a certain cause [No. of plaintiff]
 wherein I am plaintiff and C.D. is defendant was recovered by me in respect of a cause
 of action which arose within the Colony of New South Wales for a debt [or liquidated
 35 demand in money] not exceeding the sum of two hundred pounds, to wit the sum of
 including costs of suit against the said C.D., that such judgment was obtained in
 an action for [here state cause of action and give particulars; also if the amount originally
 due was reduced before action by payment, admitted set-off, or abandonment of excess, so
 state and give particulars], and that the time for appealing against such judgment has
 40 expired, and that no appeal is pending, and that such judgment is still in force and
 unsatisfied [or that such judgment has been satisfied in part by the payment of the sum of
 but is still in force and remains unsatisfied to the extent of the sum of
], and that I am informed and verily believe that the said C.D. is resident
 out of the jurisdiction at [address].

45 Sworn at in the Colony of New South Wales this day of
 one thousand eight hundred before me, G.H., a District Court Judge,
 &c., in the Colony of New South Wales [or Commissioner for taking affidavits in the
 Supreme Court of the Colony of New South Wales, or Justice of the Peace of the Colony
 of New South Wales, or a Registrar or Deputy-Registrar of the District Court at
 50 in the Colony of New South Wales.

THIRD SCHEDULE.

COLONY OF NEW SOUTH WALES.

In the District Court at No. of plaintiff
 55 Between A.B. plaintiff,
 and
 C.D. defendant.

I, A.B., of [address and description] the abovenamed plaintiff do hereby
 require you to give a certificate of judgment in the above action and to forward the same
 to the clerk of the Local Court of [or at] in the Colony of

60 (Signed) A.B.

To the registrar of the District Court at

FOURTH

*Intercolonial Debts.*FOURTH SCHEDULE.
COLONY OF NEW SOUTH WALES.
Certificate of Judgment.

In the District Court at No. of plaint
 5 Between A.B. plaintiff, (Seal)
 and
 C.D. defendant.
 I, W.J., the registrar of the District Court at in the Colony of New
 South Wales and the person having the lawful custody of all records, books, process, and
 10 other proceedings, and of the seal of the said Court, do hereby certify that A.B. of
 [address and description] did in the said District Court at on the day of
 one thousand eight hundred and recover judgment against the said
 C.D. now of out of the jurisdiction in respect of a cause of action which
 arose within the Colony of New South Wales for a debt or liquidated demand in money
 15 not exceeding the sum of two hundred pounds, to wit the sum of including costs
 of suit, that such judgment was obtained in an action for [here state cause of action and
 give particulars; also if the amount originally due was reduced before action by payment,
 admitted set-off, or abandonment of excess, so state and give particulars], and that the
 20 time for appealing against such judgment has expired and that no appeal is pending,
 and that such judgment is still unsatisfied and in full force [or that such judgment
 has been satisfied in part by the payment of the sum of but is still in force and
 unsatisfied to the extent of the sum of].
 Given under my hand and the seal of the District Court at this
 day of 18 .
 25 W.J.,
 (L.S.) Registrar of the said District Court at
 To the clerk of the Local Court of [or at]
 in the Colony of

FIFTH SCHEDULE.

30 I, E.F., the clerk of the Local Court of [or at] in the Colony of
 and the person having the lawful custody of all records, books, process, and other pro-
 ceedings, and of the seal of the said Court, do hereby certify that the judgment mentioned
 in the certificate of judgment dated the day of one thousand eight
 hundred and given under the hand of W.J. the registrar of the District Court
 35 at in the Colony of New South Wales, and the seal of the said Court in a
 certain action in the said District Court at in the said Colony of New South
 Wales, wherein A.B. is plaintiff and C.D. is defendant, has been wholly paid and
 satisfied [or has been satisfied to the extent of the sum of].
 40 Given under my hand and the seal of the Local Court of [or at] in the
 Colony of this day of 18 .
 (L.S.) E.F.,
 Clerk of the said Local Court of [or at]
 To the registrar of the District Court at
 in the Colony of New South Wales.

SIXTH SCHEDULE.

45 *Certificate of Judgment.*
 In the Local Court of [or at] No. of plaint
 Between A.B. plaintiff,
 and (Seal)
 50 C.D. defendant.
 I, E.F., the clerk of the Local Court of [or at] in the Colony of
 and the person having the lawful custody of all records, books, process, and other pro-
 ceedings, and of the seal of the said Court, do hereby certify that A.B. of [address and
 description] did in the said Local Court of [or at] on the day of one
 55 thousand eight hundred and recover judgment against the said C.D. of
 in the Colony of New South Wales in respect of a cause of action which arose within the
 Colony of for a debt or liquidated demand in money not exceeding the sum
 of two hundred pounds, to wit the sum of including costs of suit, that such
 judgment was obtained in an action for [cause of action to be stated and particulars given ;
 60 also if amount originally due was reduced before action by payment, admitted set-off, or
 abandonment of excess, the same should be stated and particulars given], and that the time
 for appealing against such judgment has expired and that no appeal is pending, and
 that such judgment is still unsatisfied and in full force [or that such judgment has been
 satisfied in part by the payment of the sum of but is still in force and
 65 unsatisfied to the extent of the sum of].
 Given under my hand and the seal of the Local Court of [or at] this
 day of 18 . (L.S.) E.F.,
 Clerk of the said Local Court of [or at]
 To the registrar of the District Court at
 70 in the Colony of New South Wales.

SEVENTH

Intercolonial Debts.

SEVENTH SCHEDULE.

In the District Court at

(Seal)

To C.D. of [address and description]

I, W.J., the registrar of the District Court at do hereby give you notice
 5 that a judgment has been obtained against you by A.B. of [address and description]
 in respect of a cause of action which arose within the Colony of for
 a debt or liquidated demand in money not exceeding the sum of two hundred and fifty
 pounds, to wit the sum of including costs of suit in the Local Court of [or at]
 , that such judgment was obtained in an action for [here state cause of action
 10 and give particulars; also if the amount originally due was reduced by payment, admitted
 set-off, or abandonment of excess, so state and give particulars], and that the time for
 appealing against such judgment has expired and that no appeal is pending, and that
 such judgment is still unsatisfied and in full force [or that such judgment has been
 satisfied in part by the payment of the sum of but is unsatisfied to the
 15 extent of the sum of].

Given under my hand and the seal of the District Court at this
 day of 18 .

W.J.,
 Registrar of the said District Court at

EIGHTH SCHEDULE

20

In the District Court at

(Seal)

I, W.J., the registrar of the District Court at in the Colony of New
 South Wales, and the person having the lawful custody of all records, books, process,
 and other proceedings, and of the seal of the said Court, do hereby certify that the
 25 judgment mentioned in the certificate of judgment dated the day of
 one thousand eight hundred and under the hand of E.F., the clerk of the
 Local Court of [or at] in the Colony of and the seal of the said
 Court in a certain action in the said Local Court of [or at] wherein A.B. is
 plaintiff and C.D. is defendant, has been wholly paid and satisfied [or has been satisfied
 30 to the extent of the sum of].

Given under my hand and the seal of the District Court at in the Colony
 of New South Wales this day of 18 .

(I.S.) W.J.,
 Registrar of the District Court at

35 To the clerk of the Local Court of [or at]
 in the Colony of

[6d.]

1. The first part of the book is devoted to a general survey of the literature of the period. It begins with a chapter on the novel, and then proceeds to a chapter on the drama, and finally to a chapter on the poetry. The author discusses the development of each of these forms of literature, and the influence of the social and political changes of the time on their growth.

2. The second part of the book is devoted to a study of the individual writers of the period. It begins with a chapter on the novelists, and then proceeds to a chapter on the dramatists, and finally to a chapter on the poets. The author discusses the life and work of each of these writers, and the influence of their social and political environment on their writing.

3. The third part of the book is devoted to a study of the literary movements of the period. It begins with a chapter on the Romantic movement, and then proceeds to a chapter on the Victorian movement, and finally to a chapter on the Modernist movement. The author discusses the characteristics of each of these movements, and the influence of their social and political environment on their development.

4. The fourth part of the book is devoted to a study of the literary criticism of the period. It begins with a chapter on the Romantic criticism, and then proceeds to a chapter on the Victorian criticism, and finally to a chapter on the Modernist criticism. The author discusses the characteristics of each of these forms of criticism, and the influence of their social and political environment on their development.

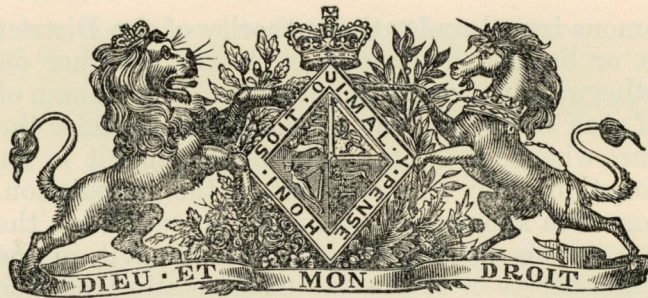
5. The fifth part of the book is devoted to a study of the literary theory of the period. It begins with a chapter on the Romantic theory, and then proceeds to a chapter on the Victorian theory, and finally to a chapter on the Modernist theory. The author discusses the characteristics of each of these forms of theory, and the influence of their social and political environment on their development.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber,
Sydney, 17th April, 1889. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. .

An Act to facilitate the Recovery of Judgments against Debtors who have removed into adjacent Colonies, and the enforcement of Judgments obtained in such Colonies against Debtors who have removed therefrom into New South Wales.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows (that is to say) :—

5 1. In this Act, which may be cited as the "Intercolonial Debts Act, 1889," and which shall be read with the District Courts Acts the expression—

Short title, &c.
Interpretation.

- 10 "Clerk" means clerk, registrar, or other proper officer of the Court in connection with which the term is used,—
- 10 "Colony" means any Colony or Province in Australia or in Tasmania or New Zealand,—
- "District Courts Acts" means the "District Courts Act of 1858" together with every Act amending that Act,—
- 15 "Local Court" includes District Court and any inferior Court being a Court of record, and having jurisdiction, in actions of debt or for a liquidated sum, to the amount of two hundred pounds.

Intercolonial Debts.

2. If in any Colony there be any law in force by which effect may be given by the Local Courts thereof to the judgments of the District Courts of New South Wales, the Governor, with the advice of the Executive Council, may, by proclamation, declare that the provisions of this Act shall apply to the judgments of the Local Courts of such Colony, and that process issuing out of such Local Courts may be served in New South Wales, and that certificates of judgments obtained in District Courts in New South Wales may, at the request of the judgment creditors, be forwarded to such Colony; and thereupon the provisions of this Act shall so apply, and the registrars of District Courts shall, subject to the provisions of this Act, give certificates of judgments obtained in such Courts for registration in the Local Courts of such Colony.

Governor may apply Act to any Australasian Colony in which a similar Act is in force.

3. (I) Any summons issued under the authority of the District Courts Acts for a debt or liquidated demand in money, whether on balance of account or otherwise, not exceeding in the whole the sum of two hundred pounds (if such summons bear an endorsement under the seal of the District Court whence it issues to the effect that it is for service out of the jurisdiction), may be served out of the jurisdiction.

District Court summons may be served out of jurisdiction.

(II) Before any such summons is so endorsed and sealed, the plaintiff, or some person on his behalf, shall file an affidavit, in the form in the First Schedule hereto or to the like effect, stating that the defendant is resident out of the jurisdiction, and that the plaintiff has a good cause of action which arose within the jurisdiction, and the nature of the same and the amount sought to be recovered.

Affidavit to be filed.

First Schedule.

(III) Such affidavit shall also state that the claim is for a debt or a liquidated demand in money not exceeding in the whole the sum of two hundred pounds, or that if it originally exceeded that sum it has been reduced, by payment or admitted set-off or by abandonment of excess, to a sum not exceeding two hundred pounds, and shall set forth what is believed to be the defendant's then place of residence and the distance in miles (approximately) of such place of residence from the Court in which such summons is issued.

(IV) Proof shall also be given to the satisfaction of the Judge of the District Court whence such summons issues, or to the satisfaction of a Stipendiary or Police Magistrate acting for the District in which such District Court is holden, or should there be no such Magistrate to the satisfaction of a Justice of the Peace for the Colony of New South Wales that, *prima facie*, a good cause of action exists, and that apparently justice will be done by allowing the summons to be so endorsed and sealed and the plaintiff to proceed under this Act.

4. Every such summons shall be served personally, and proof of such service shall be made by affidavit before any Justice of the Peace of the Colony in which such summons was served, or before a commissioner for taking affidavits in the Supreme Court of New South Wales resident in such Colony; but if it be made to appear to the Judge of the District Court whence any such summons issued, that reasonable efforts were made to effect personal service thereof upon the defendant, and that it came to such defendant's knowledge, and that he wilfully neglects to appear to such summons, or if it be made to appear to such Judge that the defendant has removed, or is living, out of the jurisdiction in order to defeat or delay his creditors or deprive the plaintiff of the relief to which he is entitled, such Judge may, on the application of the plaintiff, order that personal service may be dispensed with, and that the plaintiff shall be at liberty to proceed in the action in such manner and subject to such conditions as to such Judge may seem fit, although the summons has not been served personally upon the defendant, and thereupon the plaintiff may proceed in the action against such defendant accordingly.

Service and proof of summons.

Intercolonial Debts.

5. Where the defendant resides within twenty miles of the District Court at which any summons issued for service out of the jurisdiction is returnable, such summons shall be issued six clear days, and served four clear days at least, before the return day thereof; where he resides beyond twenty and within fifty miles of such Court, such summons shall be issued eight clear days, and served six clear days at least, before the return day thereof; and where he resides beyond fifty miles from such Court, the respective periods to elapse between the issue and the service of the summons and the return day thereof shall be fixed by the Judge of such Court or Stipendiary or Police Magistrate or Justice as aforesaid after the affidavit aforesaid has been filed and before the issue of the summons, and in fixing such periods regard shall be had to the distance of the place of residence of the defendant from such Court.

Issue service and
return of summons.

6. (i) Any person who obtains a judgment in any action in any District Court may file with the Registrar of such Court an affidavit by himself or some person on his behalf cognizant of the facts. Such affidavit shall be in the form in the Second Schedule hereto or to the like effect, and shall set forth that a judgment has been obtained in such Court in respect of a cause of action which arose within the jurisdiction, for a debt or a liquidated demand in money, and shall specify the nature of the cause of action and the amount recovered, and shall state that the time for appealing has expired and that no appeal is pending, that such judgment is still in full force and remains unsatisfied (or if partly satisfied, to what extent, and the amount or balance remaining due and unsatisfied), and that the person against whom such judgment was recovered is resident out of the jurisdiction.

On affidavit of
judgment certificate
of judgment to be
prepared.

Second Schedule.

(ii) Any such person obtaining a judgment as aforesaid may, after such affidavit has been filed, deliver to such registrar a notice, in the form in the Third Schedule hereto or to the like effect, requiring such registrar to prepare a certificate of such judgment and to forward the same as hereinafter provided; and thereupon such registrar shall prepare a certificate of such judgment in the form in the Fourth Schedule hereto or to the like effect, and the same shall be signed by him and shall be authenticated by the seal of such Court. Such certificate shall state that such judgment was obtained in such Court in respect of a cause of action which arose within the jurisdiction for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, and shall specify the nature of the cause of action and the amount recovered, and shall state that the same is in full force and remains unsatisfied (or if partly satisfied the amount or balance remaining due and unsatisfied), and shall be addressed to the clerk of such Local Court of a Colony in which this Act has been proclaimed to be in force as such person may require, and shall be forwarded by the Registrar of the Court giving the same through the post by registered letter addressed to the clerk of such Local Court.

Third Schedule.

Fourth Schedule.

7. The Registrar of any District Court in which a judgment has been obtained and of which judgment a certificate as aforesaid has been given shall (upon receipt of a certificate in the form in the Fifth Schedule hereto or to the like effect under the hand of the clerk of any Local Court of a Colony in which this Act has been proclaimed to be in force and authenticated by the seal of such Court stating that such judgment has been satisfied either wholly or in part) enter up satisfaction in the register of such District Court to the amount mentioned in such last-mentioned certificate.

Entry of satisfaction.

Fifth Schedule.

8. (i) The Registrar of any District Court shall upon receipt through the post of a registered letter containing a certificate (in the form in the Sixth Schedule hereto or to the like effect addressed to him as such registrar under the hand of the clerk of any Local Court

Judgment of Local
Court may be entered
up in District Court
of New South Wales.
Sixth Schedule.

of

Intercolonial Debts.

of a Colony in which this Act has been proclaimed to be in force and authenticated by the seal of such Court) of a judgment obtained in such Local Court against any person resident in New South Wales stating that such judgment was obtained in such Local Court in respect
 5 of a cause of action which arose within the jurisdiction thereof for a debt or liquidated demand in money not exceeding the sum of two hundred pounds, and specifying the nature of the cause of action and the amount recovered, and stating that the same is in full force and remains unsatisfied (or if partly satisfied the amount or balance
 10 remaining due and unsatisfied), enter up judgment in the register of such District Court for the amount appearing in such certificate to be due in favour of the person named therein as the judgment creditor and against the person named therein as the judgment debtor.

(II) The registrar of such District Court shall on the receipt
 15 of such certificate forthwith send by post a notice in the form in the Seventh Schedule hereto or to the like effect addressed to the defendant at his address specified in such certificate. Seventh Schedule.

(III) Such judgment shall thereupon be deemed to be a judgment of such District Court, and shall have the same force and
 20 effect as if such judgment had been obtained in such District Court, and the like proceedings may be had and taken upon and under the same accordingly.

(IV) The Supreme Court or a Judge thereof may, on the application of any person against whom judgment has been so entered
 25 up, either set aside such judgment or direct a stay of execution or of proceedings on such judgment; or the Judge of such District Court or a Stipendiary or Police Magistrate acting for the District within which the person against whom judgment has been so entered up resides, or should there be no such Magistrate, a Justice of the Peace for the
 30 Colony of New South Wales may on the application of such person direct a stay of execution, or of proceedings, on such judgment; and on the hearing of any such application such Court, Judge, District Court Judge, Stipendiary or Police Magistrate, or Justice may enter upon the merits of the whole case, but the judgment so entered up
 35 shall be regarded as *prima facie* proof of the plaintiff's case.

(V) The setting aside such judgment or stay of execution or of proceedings may be ordered by such Court, Judge, District Court Judge, Stipendiary or Police Magistrate, or Justice upon such terms
 40 as to giving security or payment of costs, or as to making application to the Local Court in which the judgment was originally made to set aside the same, or otherwise, as to the said Supreme Court Judge, District Court Judge, Stipendiary or Police Magistrate, or Justice may seem fit.

9. On the satisfaction, either wholly or in part, of any judgment
 45 entered up in the register of any District Court under the provisions of the last preceding section, the registrar of such District Court shall forthwith give notice in the form in the Eighth Schedule hereto or to
 50 the like effect of such satisfaction or part satisfaction (as the case may be) to the clerk of the Local Court in which such judgment was originally obtained, and from whom he received the certificate thereof. All moneys received or paid into Court in satisfaction of such judgment shall, after the cost of remitting the same has been deducted therefrom, be remitted to the clerk of such Local Court. Certificate of satisfaction.
Eighth Schedule.

Intercolonial Debts.

SCHEDULES.

FIRST SCHEDULE.

COLONY OF NEW SOUTH WALES.

In the District Court at No. of plaint
 5 Between A.B., of [address and description], plaintiff,
 and
 C.D., of [address and description], defendant.

I, A.B., of [address and description], make oath and say as follows :—

10 That I am informed and verily believe that the said C.D. is resident out of the
 jurisdiction, at

That I have a good cause of action which arose within the jurisdiction against the
 said C.D. for the sum of for [here state shortly the amount sought to be recovered
 and nature of the suit or cause of action; if the amount originally due has been reduced
 by payment or admitted set-off or by abandonment of excess the same must be stated and
 15 particulars given], and that I am informed and verily believe that the said C.D. now
 resides at and that the same is distant about miles from this Court.

(Signed) A.B.

Sworn at in the Colony of New South Wales this day of
 one thousand eight hundred and before me, G.H., a District Court Judge,
 20 &c., in the Colony of New South Wales [or a Commissioner for taking affidavits in the
 Supreme Court of the Colony of New South Wales, or Justice of the Peace of the Colony
 of New South Wales, or a Registrar or Deputy-Registrar of the District Court at
 in the Colony of New South Wales.]

SECOND SCHEDULE.

COLONY OF NEW SOUTH WALES.

25 In the District Court at No. of plaint
 Between A.B., plaintiff,
 and
 C.D., defendant.

30 I, A.B., of [address and description] make oath and say as follows :—

That on the day of one thousand eight hundred
 judgment in the District Court at in a certain cause [No. of plaint]
 wherein I am plaintiff and C.D. is defendant was recovered by me in respect of a cause
 of action which arose within the Colony of New South Wales for a debt [or liquidated
 35 demand in money] not exceeding the sum of two hundred pounds, to wit the sum of
 including costs of suit against the said C.D., that such judgment was obtained in
 an action for [here state cause of action and give particulars; also if the amount originally
 due was reduced before action by payment, admitted set-off, or abandonment of excess, so
 state and give particulars], and that the time for appealing against such judgment has
 40 expired, and that no appeal is pending, and that such judgment is still in force and
 unsatisfied [or that such judgment has been satisfied in part by the payment of the sum of
 of but is still in force and remains unsatisfied to the extent of the sum of
], and that I am informed and verily believe that the said C.D. is resident
 out of the jurisdiction at [address].

45 Sworn at in the Colony of New South Wales this day of
 one thousand eight hundred before me, G.H., a District Court Judge,
 &c., in the Colony of New South Wales [or Commissioner for taking affidavits in the
 Supreme Court of the Colony of New South Wales, or Justice of the Peace of the Colony
 of New South Wales, or a Registrar or Deputy-Registrar of the District Court at
 50 in the Colony of New South Wales.

THIRD SCHEDULE.

COLONY OF NEW SOUTH WALES.

In the District Court at No. of plaint
 55 Between A.B. plaintiff,
 and
 C.D. defendant.

I, A.B., of [address and description] the abovenamed plaintiff do hereby
 require you to give a certificate of judgment in the above action and to forward the same
 to the clerk of the Local Court of [or at] in the Colony of

60 To the registrar of the District Court at (Signed) A.B.

FOURTH

Intercolonial Debts.

FOURTH SCHEDULE.

COLONY OF NEW SOUTH WALES.

Certificate of Judgment.

In the District Court at
5 Between A.B. plaintiff,
and
C.D. defendant. No. of plaint
(Seal)

I, W.J., the registrar of the District Court at in the Colony of New
South Wales and the person having the lawful custody of all records, books, process, and
10 other proceedings, and of the seal of the said Court, do hereby certify that A.B. of
[address and description] did in the said District Court at on the day of
one thousand eight hundred and recover judgment against the said
C.D. now of out of the jurisdiction in respect of a cause of action which
15 arose within the Colony of New South Wales for a debt or liquidated demand in money
not exceeding the sum of two hundred pounds, to wit the sum of including costs
of suit, that such judgment was obtained in an action for [here state cause of action and
give particulars; also if the amount originally due was reduced before action by payment,
admitted set-off, or abandonment of excess, so state and give particulars], and that the
20 time for appealing against such judgment has expired and that no appeal is pending,
and that such judgment is still unsatisfied and in full force [or that such judgment
has been satisfied in part by the payment of the sum of but is still in force and
unsatisfied to the extent of the sum of].

Given under my hand and the seal of the District Court at this
day of 18 .

25 W.J.,
(L.S.) Registrar of the said District Court at
To the clerk of the Local Court of [or at]
in the Colony of

FIFTH SCHEDULE.

30 I, E.F., the clerk of the Local Court of [or at] in the Colony of
and the person having the lawful custody of all records, books, process, and other pro-
ceedings, and of the seal of the said Court, do hereby certify that the judgment mentioned
in the certificate of judgment dated the day of one thousand eight
hundred and given under the hand of W.J. the registrar of the District Court
35 at in the Colony of New South Wales, and the seal of the said Court in a
certain action in the said District Court at in the said Colony of New South
Wales, wherein A.B. is plaintiff and C.D. is defendant, has been wholly paid and
satisfied [or has been satisfied to the extent of the sum of].

40 Given under my hand and the seal of the Local Court of [or at] in the
Colony of this day of 18 .

(L.S.) E.F.,
Clerk of the said Local Court of [or at]

To the registrar of the District Court at
in the Colony of New South Wales.

SIXTH SCHEDULE.

Certificate of Judgment.

In the Local Court of [or at] No. of plaint
Between A.B. plaintiff,
and
50 C.D. defendant. (Seal)

I, E.F., the clerk of the Local Court of [or at] in the Colony of
and the person having the lawful custody of all records, books, process, and other pro-
ceedings, and of the seal of the said Court, do hereby certify that A.B. of [address and
55 description] did in the said Local Court of [or at] on the day of one
thousand eight hundred and recover judgment against the said C.D. of
in the Colony of New South Wales in respect of a cause of action which arose within the
Colony of for a debt or liquidated demand in money not exceeding the sum
of two hundred pounds, to wit the sum of including costs of suit, that such
judgment was obtained in an action for [cause of action to be stated and particulars given;
60 also if amount originally due was reduced before action by payment, admitted set-off, or
abandonment of excess, the same should be stated and particulars given], and that the time
for appealing against such judgment has expired and that no appeal is pending, and
that such judgment is still unsatisfied and in full force [or that such judgment has been
satisfied in part by the payment of the sum of but is still in force and
65 unsatisfied to the extent of the sum of].

Given under my hand and the seal of the Local Court of [or at] this
day of 18 . (L.S.) E.F.,
Clerk of the said Local Court of [or at]

70 To the registrar of the District Court at
in the Colony of New South Wales.

SEVENTH

Intercolonial Debts.

SEVENTH SCHEDULE.

In the District Court at

(Seal)

To C.D. of [address and description]

I, W.J., the registrar of the District Court at do hereby give you notice
 5 that a judgment has been obtained against you by A.B. of [address and description]
 in respect of a cause of action which arose within the Colony of for
 a debt or liquidated demand in money not exceeding the sum of two hundred and fifty
 pounds, to wit the sum of including costs of suit in the Local Court of [or at]
 , that such judgment was obtained in an action for [here state cause of action
 10 and give particulars; also if the amount originally due was reduced by payment, admitted
 set-off, or abandonment of excess, so state and give particulars], and that the time for
 appealing against such judgment has expired and that no appeal is pending, and that
 such judgment is still unsatisfied and in full force [or that such judgment has been
 satisfied in part by the payment of the sum of but is unsatisfied to the
 15 extent of the sum of].

Given under my hand and the seal of the District Court at this
 day of 18 .

W.J.,
 Registrar of the said District Court at

EIGHTH SCHEDULE

20

In the District Court at

(Seal)

I, W.J., the registrar of the District Court at in the Colony of New
 South Wales, and the person having the lawful custody of all records, books, process,
 and other proceedings, and of the seal of the said Court, do hereby certify that the
 25 judgment mentioned in the certificate of judgment dated the day of
 one thousand eight hundred and under the hand of E.F., the clerk of the
 Local Court of [or at] in the Colony of and the seal of the said
 Court in a certain action in the said Local Court of [or at] wherein A.B. is
 plaintiff and C.D. is defendant, has been wholly paid and satisfied [or has been satisfied
 30 to the extent of the sum of].

Given under my hand and the seal of the District Court at in the Colony
 of New South Wales this day of 18 .

(l.s.) W.J.,
 Registrar of the District Court at

35 To the clerk of the Local Court of [or at]
 in the Colony of

