

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council Chamber,
Sydney, 22nd May, 1889. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XXIII.

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. [Assented to, 30th May, 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) :—

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,—

"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,—

"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.

2.

I Certify that I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

ARCHD. H. JACOB,
Chairman of Committees of the Legislative Council.

Intercolonial Debts.

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, 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.

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.

(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.

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.

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.

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

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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 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 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 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 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 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.

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.

Intercolonial Debts.

SCHEDULES.

FIRST SCHEDULE.

COLONY OF NEW SOUTH WALES.

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], make oath and say as follows:—

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

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
 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
 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].

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
 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,
 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.

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 plaintiff _____

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 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.,

(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 _____ given under the hand 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 [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 plaintiff _____

Between A.B. plaintiff,
and _____ (Seal)
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 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.,

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

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 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 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 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.

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 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 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

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

In the name and on the behalf of Her Majesty I assent to this Act.

CARRINGTON.

Government House,
Sydney, 30th May, 1889.

Intercolonial Debt

THE DISTRICT COURT

SEVENTH SCHEDULE

In the District Court at ... To O.D. of [address and description] I, W.J., the Registrar of the District Court at ... 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 ... 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 [state state name of action] and give particulars; also in the amount originally due was reduced by payment, admitted or assessment of costs, 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 unassailed and in full force [or that such judgment has been satisfied in part by the payment of the sum of ... but is unassailed to the extent of the sum of ...]

Given under my hand and the seal of the District Court at ... day of ... 18 ... W.J. Registrar of the said District Court at ...

EIGHTH SCHEDULE

In the District Court at ... I, W.J., the Registrar of the District Court at ... South Wales, and the person having the best custody of all records, books, papers 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 ... under the hand of R.E. 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 to the extent of the sum of ...]

Given under my hand and the seal of the District Court at ... day of ... 18 ... W.J. Registrar of the District Court at ... To the clerk of the Local Court of [or at] ... in the Colony of ...

CARRINGTON

Government House, Sydney, 20th May, 1888.

In the name and on the behalf of Her Majesty I assent to this Act.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council Chamber,
Sydney, 22nd May, 1889. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XXIII.

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. [Assented to, 30th May, 1889.]

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Short title, &c.
Interpretation.

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"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,—

"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.

2.

I Certify that I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

ARCHD. H. JACOB,
Chairman of Committees of the Legislative Council.

Intercolonial Debts.

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, 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.

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.

(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.

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, *primâ 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.

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 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 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 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 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 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.

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.

Intercolonial Debts.

SCHEDULES.

FIRST SCHEDULE.

COLONY OF NEW SOUTH WALES.

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], make oath and say as follows:—

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

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
 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
 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].

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
 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,
 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.

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 plaintiff

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 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.,

(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 _____ given under the hand 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 [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 plaintiff

Between A.B. plaintiff,
and _____ (Seal)
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 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.,

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

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 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 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 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.

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 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 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

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

In the name and on the behalf of Her Majesty I assent to this Act.

CARRINGTON.

*Government House,
Sydney, 30th May, 1889.*

Interlocutory Decree

Mrs. J. E. ...
District Court of New South Wales

BEYRATH SCHEDULE

In the District Court at

To C.D. of [Name and description]
I, W.L., the Registrar of the District Court at
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
a debt or liquidated demand in money not exceeding the sum of two hundred and fifty
pounds to wit the sum of
that such judgment was obtained in an action for [Name and description] of action
and [Name and description] also (the amount originally due was reduced by payment, admitted
and [Name and description] of [Name and description] and that the time for
appearing against such judgment has expired and that no appeal is pending and that
such judgment is still unsatisfied and in full force [Name and description] has been
established in part by the payment of the sum of
extent of the sum of

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

W.L.
Registrar of the said District Court at

EIGHTH SCHEDULE

In the District Court at

I, W.L., the Registrar of the District Court at
South Wales and the person having the lawful custody of all records, books, papers,
and other proceedings and of the seal of the said Court do hereby certify that the
judgment mentioned in the certificate of judgment attached hereto
under the hand of H.F., the clerk of the
in the Colony of
and the seal of the said
wherein A.B. is
Court in a certain action in the said Local Court of [Name and description]
plaintiff and C.D. is defendant, has been wholly paid and satisfied [Name and description]
to the extent of the sum of

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

W.L.
Registrar of the District Court at

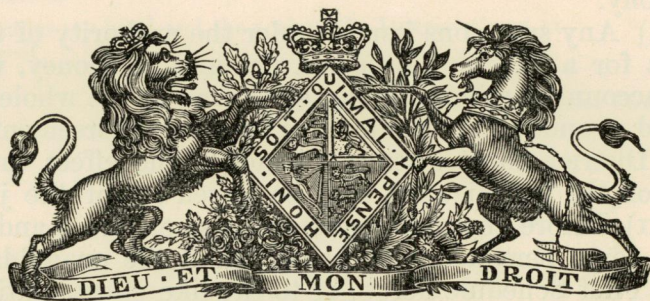
To the clerk of the Local Court of [Name and description]
in the Colony of

In the name and on the behalf of Her Majesty I assent to this Act.

CARRINGTON

Government House,
Sydney, 30th May, 1889.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XXIII.

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. [Assented to, 30th May, 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) :—

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,—

"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,—

"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.

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, 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.

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.

(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.

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, *primâ 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.

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 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 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 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 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 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.

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.

Intercolonial Debts.

SCHEDULES.

FIRST SCHEDULE.

COLONY OF NEW SOUTH WALES.

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], make oath and say as follows:—

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

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 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 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].

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 _____ 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,
 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.

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 plaintiff

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

(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 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.,

(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 _____ given under the hand 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 [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 plaintiff

Between A.B. plaintiff,
and
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 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.,

Clerk of the said Local Court of [or at]

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 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 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 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.

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 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 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 .

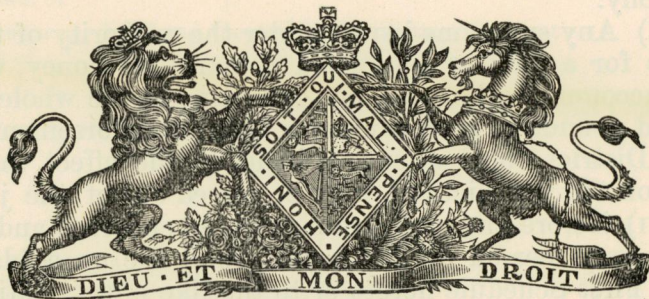
(L.S.) W.J.,
Registrar of the District Court at

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

Administrative Changes

The Victorian era was a period of significant administrative reform and development. The government sought to improve efficiency and reduce costs through various measures. One of the most notable changes was the reorganization of the civil service, which was established in 1855. This led to a more professional and merit-based system of government employment. Additionally, the introduction of the Public Health Act of 1848 and the Poor Law Amendment Act of 1834 were key legislative milestones that shaped the administrative landscape. These reforms were part of a broader effort to modernize the state and address the challenges of a rapidly growing population and industrial revolution. The Victorian government also focused on improving infrastructure, such as roads, bridges, and public works, which further enhanced administrative efficiency and public service. The era's administrative changes laid the foundation for the modern state and its bureaucratic structure.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XXIII.

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. [Assented to, 30th May, 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) :—

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,—
- "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,—
- "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.

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, 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.

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.

(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.

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.

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.

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 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 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 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 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 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 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.

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.

Intercolonial Debts.

SCHEDULES.

FIRST SCHEDULE.

COLONY OF NEW SOUTH WALES.

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], make oath and say as follows:—

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

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
 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
 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].

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
 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,
 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.

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 plaintiff _____

Between A.B. plaintiff, _____
and _____
C.D. defendant. _____ (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 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.,
(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 _____ given under the hand 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 [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 plaintiff _____

Between A.B. plaintiff, _____
and _____
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 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.,
Clerk of the said Local Court of [or at] _____

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 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 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 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.

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 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 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

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

Probation Report

1911

W. J. ...
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