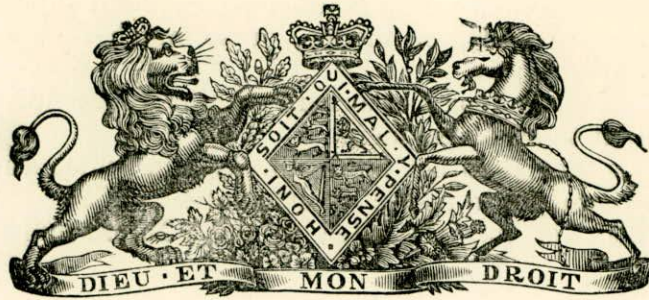


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,  
Sydney, 8 December, 1892. }

F. W. WEBB,  
Clerk of the Legislative Assembly.

## New South Wales.



ANNO QUINQUAGESIMO SEXTO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act to abolish Imprisonment for Debt and Costs in Civil Actions with certain exceptions.

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:—

5 1. No writ of *capias ad satisfaciendum* shall hereafter be issued under any judgment for debt or costs of action except for the purpose of procuring the arrest of a judgment debtor about to remove from the Colony of New South Wales. Issue of writ of *capias ad satisfaciendum*.

10 2. Every person now detained in any prison in the Colony for neglect or refusal to satisfy any judgment for debt or costs shall be discharged on the passing of this Act: Provided, nevertheless, that the like execution may be had on such judgment as might have been had if the person indebted thereunder had not been imprisoned; and provided that this section shall not apply to any case where the judgment debtor has been arrested upon the ground that he was about to remove from the said Colony. Persons imprisoned to be discharged. Proviso.



*Imprisonment for Debt Abolition.*

Exceptions.

3. This Act shall not apply to any case in which the judgment debtor—

- (I) Has obtained credit from the plaintiff under false pretences or by means of fraud or breach of trust; or
- (II) Has wilfully contracted the debt or liability without having at the same time a reasonable expectation of being able to pay or discharge the same; or 5
- (III) Has made or caused to be made any gift, delivery, or transfer of any property, or charged, removed, or concealed the same with intent to defraud his creditors, or any of them; or 10
- (IV) Has then or has had since the judgment obtained against him sufficient means and ability to pay the debt, damages, costs, or money recovered against him either altogether or by any instalment or instalments which the Court in which the judgment was obtained shall have ordered, and shall have refused or neglected to pay the same; or 15
- (V) Is about to leave New South Wales without paying such debt, damages, costs, or money, or so much thereof as is still unsatisfied; or
- (VI) Is about to depart elsewhere within New South Wales with intent to evade payment. 20

4. This Act shall not apply to cases in which the judgment includes any damages in respect of defamation.

Short title.

5. This Act may be cited as the "Imprisonment for Debt Abolition Act." 25

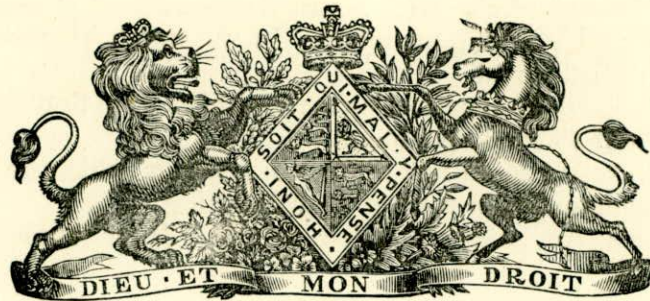


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