

NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 21.

ANALYSIS:

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| <p>Title.
Preamble.</p> <p>1. Memorial of Judgment, &c., under seal of Supreme Court of any other Australasian Colony filed in Supreme Court of New</p> | <p>Zealand shall be a record thereof, and execution may issue.</p> <p>2. Particulars of Memorial.</p> <p>3. Mode of obtaining execution.</p> <p>4. Short Title.</p> |
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AN ACT to give further Remedies to Creditors against Debtors removing from any other of the Australasian Colonies to the Colony of New Zealand. Title.
[3rd July, 1858.]

WHEREAS the proximity of the several Australasian Colonies to each other and the separation of their respective Jurisdictions greatly facilitate the evasion of the Judgments, Decrees, Rules, and Orders of the Supreme Courts of the said Colonies respectively, and it is expedient to provide a remedy in that behalf, Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :

I. It shall be lawful for any person in whose favour any Judgment, Decree, Rule, or Order, whereby any sum of money is made payable, has been obtained in the Supreme Court of any of Her Majesty's Australasian Colonies, to cause a Memorial of the same containing the particulars hereinafter mentioned and authenticated by the Seal of the Court wherein such Judgment, Decree, Rule, or Memorial of Judgment &c., under Seal of Supreme Court of any other Australasian Colony filed in Supreme Court of New Zealand shall be a Record thereof and execution may issue.

Australasian Creditors.

Order, was obtained to be filed in the Office of the Supreme Court of New Zealand, and such Memorial being so filed shall thenceforth be a record of such Judgment, Decree, Rule, or Order, and Execution may issue thereon as hereinafter provided: Provided further, that every Seal purporting to be the Seal of any such Court shall be deemed and taken to be the Seal of such Court until the contrary is proved, and the proof that any such Seal is not the Seal of such Court shall lie upon the party denying or objecting to the same.

Particulars of Memorial.

II. Every such Memorial shall be on parchment and signed by the party in whose favor such Judgment, Decree, Rule, or Order, was obtained, or his attorney, and shall contain the following particulars, all of which shall be fairly written, without interlineations or erasures, and, with the exception of dates, in words at length, that is to say, the names and additions of the parties, the form or nature of the action or suit or other proceeding, and when commenced, the date of the signing or entering up, of the Judgment or of passing the Decree, or of making the Rule or Order, and the Amount recovered, or the Decree pronounced, or Rule or Order made, and if there was a Trial, the date of such Trial, and amount of Verdict given.

Made of obtaining Execution.

III. It shall be lawful for the Supreme Court of New Zealand, or any Judge thereof, upon the application of the person in whose favor such Judgment, Decree, Rule or Order, was obtained, or his attorney, to grant a Rule or issue a Summons calling upon the person against whom such Judgment, Decree, Rule or Order, was obtained, to show cause within such time after personal or such other service of the Rule or Summons as such Judge or Court shall direct why execution should not issue upon such Judgment, Decree, Rule, or Order, and such Rule or Summons shall give notice that in default of appearance execution may issue accordingly, and if the person served with such Rule or Summons does not appear, or does not show sufficient cause against such Rule or Summons, it shall be lawful for the said Court or Judge, on due proof of such service as aforesaid, to make the Rule absolute or to make an Order for issuing execution as upon a Judgment, Decree, Rule, or Order of the Supreme Court of New Zealand, subject to such terms and conditions if any, as to such Court or Judge may seem fit, and thereupon, and subject thereto, the person entitled to such execution shall have and be entitled to all such process and to all such rights and remedies for the enforcement thereof, and the person against whom such execution is so authorised shall, in like manner be entitled to all such protective rights and advantages, as they would respectively have been entitled to, had such Judgment, Decree, Rule, or Order of the Supreme Court of any of the said Colonies been obtained in the Supreme Court of New Zealand, and all such proceedings may be had or taken for the revival of such Judgment, Decree, Rule, or Order, or the enforcement thereof by and against persons not parties to such Judgment, Decree, Rule, or Order, as may be had for the like purposes upon any Judgment, Decree, Rule, or Order of the Supreme Court of this Colony.

Short Title.

IV. The Short Title of this Act shall be "Australasian Creditors Act, 1858."