

ANNO DECIMO QUINTO
VICTORIÆ REGINÆ.

SESSION XI. No. I.

DEBTORS WRIT OF ARREST.

AN ORDINANCE to provide for the Arrest of Debtors Escaping from the Islands of New Zealand.

[20th June, 1851.]

Preamble.

WHEREAS debtors cannot be restrained from leaving the Islands of New Zealand except by a writ of arrest issued under the order of a Judge of the Supreme Court: And whereas it may often happen that immediate access cannot be had to a Judge of the Supreme Court for the purpose of obtaining such order:

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Arrest of debtors escaping from the Colony.

1. That it shall be lawful in any settlement where there is a Registrar of the Supreme Court, in the absence from the settlement of a Judge of the Supreme Court, for such Registrar of the Supreme Court, and in every settlement where there is no Registrar of the Supreme Court, for a Resident Magistrate, to issue a warrant under his hand for the apprehension of any person so intending to leave the Islands of New Zealand, who shall thereupon give security, to the satisfaction of the said Registrar of the Supreme Court, or Resident Magistrate, as the case may be, to abide the result of an application to be made to a Judge of the Supreme Court for such writ of arrest as aforesaid, or in default thereof shall be kept in custody until the result of such application shall be known: Provided that no such warrant as aforesaid shall be issued except upon such affidavit as may be required in like cases by the rules of the Supreme Court for the time being.

Period of detention not to exceed three months.

2. No person apprehended as aforesaid shall be detained in custody by virtue of any such warrant for any period exceeding three calendar months. And it shall be lawful for the Registrar of the Supreme Court, or for the Resident Magistrate, as the case may be, at any time within such period to require proof to be made, on affidavit, that due diligence has been used to obtain such writ of arrest as aforesaid, and in default of proof the Registrar of the Supreme Court or the Resident Magistrate, as the case may be, shall discharge the person so detained as aforesaid or cancel his securities, as the case may be.

Commencement of Ordinance.

3. This Ordinance shall come into operation on the first day of July, one thousand eight hundred and fifty-one.