



*As to arrests under Act
Court of Requests - Act
see. 16 v. No. 10-14*

ANNO NONO

VICTORIÆ REGINÆ,

No. 4.

*31 ✓ No. 16
and Sec. 34 ✓ - 33*



*By His Excellency SIR JOHN EARDLEY EARDLEY-WILMOT,
Baronet, Lieutenant-Governor of the Island of Van Diemen's
Land and its Dependencies, with the Advice of the Legislative
Council.*

*708 ✓ c 96
257*

AN ACT to abolish Imprisonment for Debt in certain Cases.

WHEREAS it is expedient to limit the present power of Arrest upon final process—**BE IT THEREFORE ENACTED** by His Excellency SIR JOHN EARDLEY EARDLEY-WILMOT Baronet Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council that from and after the passing of this Act no person shall be taken or charged in execution upon any judgment obtained in the Supreme Court of Van Diemen's Land or in any Court of Requests in any action for the recovery of any Debt wherein the sum recovered shall not exceed the sum of Twenty Pounds exclusive of the Costs recovered by such judgment.

Arrest upon final process in an action for debt not exceeding £20 abolished.

*See in the County of Argyle
16th Dec. 1874*

II. AND BE IT ENACTED that all persons in execution at the time of the passing of this Act upon any judgment obtained in any of the Courts aforesaid in any action for the recovery of any debt wherein the sum recovered shall not exceed the sum of Twenty Pounds exclusive of the costs recovered by such judgment shall and may upon the application of every such person or persons for that purpose made at any time after the passing of this Act to one of the Judges of the said

Persons now in Gaol for Debts under £20 may be discharged.

*Given - See the extract to an order
When the aged are removed -*

*Drawn out by
Mr. J. Home
on 11th. Corp.
1874
Jan. 5/7.*

Supreme Court if the judgment shall have been recovered in that Court or to the Commissioner of any Court of Requests in which such judgment shall have been obtained to the satisfaction of such Judge or Commissioner be forthwith discharged out of custody as to such execution by an order of such Judge or Commissioner—PROVIDED ALWAYS that if it shall happen that any such discharge shall have been unduly or fraudulently obtained upon any false allegation of circumstances which if true might have entitled the prisoner to be discharged by virtue of this Act such prisoner shall upon the same being made to appear to the satisfaction of the Judge or Commissioner by whose order such prisoner shall have been so discharged be liable to be again taken in execution and remanded to his former custody by an order of such Judge or Commissioner—PROVIDED ALSO that no Sheriff Gaoler or other person whatsoever shall be in any manner liable as for the escape of any prisoner or otherwise in respect of his discharge by any such Judge or Commissioner as aforesaid—PROVIDED ALSO that for and notwithstanding the discharge of any debtor or debtors by an order of any such Judge or Commissioner in manner aforesaid the judgment whereupon any such debtor or debtors was or were taken or charged in execution shall nevertheless remain and continue in full force to the intent and purpose that the judgment creditor or creditors may have and take remedy and execution upon every such judgment against the property and effects of any such debtor or debtors in such manner and form as such creditor or creditors could or might have done in case such debtor or debtors had never been taken or charged in execution upon such judgment and it shall be lawful for such creditor or creditors to have and take such remedy and execution.

Indemnity to
Sheriff.

Judgment to
remain in force as
against the
debtor's goods.

E. EARDLEY-WILMOT.

Passed the Legislative Council this twenty-seventh day of March, one thousand eight hundred and forty-six,

ADAM TURNBULL, *Clerk of the Council.*