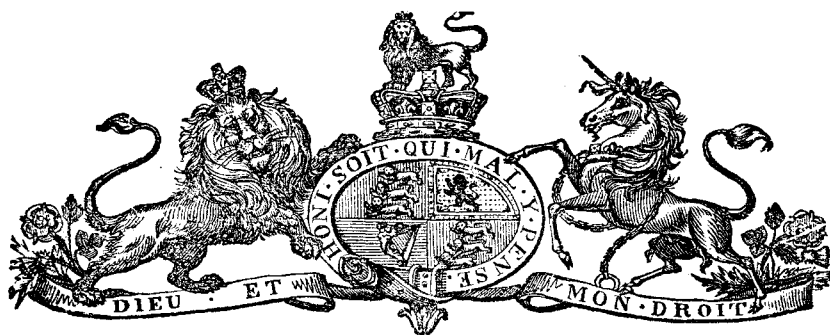


T A S M A N I A.



1869.

ANNO TRICESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 14.



AN ACT to amend the Law as to Arrest on Mesne Process in Civil Actions.

[22 October, 1869.]

WHEREAS it is desirable to amend the Law as to Arrest on Mesne Process in Civil Actions: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PREAMBLE.

1 When any person is arrested in an Action, in pursuance of the provisions of "An Act to regulate Arrest on Mesne Process in Civil Actions," Special Bail shall be put in and perfected to secure the personal appearance of such person, in case judgment is given against him, to such judgment summons or summonses as may, within Three months after judgment, be obtained in accordance with the provisions of "The Imprisonment for Debt Abolition Act," directed to such person; and such summons or summonses may be obtained although such person is out of the jurisdiction of the Supreme Court.

Form of special bail.
23 Vict. No. 2.

2 Personal service of every summons upon any one of the Special Bail shall be deemed to be notice to such bail, and shall also be deemed to be personal service upon such person as aforesaid within the meaning and for the purposes of "The Imprisonment for Debt Abolition Act."

Service.

3 When any person so arrested as aforesaid in any action is in custody, whether by reason of not having been bailed or of having been rendered or otherwise at the time of judgment in such action,

Proceedings when person is in custody.

Arrest on Mesne Process.

then, in case such judgment is given against such person, unless he pays the amount recovered and costs, he shall be detained for a period of Fourteen days thereafter, or for such shorter period as a Judge of the said Court directs, in order to afford the Plaintiff in such action the opportunity of proceeding against such person by judgment summons ; and on hearing any such summons the Judge may adjourn the same for a further period of not more than Fourteen days, and may detain the defendant in custody during such period.

Judges to make rules.

23 Vict. No. 2.

Acts read together.

Short Title.

4 The Judges of the Supreme Court may by Rule, from time to time, declare and alter the practice relating to the putting in and perfecting Special Bail, and to all other proceedings arising out of arrests under the said Act to regulate Arrest on Mesne Process in Civil Actions ; and, save so far as such practice is altered by this Act, or may from time to time be altered by any such rule as aforesaid, the practice now in force shall continue and be the practice of the said Court.

5 This Act and “ An Act to regulate Arrest on Mesne Process in Civil Actions,” save so far as the same is altered hereby, shall be read as one and the same Act.

6 This Act may be cited as “ The Arrest on Mesne Process Act, No. 2.”