

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 Magis-
trate, 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.