ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

C A P. XV.

An Act for the more eaſy Recovery of Debts, in His Majeſty's Colony of *New South Wales*.

[6th *December* 1813.]

WHEREAS His Majeſty's Subjects, trading to and reſiding in the Colony of *New South Wales* and its Dependencies, lie under great Difficulties, for want of more eaſy Methods of proving, recovering and levying of Debts, due to them within the ſaid Colony: And whereas it is expedient thoſe Difficulties ſhould be removed; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fifth Day of *June* One thouſand eight hundred and fourteen in any Suit or Action then depending or thereafter to be brought in any Court of Law or Equity within the ſaid Colony of *New South Wales*, or its Dependencies, for or relating to any Debt or Account, wherein any Perſon reſiding in *Great Britain* ſhall be a Party, it ſhall and may be lawful to and for the Plaintiff or Defendant, and alſo to and for any Witneſs to be examined or made uſe of in ſuch Action or Suit, to verify or prove any Matter or Thing by Affidavit or Affidavits in Writing upon Oath, or in caſe the Perſon making ſuch Affidavit be one of the People called *Quakers*, then upon his or her ſolemn Affirmation, made before any Mayor or other Chief Magiſtrate of the City, Borough, or Town Corporate in *Great Britain*, where or near to which the Perſon making ſuch Affidavit or Affirmation ſhall reſide, and certified and tranſmitted under the Common Seal of ſuch City, Borough, or Town Corporate, or the Seal of the Office of ſuch Mayor or other Chief Magiſtrate; which Oath and ſolemn Affirmation every ſuch Mayor and Chief Magiſtrate

Debts in New South Wales may be proved on Oath before a Chief Magiſtrate here.

Z ſhall

ſhall be and is hereby authorized and empowered to adminiſter; and every Affidavit or Affirmation ſo made, certified and tranſmitted, ſhall, in all ſuch Actions and Suits, be allowed to be of the ſame Force and Effect as if the Perſon or Perſons making the ſame upon Oath or ſolemn Affirmation as aforeſaid, had appeared and ſworn or affirmed the Matters contained in ſuch Affidavit or Affirmation *vivâ voce* in open Court, or upon a Commiſſion iſſued for the Examination of Witneſſes, or of any Party in any ſuch Action or Suit reſpectively: Provided, that in every ſuch Affidavit and Affirmation there ſhall be expreſſed the Addition of the Party making ſuch Affidavit or Affirmation, and the particular Place of his or her Abode.

Debts to His Majeſty may be proved in the ſame Manner.

II. And be it further enacted, That in all Suits now depending, or hereafter to be brought, in any Court of Law or Equity, by or in behalf of His Majeſty, His Heirs and Succeſſors, in the ſaid Colony of *New South Wales* or its Dependencies, for or relating to any Debt or Account, that His Majeſty, His Heirs and Succeſſors, ſhall and may prove His and their Debts and Accounts, and examine His or their Witneſs or Witneſſes, by Affidavit or Affirmation, in like Manner as any Subject or Subjects is or are empowered or may do by this preſent Act.

Penalty on falſe Oath, or Affirmation.

III. Provided always, and it is hereby further enacted, That if any Perſon making ſuch Affidavit upon Oath or ſolemn Affirmation as aforeſaid, ſhall be guilty of falſely and wilfully ſwearing or affirming any Matter or Thing in ſuch Affidavit or Affirmation, which if the ſame had been ſworn upon an Examination in the uſual Form would have amounted to wilful and corrupt Perjury, every Perſon ſo offending, and being thereof lawfully convicted, ſhall incur the ſame Penalties and Forfeitures as by the Laws and Statutes of this Realm are provided againſt Perſons convicted of wilful and corrupt Perjury.

Lands, &c. in the Plantations, liable to ſatisfy Debts.

IV. And be it further enacted, That from and after the ſaid Twenty-fifth Day of *June* One thouſand eight hundred and fourteen, the Houſes, Lands, and other Hereditaments and Real Eſtates, ſituate or being within the ſaid Colony of *New South Wales* or its Dependencies, belonging to any Perſon indebted, ſhall be liable to and chargeable with all juſt Debts, Duties and Demands of what Nature or Kind ſoever, owing by any ſuch Perſon to His Majeſty or any of His Subjects, and ſhall and may be Aſſets for the Satisfaction thereof, in like Manner as Real Eſtates are by the Law of *England* liable to the Satisfaction of Debts due by Bond or other Specialty, and ſhall be ſubject to the like Remedies, Proceedings and Proceſs, in any Court of Law or Equity in the ſaid Colony of *New South Wales* or its Dependencies, for ſeizing, extending, ſelling, or diſpoſing of any ſuch Houſes, Lands, and other Hereditaments and Real Eſtates, towards the Satisfaction of ſuch Debts, Duties, and Demands, and in like Manner as Perſonal Eſtates in the ſaid Colony are ſeized, extended, ſold, or diſpoſed of, for the Satisfaction of Debts.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1813.