



ANNO DECIMO-SEXTO

## VICTORIÆ REGINÆ,

No. 22.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,  
Lieutenant-Governor of the Island of Van Diemen's Land  
and its Dependencies, with the Advice and Consent of the  
Legislative Council.*

**AN ACT to continue and amend the Act of Council of  
this Island intituled An Act to make temporary  
provision for the Recovery of Small Debts owing by  
Persons about to leave the Colony.**

[20th October, 1852]

PREAMBLE.

15 Vict. No. 4.

**W**HEREAS an Act of Council of this Island was passed in the fifteenth year of the reign of Her present Majesty Queen VICTORIA intituled *An Act to make temporary provision for the Recovery of Small Debts owing by Persons about to leave the Colony* by the Tenth Section whereof it was enacted that the said Act should continue and be in force until the end of the then next Session of the Legislative Council of this Island and no longer—AND WHEREAS it is expedient that the said Act should be continued for a further period and that provision should be made authorising the examination upon oath of any alleged Debtor taken into custody by virtue of the said recited Act as to such alleged Debtor's intention to depart from this Colony and also for furnishing subsistence to destitute Debtors confined in gaol under the provisions thereof—BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council of the said Island that the said Act shall continue and be in force until the end of the Session of the Legislative Council or Local Legislature of this Colony which shall commence and be holden after the Thirty-first day of January in the year of our Lord One thousand eight hundred and fifty-three and no longer.

15 Vict. No. 4.  
continued in force.

**II. AND BE IT ENACTED** that in any case in which any person  
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shall be taken into custody under and by virtue of the provisions of the said recited Act it shall be lawful for such person so taken into custody to be brought before the Justice of the Peace before whom the person so taken into custody shall be by the warrant by virtue of which such person shall have been taken into custody ordered and directed to be brought or before any other Justice of the Peace of this Island and its Dependencies and it shall be lawful for any Justice of the Peace of this Island and its Dependencies before whom any person so taken into custody shall be so brought to take such bail by bond—assign such bond—receive such deposit—and in the event of such bail being given or deposit made to discharge such person from custody or in the event of default of providing such bail or making such deposit to commit such person to gaol and to hold and apply any such deposit in the same manner to all intents and purposes whatsoever as though such Justice before whom such person so taken into custody shall be brought were the Justice by whom the warrant was issued by virtue of which such person was taken into custody anything in the said recited Act to the contrary in any wise notwithstanding.

III. AND BE IT ENACTED that it shall be lawful for any Justice of the Peace before whom any alleged Debtor who may be taken into custody under and by virtue of the provisions of the said recited Act shall be brought to examine such alleged Debtor upon oath (which oath such Justice is hereby authorised and empowered to administer) as to the intention of such alleged Debtor shortly to depart from this Colony and if upon any such examination it shall appear to such Justice that such alleged Debtor is not shortly about to depart from this Colony it shall be lawful for such Justice to discharge such alleged Debtor from such custody as aforesaid any thing in the said recited Act to the contrary in any wise notwithstanding.

Authorises the examination of Debtor before a Magistrate.

IV. AND BE IT ENACTED that in any case where any person shall be committed to gaol under and by virtue of the provisions of the said recited Act it shall at any time and from time to time be lawful for any Police Magistrate or Assistant Police Magistrate of the District in which such Gaol in which such person shall be confined shall be situate if it shall appear to such Police Magistrate or Assistant Police Magistrate to be necessary so to do for the support of such person upon application for that purpose made by or on behalf of such person to order the person or persons claiming to be a Creditor or Creditors of the person so confined in gaol at whose instance such person shall have been so confined to pay to such person so confined in gaol such weekly or other sum or sums of money in such manner and in such proportions as such Police Magistrate or Assistant Police Magistrate shall direct and on failure of payment of any such sum or sums of money as directed by any such Police Magistrate or Assistant Police Magistrate as aforesaid it shall be lawful for such Police Magistrate or Assistant Police Magistrate by order in writing under his hand forthwith to discharge such person so confined in gaol from such custody at the instance of such person or persons claiming to be a Creditor or Creditors as aforesaid and so failing

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Provides for subsistence for destitute Debtors confined in Gaol under 15 Vict. No. 4.

to obey any such order for the payment of any such sum or sums of money as aforesaid and such order in writing shall be sufficient warrant and authority for the discharge from such custody of such person so confined in gaol who shall thereupon be discharged accordingly.

RICHARD DRY, *Speaker.*

Passed the Legislative Council this nineteenth day of October, one thousand eight hundred and fifty-two.

FR. HARTWELL HENSLOWE,  
*Clerk of the Council.*

IN the name and on the behalf of Her Majesty I assent to this Act.

W. DENISON,  
*Lieut.-Governor.*

*Government House, Hobart Town,*  
20th October, 1852.