

(No. 68.)



1879.

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T A S M A N I A.

H O U S E O F A S S E M B L Y.

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**INTERCOLONIAL JUDGMENTS BILL:**

DESPATCH FROM GOVERNOR OF FIJI.

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Laid on the Table by the Colonial Treasurer, and ordered by the House to be printed, October 9, 1879.



No. 46.

*Government House, Nasova, Fiji, 12th December, 1878.*

SIR,

I HAVE the honor to solicit Your Excellency's kind assistance in a matter of some importance to this Colony.

By an Ordinance, No. 12 of 1875, copy of which is annexed, a creditor may have effect given in Fiji to a judgment obtained in the Supreme Court of any one "of the Australian Colonies" (in which term the Colony of Tasmania is, by another law, included).

I am informed that when this Ordinance was passed, it was intended to move the Governments of the Australian Colonies to take reciprocal action; but this intention has, I believe, not as yet been carried out; and the omission has come under my notice through a case of recent occurrence, where a creditor failed to obtain the enforcement in Australia of a judgment obtained in Fiji.

Under the circumstances I desire to represent to Your Excellency that a benefit would be conferred on this Colony by the enactment in Tasmania of a law providing for the enforcement there of judgments of the Supreme Court of Fiji, and I should be much obliged if Your Excellency would bring the subject under the notice of your Government.

I have the honor to be,

Sir,

Your most obedient humble Servant,

GEO. DES VŒUX.

*His Excellency F. ALOYSIUS WELD, Esq., C.M.G.,  
Governor of Tasmania.*

*Fiji.*

*No. XII., 1875*



#### AN ORDINANCE

*(Enacted by the Governor of the Colony of Fiji with the advice and consent of the Legislative Council thereof.)*

To prevent the evasion of Judgments Decrees Rules and Orders of the Supreme Courts of the Australian Colonies and to give further remedies to Creditors against persons removing from any of the said Colonies to the Colony of Fiji.

[L.S.] ARTHUR GORDON.

23rd October, 1875.

BE it enacted by His Excellency the Governor with the advice and consent of the Legislative Council as follows:

I. This Ordinance may be cited for all purposes as "The Memorial of Judgment Ordinance 1875." Short title.

II. It shall be lawful for any person in whose favour any judgment decree rule or order whereby any sum of money is made payable shall have been obtained in the Supreme Court of any of Her Majesty's Australian Colonies to cause a memorial of the same containing the particulars hereinafter mentioned and authenticated by the Seal of the Court wherein such judgment decree rule or order was obtained to be filed in the Supreme Court of Judicature in the Colony of Fiji. And such memorial so filed shall henceforth be a record of such judgment decree rule or order and execution may issue thereon as hereinafter provided.

Judgments, &c., of Supreme Courts of the Australian Colonies may be filed in Supreme Court of this Colony, and execution may issue.

III. Every such memorial shall be signed by the party in whose favour such judgment decree rule or order was obtained or his attorney and shall contain the following particulars all of which shall be fairly written without interlineations or erasures (and with the exception of dates)

What particulars are necessary.

in words at length that is to say the names and additions of the parties the form and nature of the action or suit or other proceeding and when commenced the date of the signing or entering up of the judgment or of passing the decree pronounced or rule or order made and if there was a trial the date of such trial and the amount of verdict given.

Procedure.

IV. It shall be lawful for any Judge of the Supreme Court of this Colony upon the application of the person in whose favour such judgment decree rule or order was obtained or his attorney to issue a summons calling upon the person against whom such judgment decree rule or order was obtained to show cause within such time after personal or such other service of the summons as such Judge shall direct why execution should not issue upon such judgment decree rule or order and such summons shall give notice that in default of appearance execution may issue accordingly and if the person so summoned does not show sufficient cause against such summons it shall be lawful for any Judge of the said Court on due proof of such service as aforesaid to order execution to issue as upon a judgment decree rule or order of the Supreme Court of this Colony subject to such terms and conditions if any as to such Judge or Court may seem fit. And thereupon and subject thereto the persons entitled to such execution shall have and be entitled to all such process and to all such rights and remedies for the enforcement thereof and the person against whom such execution is ordered shall in like manner be entitled to all such protective rights and advantages as they would have respectively been entitled to had such judgment decree rule or order been obtained in the Supreme Court of this Colony and all such proceedings may be had or taken for the revival of such judgment decree rule or order or the enforcement thereof by and against persons not parties to such judgment decree rule or order as may be had for the like purposes upon any judgment decree rule or order of the Supreme Court of this Colony.

Passed in Council this fourteenth day of October in the year of our Lord one thousand eight hundred and seventy-five.

## MEMORANDUM.

WITH reference to the enclosed letter addressed to His Excellency the Governor by Governor Des Vœux of Fiji, the Attorney-General has the honor to inform His Excellency that there is an Act in force in Tasmania, 42 Vict. No. 8, rendering judgments which have been obtained in the Supreme Court of any of the other Australian Colonies effectual in Tasmania; but "Australian Colonies" does not include Fiji.

The Attorney-General is, however, prepared to propose an amendment which will extend the privilege to Fiji. A copy of the Tasmanian Act is sent herewith.

JNO. STOKELL DODDS.  
28th January, 1879.

*His Excellency the Governor.*

*Nasova, 28th April, 1879.*

SIR,

I HAVE the honor to acknowledge the receipt of Your Excellency's Despatch, dated the 26th February, 1879, covering copy of a Memorandum by the Attorney-General of Tasmania, in reference to the subject of my letter to you of the 12th December last; and I have, at the same time, to thank you for so readily complying with my request.

Your Government would confer a benefit upon this Colony if, as proposed by the Attorney-General, it were to procure the enactment of a law for the inclusion of Fiji within the term Australian Colonies, as used in the Tasmanian Act, 42 Vict. No. 8.

I have the honor to be,

Sir,

Your most obedient Servant,

GEO. DES VŒUX.

REFERRED to Ministers, whose attention is requested to the last paragraph.

FRED. A. WELD.  
28th May, 1879.

FORWARDED to the Honorable the Attorney-General for his consideration.

THOS. REIBEY.  
30th May, 1879.

PERUSED and returned, a copy having been kept. I shall take the earliest opportunity of introducing the Bill.

J. S. DODDS.  
7th June, 1879.