

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1901.

A BILL

To provide for the recovery of certain fines and moneys due upon recognizances.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Fines and Recognizances Short title. Recovery Act, 1901."

2. The Acts described in Schedule One are, to the extent Repeal. therein mentioned, repealed.

3. When any fine is imposed on any person—

(a) by a coroner for the non-attendance of such person as a juror; Certain fines to be recoverable by judgment.

or

(b) by a Court of Quarter Sessions ;

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the coroner or chairman of the Court of Quarter Sessions, as the case may be, shall, if the fine is not immediately paid, by writing under his hand in the form of Schedule Two or to the like effect, certify that fact, together with the name or place of abode or business of the said person and the cause and the amount of the fine, and shall deliver or send by post to the Attorney-General such writing.

Upon receipt thereof, the Attorney-General shall cause final judgment to be signed in the Supreme Court for the amount of such fine and five pounds for costs.

Every such judgment may be in the form of Schedule Three or to the like effect.

4. When any person has entered into any recognizance to His Majesty and such recognizance is forfeited by a justice or a Court of Quarter Sessions, such justice or court may cause such recognizance to be estreated, and such estreat shall be effected as follows:—Such justice or the chairman of such court shall, by writing under his hand in the form of Schedule Four or to the like effect, certify that such forfeiture has taken place, and shall deliver or send by post to the Attorney-General the said recognizance and writing.

Debts on recognizance to be recovered by judgment.

Upon receipt thereof the Attorney-General shall cause a final judgment to be signed in the Supreme Court for the amount of such recognizance and five pounds for costs; and such judgment may be in the form of Schedule Five or to the like effect.

5. When any final judgment has been signed under the provisions of this Act, the Supreme Court or any judge thereof may (whether execution has or has not been issued upon such judgment) order satisfaction to be entered upon such judgment:

Such judgments may be vacated by court or judge.

Provided that no such order shall be so made except upon a rule nisi or summons calling upon the Attorney-General to show cause, nor unless it is proved by affidavit to the satisfaction of such court or judge either that the said judgment has been satisfied or that, according to equity and good conscience and the real merits and justice of the case, the defendant ought not to be required to satisfy the same.

SCHEDULES.
