

No. 15.—1880.

1st October.

AN ORDINANCE to amend the Law as to Imprisonment for Debt.

(L.S.) WILLIAM A. G. YOUNG.

7th October, 1880.

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

Short title.

1. This Ordinance may be cited for all purposes as “The Debtors Ordinance, 1880.”

Interpretation.

2. In this Ordinance,

The term “Civil Court” means---

- (1.) The Supreme Court,
- (2.) The Petty Civil Court of Port-of-Spain, and
- (3.) The Courts of the Stipendiary Justices of the Peace when exercising the powers conferred upon them by Ordinance No. 16 of 1851 intituled “An Ordinance for the establishing of Petty Civil Courts.”

The term “prescribed” means prescribed by general rules made by the Supreme Court.

Abolition of imprisonment for debt, with exceptions.

3. With the exceptions hereinafter mentioned no person shall be arrested or imprisoned for making default in payment of a sum of money.

There shall be exempted from the operation of the above enactment,

1. Default in payment of a penalty or sum in the nature of a penalty other than a penalty in respect of any contract:
2. Default in payment of any sum recovered summarily before a Stipendiary Justice of the Peace not sitting as Judge of any Civil Court or any other Justice or Justices of the Peace:

3. Default by a trustee or person acting in a fiduciary capacity and ordered to pay by a Court of Equity any sum in his possession or under his control :
4. Default by a solicitor in payment of costs when ordered to pay costs for misconduct as such, or in payment of a sum of money when ordered to pay the same in his character of an officer of the Court making the order :
5. Default in payment for the benefit of creditors of any portion of a salary or other income in respect of the payment of which any Court is authorised to make an order :
6. Default in payment of sums in respect of the payment of which orders are in this Ordinance authorised to be made :

Provided, first, that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than one year ; and, secondly, that nothing in this section shall alter the effect of any judgment or order of any Court for payment of money except as regards the arrest and imprisonment of the person making default in paying such money.

4. Subject to the provisions hereinafter mentioned, and to the prescribed rules any Civil Court may commit to the Royal Gaol for a term not exceeding six weeks or until payment of the sum due, any person who makes default in payment of any debt or instalment of any debt due from him in pursuance of any order or judgment of that or any other competent Civil Court.

Power of
committal in
certain cases.

Provided (1.) That the jurisdiction by this section given of committing a person to prison shall when exercised by a Deputy acting for the Judge of the Petty Civil Court of Port-of-Spain or by a Stipendiary Justice of the Peace be exercised only subject to the following restrictions, that is to say—

- (a.) Be exercised only by such Deputy or Stipendiary Justice and by an order made in open Court and showing on its face the ground on which it is issued :
- (b.) Be exercised only when such judgment exclusive of costs does not exceed ten pounds.

(2.) That such jurisdiction shall only be exercised where it is proved to the satisfaction of the Court that the person making default either has or has had since the date of the order or judgment the means to pay the sum in respect of which he has made default and has refused or neglected, or refuses or neglects to pay the same.

Proof of the means of the person making default may be given in such manner as the Court thinks just; and for the purposes of such proof the debtor and any witnesses may be summoned and examined on oath according to the prescribed rules.

Any jurisdiction by this section given to the Supreme Court may be exercised by a Judge sitting in Chambers or otherwise in the prescribed manner.

For the purposes of this section any Civil Court may direct any debt due from any person in pursuance of any order or judgment of that or any other competent Civil Court to be paid by instalments and from time to time rescind or vary such order.

No imprisonment under this section shall operate as a satisfaction or extinguishment of any debt or demand or cause of action or deprive any person of any right to take out execution against the lands, goods or chattels of the person imprisoned in the same manner as if such imprisonment had not taken place.

Any person imprisoned under this section shall be discharged out of custody upon a certificate signed in the prescribed manner to the effect that he has satisfied the debt or instalment of a debt in respect of which he was imprisoned together with the prescribed costs (if any).

Saving for
Bankruptcy
Ordinance,
1871.

5. Nothing in this Ordinance shall in any way affect any right or power under the Bankruptcy Ordinance, 1871, to arrest or imprison any person.

Publication of
rules.

6. All rules made under this Ordinance shall be published in the *Royal Gazette*. Production of a copy of the *Royal Gazette* purporting to contain any rules made under this Ordinance shall be *prima facie* evidence of the making and tenor of such rules.

7. The enactments specified in the schedule to this Ordinance are hereby repealed to the extent mentioned in such schedule: Provided that such repeal shall not affect anything done or any imprisonment awarded or penalty or forfeiture incurred before the passing of this Ordinance.

Repeal of certain enactments.

Passed in Council the first day of October, in the year of our Lord one thousand eight hundred and eighty.

A. C. ROSS,
Clerk of the Council.

THE SCHEDULE.

No. of Ordinance.	Title.	Extent of Repeal.
14 of 1871 ...	An Ordinance for limiting Imprisonment for Debt ...	The whole
2 of 1874 ...	An Ordinance to amend the Law of Arrest ...	The whole.
1 of 1877 ...	The Debtors' Ordinance, 1877	The whole.

No. 17.—1880.

21st October.

AN ORDINANCE to provide against the Adulteration of Food and Drugs.

(L. S.) WILLIAM A. G. YOUNG.
25th October, 1880.

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

1. This Ordinance may be cited as "The Adulteration of Food and Drugs Ordinance, 1880." Short title.