

TRINIDAD AND TOBAGO.

No. 11.—1918.

I ASSENT,

[L.S.]

S. W. KNAGGS,  
*Governor's Deputy.*

5th June, 1918.

AN ORDINANCE to amend the Debtors Ordinance, 1917.

[5th June, 1918.]

**B**E it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

Short Title.

1. This Ordinance may be cited as the Debtors (Amendment) Ordinance, 1918.

Repeal of Section 4 of Ordinance 37—1917.

2. Section 4 of the Debtors Ordinance, 1917, is hereby repealed, and in lieu thereof shall be read the following:—

Power of committal in certain cases.

4. Subject to the provisions hereinafter mentioned and to the rules made under this Ordinance, 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: provided

- (1.) That the jurisdiction by this section given of committing a person to prison shall in the case of a Petty Civil Court be exercised only subject to the following restrictions, that is to say—
  - (a.) By an order made in open Court and showing on its face the ground on which it is issued;
  - (b.) In respect of a judgment of the Court making the order, or in the case of a judgment of another Court, where the amount actually due does not exceed £25 or is reduced by abandonment of excess to £25 and the judgment debtor is resident within the district of the Court;
  - (c.) A summons to a judgment debtor residing out of the district of any such Court shall not issue for service without the leave of the judge thereof, and in no case shall any such summons issue from a Petty Civil Court in Trinidad for service in Tobago or from a Petty Civil Court in Tobago for service in Trinidad.
- (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 rules made under this Ordinance. <sup>Proof of means.</sup>

Chambers.

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.

Instalments.

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 may from time to time rescind or vary such order.

Imprisonment  
not to extin-  
guish debt.

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 chattles of the person imprisoned in the same manner as if such imprisonment had not taken place.

Discharge on  
payment.

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).

Passed in Council this Twenty-third day of May, in the year of Our Lord one thousand nine hundred and eighteen.

HARRY L. KNAGGS,

*Clerk of the Council.*