

No. 2.—1865.

25th February.

AN ORDINANCE for the better recovery of Debts due to the Crown.

[L.S.]

J. H. T. MANNERS-SUTTON.

WHEREAS it is expedient that provision should be made for the better recovery of Debts due to the Crown, and that the Crown should have the like remedies for the same as far as circumstances will permit, as the Crown has by the Law of England in the like cases: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:

Writ of
capias to issue
on informa-
tion for the
recovery of a
debt to Her
Majesty.

1. On every information in the Supreme Civil Court of this Island against any person for the recovery of any debt due to Her Majesty, Her Heirs or Successors, a Writ in the nature of a Writ of Capias shall issue, on the fiat of one of the Judges of the said Court, as the first process, and the person against whom such Writ of Capias shall issue shall give sufficient security to the Marshal to appear in the said Court at the day of the return of such Writ to answer such information, and shall likewise at the time of such appearing give sufficient bail or security in the said Court to abide any judgment and satisfy any execution on such judgment.

How bail may
be given.

2. Such bail or security in the said Court shall be given by putting in and perfecting special bail which shall be in the bond of some sufficient householder or householders in double the sum endorsed on the Writ of Capias, or by depositing in Court the sum endorsed upon the Writ to remain in Court to abide the event of the information or the order of the Court, or of any Judge thereof as to the disposal thereof.

Copy of infor-
mation to be
served on
person impri-
soned for want
of bail.

3. If any person against whom a Capias shall issue, shall be arrested upon such Capias and taken to prison for want of sufficient bail, a copy of the information exhibited against such person shall be served upon him in Gaol or delivered to the Gaoler, Keeper or Turnkey of the Prison in which such person shall be confined,

and if such person shall neglect or refuse to appear or plead to the said information for the space of twenty days, judgment shall be entered by default.

4. On every judgment for the Crown a Writ of Extent in the nature of the Writ known to the Law of England as a *Capias Extendifacias* shall issue. Writ of extent to issue on judgment.

5. On any Debt of Record due to the Crown it shall be lawful for any Judge of the said Court on its being made to appear to the satisfaction of such Judge on Affidavit, according to the course and practice of the Court of Exchequer in England, that the Debtor is in insolvent circumstances and the Debt in danger to cause a writ of Extent to issue without any previous proceedings. Where the debtor is insolvent writ of extent to issue without previous proceedings.

6. Where any Debtor to the Crown shall die, the Crown shall have the like remedy by Writ of Extent, if the debt be a debt of record, or by a Commission *ad inquirendum*, if the debt be not of Record as may be had in the like cases in England according to the course and practice of the Court of Exchequer in England. In case of death of debtor, the Crown to have like remedy as in the Court of Exchequer in England.

7. Under every Writ of Extent to be sued out under this Ordinance it shall be lawful for the Marshal under such writ to take the Body, Goods, Lands and Debts of the person against whom such Writ shall issue, and on the return of such Writ all debts which may have been extended shall become and be debts to the Crown of Record, for the recovery whereof the Crown shall have the like remedies as for the recovery of debts originally due to the Crown. The marshal to take the body, goods, &c. of person against whom writ of extent shall have issued.

8. It shall be lawful for the Judges of the Supreme Civil Court from time to time to make and establish such rules and to provide such forms of procedure and Writs as to them shall seem fit for carrying out the objects and provisions of this Ordinance. Judges to make rules and forms.

Passed in Council this twenty-fifth day of February, in the year of our Lord one thousand eight hundred and sixty-five.

R. LECHMERE GUPPY,

Clerk of the Council.