

## SCHEDULE.

## DESCRIPTION OF TRADE.

Alum-makers, apothecaries, auctioneers, bankers, bleachers, brokers, brickmakers, builders, calenderers, carpenters, carriers, cattle or sheep-salesmen, coach-proprietors, cow-keepers, distillers, dyers, fullers, keepers of inns, taverns, hotels or coffee houses, lime-burners, liverystable-keepers, market-gardeners, millers, packers, printers, share-brokers, shipowners, shipwrights, stock-brokers, stock-jobbers, sugar manufacturers, victuallers, warehousemen, wharfingers, persons using the trade or profession of a scrivener, receiving other men's moneys or estates into their trust or custody, persons insuring ships or their freight or other matter against perils of the sea, persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment, or otherwise, in gross or by retail, and persons who, either for themselves or as agents or factors for others, seek their living by buying and selling or buying and letting for hire goods or commodities, or by the workmanship or the conversion of goods or commodities; but a farmer, grazier, common labourer or workman for hire, shall not, nor shall a member of any partnership, association or company which cannot be adjudged bankrupt under this Ordinance, be deemed as such a trader for the purposes of this Ordinance.

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## No. 11.—1871.

AN ORDINANCE for the punishment of Fraudulent Debtors.

(L.S.) J. R. LONGDEN, *Governor*.

7th November, 1871.

**B**E 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 Fraudulent Debtor's Ordinance, 1871."

Commence-  
ment of  
Ordinance.

2. This Ordinance shall not come into operation until the day on which "The Bankruptcy Ordinance, 1871," comes into operation, which day is hereinafter referred to as the commencement of this Ordinance, and words and expressions defined or explained in "The Bankruptcy Ordinance, 1871," shall have the same meaning in this Ordinance.

3. Any person adjudged bankrupt, and any person whose affairs are liquidated by arrangement in pursuance of "The Bankruptcy Ordinance, 1874," shall, in each of the cases following, be deemed guilty of a misdemeanour, and on conviction thereof shall be liable to be imprisoned for any time not exceeding two years, with or without hard labour; that is to say:—

Punishment  
of fraudulent  
debtors.

1. If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee administering his estate for the benefit of his creditors all his property, real and personal, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his family, unless the jury is satisfied that he had no intent to defraud:
2. If he does not deliver up to such trustee, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up, unless the jury is satisfied that he had no intent to defraud:
3. If he does not deliver up to such trustee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the jury is satisfied that he had no intent to defraud:
4. If, being a trader and having debts to the amount of five hundred pounds sterling, or upwards, he has not kept books of account as to enable the trustee to obtain a full and correct knowledge of his affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs, or otherwise to defraud:
5. If, after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he conceals any part of his property to the value of ten pounds or upwards, or conceals any debt due to or from him, unless the jury is satisfied that he had no intent to defraud:

6. If, after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he fraudulently removes any part of his property of the value of ten pounds or upwards :
7. If he makes any material omission in any statement relating to his affairs, unless the jury is satisfied that he had no intent to defraud :
8. If, knowing or believing that a false debt has been proved by any person under the bankruptcy or liquidation, he fail for the period of a month to inform such trustee as aforesaid thereof :
9. If, after the presentation of a bankruptcy petition against him or the commencement of the liquidation, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs, or to defeat the law :
10. If, after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he conceals, destroys, mutilates or falsifies or is privy to the concealment, destruction, mutilation, or falsification of any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law :
11. If, after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law :
12. If, after the presentation against him or the commencement of the liquidation, or within four months next before such presentation or com-

mencement, he fraudulently parts with, alters, or makes any omission, or is privy to the fraudulently parting with, altering, or making any omission in any document affecting or relating to his property or affairs :

13. If, after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or at any meeting of his creditors within four months next before such presentation or commencement, he attempts to account for any part of his property by fictitious losses or expenses :
14. If, within four months next before the presentation of a bankruptcy petition against him or the commencement of the liquidation, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same :
15. If, within four months next before the presentation of a bankruptcy petition against him or the commencement of the liquidation, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit and has not paid for the same, unless the jury is satisfied that he had no intent to defraud :
16. If within four months next before the presentation of a bankruptcy petition against him or the commencement of the liquidation, he being a trader, pawns, pledges, or disposes of, otherwise than in the ordinary way of his trade, any property which he has obtained on credit and has not paid for, unless the jury is satisfied that he had no intent to defraud.
17. If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs, or his bankruptcy or liquidation.
4. If any person who is adjudged a bankrupt or has his affairs liquidated by arrangement after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months

Penalty for  
ab conding  
with property.

before such presentation or commencement, quits Trinidad and takes with him, or makes preparation for quitting Trinidad and for taking with him any part of his property to the amount of twenty pounds or upwards, which ought by law to be divided amongst his creditors, he shall, unless the jury is satisfied that he had no intent to defraud, be guilty of felony, punishable with imprisonment for a time not exceeding two years, with or without hard labour.

Penalty on fraudulently obtaining credit, &c.

5. Any person shall in each of the cases following be deemed guilty of a misdemeanour, and on conviction thereof shall be liable to be imprisoned for any time not exceeding one year, with or without hard labour; that is to say:—

- (1.) If in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud:
- (2.) If he has, with intent to defraud his creditors, or any of them, made or caused to be made any gift, delivery or transfer of or any charge on his property:
- (3.) If he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him.

False claim, &c., a misdemeanour.

6. If any creditor in any bankruptcy or liquidation by arrangement or composition with creditors in pursuance of "The Bankruptcy Ordinance, 1871," wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be guilty of a misdemeanour, punishable with imprisonment not exceeding one year with or without hard labour.

Debts incurred by fraud.

7. Where a debtor makes any arrangement or composition with his creditors under the provisions of "The Bankruptcy Ordinance, 1871," he shall remain liable for the unpaid balance of any debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

8. Where a trustee in any bankruptcy reports to the Court that in his opinion a bankrupt has been guilty of any offence under this Ordinance, or where the Court is satisfied upon the representation of any creditor or member of the committee of inspection that there is ground to believe that the bankrupt has been guilty of any offence under this Ordinance, the Court shall, if it appears to the Court that there is a reasonable probability that the bankrupt may be convicted, order the trustee to prosecute the bankrupt for such offence.

Order by court for prosecution on report of trustee.

9. Where the prosecution of the bankrupt under this Ordinance is ordered by the Court, then, on the production of the order of the Court, the expenses of the prosecution shall be certified by the Registrar of the Supreme Criminal Court, and allowed by the judge who tries the case, and shall be paid by the Receiver General, out of the general revenue of the Colony.

Expenses of prosecutions.

10. In an indictment for an offence under this Ordinance it shall be sufficient to set forth the substance of the offence charged, in the words of this Ordinance, specifying the offence or as near thereto as circumstances admit, without alleging or setting forth any debt, act of bankruptcy, trading, adjudication, or any proceedings in, or order, warrant or document of the Court acting under "The Bankruptcy Ordinance, 1871."

Form of indictment.

11. The provisions of the Ordinance No. 10 of 1853, entitled "An Ordinance for the Regulation of Municipal Corporations in this Island," Section 35, as to the disqualification of mayors, councillors and auditors having been adjudged insolvents or having compounded by deed with their creditors, shall extend to every arrangement or composition by a mayor, councillor, or auditor with his creditors under "The Bankruptcy Ordinance, 1871," whether the same is made by deed or otherwise.

Mayors, &c. disqualified by arrangement.

12. If any person being commissioned to act as a Justice of the Peace is adjudged bankrupt, or makes any arrangement or composition with his creditors under "The Bankruptcy Ordinance, 1871," he shall be deemed and remain incapable of acting as a Justice of the Peace unless and until he has been newly commissioned in that behalf.

Justices of the peace becoming bankrupt or arranging with creditors.

Punishments  
under this  
ordinance  
cumulative.

13. Where any person is liable under any other Ordinance or at common law to any punishment or penalty for any offence made punishable by this Ordinance, such person may be proceeded against under such other Ordinance, or at common law, or under this Ordinance, so that he be not punished twice for the same offence.

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

A. C. ROSS, .

*Clerk of the Council.*

