

TRINIDAD AND TOBAGO.

No. 29.—1908.

*11th May.*

AN ORDINANCE to amend the Remedies of Creditors Ordinance, No. 35.

[L.S.]

S. W. KNAGGS,

ACTING GOVERNOR.

*29th May, 1908.*

**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 Remedies of Creditors Ordinance 1908.
- Fee for searching judgment book.      2. In the last line of Section 6 of Ordinance No. 35, in lieu of the words "One shilling" shall be read the words "Two shillings and sixpence."
- Fee on re-entry of judgment.      3. In the last line of Section 7 of Ordinance No. 35, in lieu of the words "One shilling" shall be read the words "Five shillings."
- Repeal.      4. Section 31 of Ordinance No. 35 is hereby repealed and in lieu thereof shall be read the following:—
- Issue of Summons for Sale on filing affidavit.      31. A summons for sale may also issue without the issue of any order for execution by any judgment creditor whose judgment is registered and the registration of which is in force and effective, on the filing of an affidavit showing to the best of the knowledge of the applicant or other deponent the lands tenements and hereditaments to which it is alleged

the debtor was beneficially entitled at the time of registration of such judgment, or at any time after such registration and before the issue of such summons for sale, and the nature of such beneficial interest, and referring by their registered numbers to the material deeds and assurances affecting the premises, and giving the names and addresses of the persons to be served with such summons.

5. In Section 32 of the Ordinance No. 35, in lieu of the word "is" after the word "debtor" in the second line, shall be read the words "was at the time of the registration of such judgment or at any time after such registration and before the issue of such summons for sale." Amendment of Sec. 32 of Ord. No. 35.

6. After the word "defendant" in the third line of the last paragraph of Section 33 of Ordinance No. 35 shall be read the words "at the time of the registration of such judgment or at any time after such registration and before the issue of such summons for sale." Amendment of Sec. 33 of Ord. No. 35.

7. In the sixth line of Section 34 of Ordinance No. 35 in lieu of the words "be entitled" shall be read the words "have been entitled at the time of the registration of such judgment or at any time after such registration and before the issue of such summons for sale." Amendment of Sec. 34 of Ord. No. 35.

8. In the second line of Section 36 of Ordinance No. 35 in lieu of the word "is" shall be read the words "was at the time of the registration of such judgment or at any time after such registration and before the issue of such summons for sale." Amendment of Sec. 36 of Ord. No. 35.

9. In the second line of Section 39 of Ordinance No. 35 after the word "debtor" shall be read the words "in such lands at the time of the registration of such judgment or at any time after such registration and before the issue of such summons for sale." Amendment of Sec. 39 of Ord. No. 35.

10. Section 47 of Ordinance No. 35 is hereby repealed and in lieu thereof shall be read the following:— Repeal.

47. The Judge may on the return of the summons, in case it is doubtful in whom the legal estate in the lands was vested at the time of the registration of such judgment or at any time after such registration and before the issue of such summons for sale, or in case of the absence from the Colony of any bare trustee, make such order vesting the legal estate as is provided by the Conveyancing Ordinance No. 72. When estate may be vested in new trustee.

11. After Section 49 of Ordinance No. 35 shall be read the following sections :—

Summons for sale of right, title and interest of debtor in lands, &c.

49a. Notwithstanding anything to the contrary hereinbefore contained, a summons for sale may also issue by any judgment creditor whose judgment is registered and the registration of which is in force and effective, on the filing of an affidavit showing to the best of the knowledge of the deponent any lands, tenements or hereditaments of which the debtor was in actual or constructive possession at the time of the registration of such Judgment or at any time between such registration and the date of the issue of such summons for sale.

Order for sale of right, title and interest of debtor in lands, &c.

49b. On the return of the summons in the last section provided for, the Judge may, at his discretion, order the sale of the right title and interest of the debtor in such lands, and the right title and interest in such lands of any person party to such summons claiming through or under the debtor by any act or assurance happening or executed after the registration of such judgment, on sufficient evidence by affidavit that the debtor was in actual or constructive possession of such lands after the registration of such judgment, and that the applicant's solicitor has failed to trace the debtor's title thereto after making proper and diligent search for that purpose. Provided that any sale so ordered shall only be binding on the defendant or other party to such summons claiming through or under him.

Repeal.

12. Section 50 of Ordinance No. 35 is hereby repealed.

Amendment of Sec. 60 of Ord. No. 35.

13. In the third and fourth lines of Section 60 of Ordinance No. 35, in lieu of the words "day of the service of the summons for sale" shall be read the words "registration of such judgment."

Entry of satisfaction on registered judgments.

14. The Registrar-General shall upon production of an office copy of the notice that the plaintiff's claim has been satisfied in any action, write a memorandum of satisfaction on the minute of registration (if any) of the judgment in such action, and across the entry of particulars required to be kept by Section 6 of Ordinance No. 35.

Passed in Council this Eleventh day of May, in the  
year of Our Lord one thousand nine hundred and eight.

ALFRED TAITT,  
*Acting Clerk of the Council.*

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