

No. 19—1923.

I ASSENT,

[L.S.]

S. H. WILSON,
Governor.

24th October, 1923.

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

[24th October, 1923.]

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

1. This Ordinance may be cited as the Remedies of Creditors (Amendment) Ordinance, 1923, and shall be read as one with the Remedies of Creditors Ordinance, No. 35, hereinafter called the Principal Ordinance.

2. The following shall be read as section 19A of the Principal Ordinance:—

19A. By virtue of any writ of execution to be sued out of any Court, or any precept in pursuance thereof, the Marshal or other officer having the execution thereof may and shall seize and take any money or bank-notes, and any cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money belonging to the

Marshal
empowered to
seize money,
bank-notes,
&c.

[Price 2d.]

And to pay
the same to
execution
creditor.

And to sue for
amount
secured by
Bills of
Exchange.

Proviso as to
indemnity for
Marshal.

person against whose effects such writ of execution shall be sued out, and also may and shall levy upon and attach any securities which may be registered whereby any money may be secured to be paid to the person against whose effects such writ of execution shall be sued out, or to any person in trust for him; and may and shall pay or deliver to the party suing out such execution any money or bank notes which shall be so seized or a sufficient part thereof; and may and shall hold any such cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money as a security or securities for the amount by such writ of execution directed to be levied, or so much thereof as shall not have been otherwise levied and raised; and may sue in the name of such Marshal or other officer for the recovery of the sum or sums secured thereby, if and when the time of payment thereof shall have arrived; and the payment to the Marshal or other officer by the party liable on any such cheque, bill of exchange, promissory note, bond, specialty, or other security with or without suit, or the recovery and levying execution against the party so liable, shall discharge him to the extent of such payment, or of such recovery and levy in execution as the case may be, from his liability on any such cheque, bill of exchange, promissory note, bond, specialty or other security; and such Marshal or other officer may and shall pay over to the party suing out such writ the money so to be recovered, or such part thereof as shall be sufficient to discharge the amount by such writ directed to be levied, and if after satisfaction of the amount so to be levied, together with expenses, any surplus shall remain in the hands of such Marshal or other officer, the same shall be paid to the party against whom such writ shall be so issued: Provided that the Marshal or other officer shall not be bound to sue any party liable upon any such cheque, bill of exchange, promissory note, bond, specialty, or other security, unless the party suing out such execution shall enter into a bond with one sufficient surety for indemnifying him from all costs and expenses to be incurred in the prosecution of such action, or to which he may become liable in consequence thereof, the expense of such bond to be deducted out of any money to be recovered in such action.

3. Section 2 of this Ordinance shall operate retro-
spectively, and shall be deemed to have commenced and
come into operation on the 1st day of May, 1905.

Retrospective
effect of
section 2.

Passed in Council this nineteenth day of October, in
the year of Our Lord one thousand nine hundred and
twenty-three.

G. D. OWEN,
Clerk of the Council.