

ACKNOWLEDGMENT OF PAYMENT INTO COURT.

Date.	Amount.	Received by.
	£ s. d.	

[Debt Form 23.

ORDER ON A JUDGMENT SUMMONS WHEN ISSUE OF WARRANT OF COMMITTAL SUSPENDED.

*The Imprisonment for Debt Limitation Act, 1908, and the Magistrates' Courts Act, 1908.*

No. of plaint : /19 . No. of judgment summons : /19 . No. of order : /19 .

In the Magistrate's Court holden at

Between , of , plaintiff, and , of , defendant.

WHEREAS the plaintiff obtained a judgment [or order] against the defendant in the Magistrate's Court holden at , on the day of , 19 , for the payment of £ for debt [or damages] and costs, and subsequent costs have been incurred in pursuance thereof amounting to £ :

And whereas the defendant hath made default in payment of the amount [or the instalment of £ ] due and payable in pursuance of the said judgment [or order] :

And whereas a summons was at the instance of the plaintiff duly issued out of this Court by which the defendant was required to appear personally at this Court on the day of , 19 , to be examined on oath as to whether [*Here quote the exact words stated in the summons*]

- (1.) After providing for the reasonable maintenance of himself and his family he had not since the date of the judgment [or order] had sufficient money to pay the debt ; or
- (2.) He had not since the date of the order to pay the debt by instalments had sufficient money to pay the instalment so due [*as the case may be*] ; or
- (3.) [*If fraud is alleged state specifically*] ;

and to show cause why he should not be committed to prison for such default, which summons has been proved to this Court to have been duly served on the defendant :

And whereas at the hearing of the summons it has been proved to the satisfaction of the Court that [*Here specify such of the matters stated in the summons as have been proved*]

- (1.) The defendant, after providing for the reasonable maintenance of himself and his family, has since the date of the judgment [or order] had sufficient money to pay the debt ; or
- (2.) The defendant has since the date of the order to pay the debt by instalments had sufficient money to pay the instalment so due ; or
- (3.) [*If fraud is proved state specifically*] ; or
- (4.) [*If defendant does not appear strike out the words in parentheses and paragraphs 1 and 2, and say*] The defendant did not appear as required by such summons, nor allege a sufficient cause for not attending ;

and the defendant has shown no cause why he should not be committed to prison :

Now, therefore, it is ordered that unless the defendant shall pay into this Court at forth- with [or on or before the day of , 19 ; or by instalments of £ on the day of each , commencing on the day of , 19 ], the sum stated below, as that upon the payment of which he is to be discharged, or shall file such affidavit as is mentioned in Rule 36 of the Rules for Magistrates' Courts under the Imprisonment for Debt Limitation Act, 1908, he shall be committed to the public prison at , known as the for :

Provided that the issue of the warrant of committal hereon shall be suspended so long as the defendant pays into the Magistrate's Court at the sum of £ every , the first payment to be made on the day of , and thereafter on the days .

If the defendant fails or neglects to make the payments as aforesaid, or any of them, the said warrant may issue forthwith as if no order of suspension had been made.

Given under my hand, and the seal of the Court, this day of , 19 .  
 , Stipendiary Magistrate.

				£ s. d.
Amount of judgment [or order] remaining due	..	..	..	
Cost of judgment summons	..	..	..	
Total sum upon payment of which the prisoner will be discharged	..	£		

Subject as above, this order remains in force for one year from the date hereof.