

The Samoa Imprisonment for Debt Limitation Order, 1930.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 23rd day of June, 1930.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

HIS Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of that Dominion, and in pursuance of the authority to make regulations for the peace, order, and good government of Samoa conferred on him by the Samoa Act, 1921, and of all other powers and authorities enabling him in that behalf, doth hereby make the following regulations.

REGULATIONS.

1. THESE regulations may be cited as "The Samoa Imprisonment for Debt Limitation Order, 1930," and shall come into operation on the 1st day of July, 1930.
2. In this Order, if not inconsistent with the context,—
"Court" means the High Court of Western Samoa ;
"Registrar" means the Registrar of the High Court of Western Samoa and includes a Deputy Registrar of that Court.
3. (1) Subject to the provisions hereinafter mentioned, the Court may commit to prison for a term not exceeding three months, or until payment of the sum due, any person who makes default in payment of any debt or instalment of any debt due from him in pursuance of any order or judgment of the Court.
(2) The jurisdiction given by this clause shall be exercised only—
(a) By an order of a Judge made in open Court ; and
(b) In the cases hereinafter mentioned.
4. (1) Whenever and as often as any sum of money due under any judgment or order of the Court remains unsatisfied, it shall be lawful for the person entitled to recover such money (hereinafter called "the judgment creditor"), whether any writ of sale or any other writ or any warrant to levy on goods or any other warrant has or has not been issued for the same, to obtain in manner hereinafter prescribed and from time to time from the Registrar a summons (hereinafter called "the judgment summons") directed to the person liable to pay such money.
(2) If the person summoned (hereinafter called "the judgment debtor") appears in pursuance of the summons he may be examined on oath—
(a) As to his estate and effects and as to the property and means he has of paying, satisfying, and discharging such sum of money ;
(b) As to the disposal he may have made of any property ;
(c) As to his intention to leave Samoa without paying such money as is still unsatisfied with intent to evade payment ;
(d) As to the mode in which the liability the subject of such judgment or order was incurred.
5. The judgment creditor, and all other witnesses whom the Court thinks requisite, may be examined on oath touching the inquiries authorized to be made as aforesaid.
6. If the judgment debtor—
(a) Does not attend as required by the judgment summons, and does not allege a sufficient cause for not attending ; or
(b) If attending, refuses to be sworn or to disclose any of the things referred to in clause 4, subclause (2), hereof ; or
(c) If he does not make answer touching any of the things referred to in clause 4, subclause (2), hereof to the satisfaction of the Court ; or
(d) If it appears to the Court by oral testimony or affidavit, or by both, that the judgment debtor contracted the liability which was the subject of such judgment or order by fraud, or that he has made or caused to be made any gift, delivery, or transfer, of any property, or charged, removed, or concealed the same, with intent to defraud the judgment creditor, or with intent to defeat any execution issued upon such judgment or order ; or
(e) If it appears to the satisfaction of the Court by oral testimony or affidavit, or by both, that the judgment debtor has then or has had since the time of obtaining such order or judgment sufficient means and ability (after providing for the reasonable maintenance of himself and his family) to pay the sum so recovered against him and so due and unsatisfied as aforesaid (or any instalment thereof when an order to pay by instalment has been made) ; or
(f) If the Court is satisfied that he is about to leave Samoa without paying such money as is still unsatisfied with intent to evade payment ;