

CHAPTER 102

STATE DEBTORS

Ordinance No. 14 of 1843. AN ORDINANCE TO PROVIDE FOR THE BETTER SECURITY AND RECOVERY OF DEBTS DUE TO THE STATE.

[8th November, 1843.]

Short title. 1. This Ordinance may be cited as the State Debtors Ordinance.

Government Agent to seize property of debtor upon knowledge or notice of debt. 2. It shall be lawful for any Government Agent (or other person duly authorized by writing signed by such Government Agent) within his administrative district, and upon his own knowledge of the default of payment by any debtor to the State, or notice to him given of any debt having accrued due to the State, promptly and immediately to seize, take, and in safe custody to keep, but without removing the same (except in those cases only where there are no adequate means for safely and securely keeping the said property at the place where it is seized, and no sufficient security given for the value thereof), all and every the property of any debtor or debtors to the State, to an amount computed to be sufficient to cover the said debt so due and owing and the costs attending the same.

Notice, libel, or information to be filed in court. 3. Within seven days at farthest (exclusive of public holidays) after such seizure as aforesaid, a libel or information setting forth the nature and amount of the debt so due to the State, shall be filed in any court having jurisdiction in the case, and every such court, upon any such libel or information being filed, together with the certificate of the property seized, signed by the person making the seizure, is hereby required to deliver to the Fiscal a warrant to sequester the property of the said debtor, and any further proceedings which may be had thereon shall be according to such general rules of practice as now are or hereafter may be framed by the Judges of the Supreme Court.

Process thereupon. 4. All lands and tenements which any Treasurer, Government Agent, Assistant Government Agent, Collector of Customs, Government farmer or renter, or other officer employed in the collection, charge, receipt, or expenditure of the revenue, public money, stores, or other property belonging to Government, or any other public accountant, now hath or at any time hereafter shall have, within the time during which he shall respectively remain accountable to Government, shall be liable for the payment of all arrearages or debts, and all fines, penalties, and forfeitures due or adjudged to the State by or from such officer or public accountant, and the said lands and tenements, and all other the goods, chattels, property, and effects of the said officer or public accountant, shall be seized and sold in execution for the payment of all such arrearages or debts, fines, penalties, or forfeitures as may be adjudged due and payable to the State by any competent court of law, in like and as large and beneficial a manner, to all intents and purposes, as if the said officer or public accountant had, the day he became first an officer or accountant as aforesaid, specially mortgaged the said lands and tenements to the State for the full payment of such arrearages or debts, fines, penalties, and forfeitures, and had also at the same time, by a notarial bond, acknowledged the said arrearages or debts, fines, penalties, and forfeitures to be due to the State.

5. All debts due to the State upon mortgage, judgment, award, bond, or other speciality, or upon simple contract, from any other persons than officers and public accountants mentioned in the preceding clause, shall be entitled from the accruing thereof respectively to a preference of State debts on mortgage, &c., preferred to all subsequent debts.

Property of public accountant liable for debt, &c.