

## SYNOPSIS OF THE LAWS OF NEWFOUNDLAND.

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(Revised to January 1st, 1900.)

**Arrest for Debt**—A debtor is liable to arrest by *capias ad respondendum* when the creditor's claim exceeds \$50, upon the creditor producing an affidavit setting forth one or more of the following facts: (1.) That the debtor has made, or is about to make, some disposition of his property, or some part thereof. (2.) That he is about to quit the Colony, with intent to defraud his creditors generally or the creditor in particular. (3.) That he is about to quit the colony, and that his absence will materially prejudice the prosecution of the action. (4.) That he is possessed of means of payment of which he has control, and which he withholds from his creditors. Upon the same grounds a judgment debtor is liable to arrest by *capias ad satisfaciendum*.

**Assignments**—In the event of a conveyance or assignment for the benefit of creditors, the trustees or assignees are liable and compellable to pay out of the first proceeds all creditors who would have preferential claims in the case of a declaration of insolvency; and also, unless a majority in number and value of the creditors shall otherwise agree, to distribute the estate and effects as in the case of insolvency, notwithstanding any contrary provision in the conveyance or assignment; and such trustees or assignees are subject in such distribution to the order and direction of the Supreme Court or a Judge thereof as fully and in like manner as the trustees of the estate of a person declared insolvent.

**Attachments**—The property of a debtor can be attached by original process, as well in his own hands as in the possession of third parties, when the amount claimed exceeds \$20, upon the production of an affidavit setting forth that the said party is indebted in such sum. The property, debts or effects so attached shall be released upon the debtor giving a bond, with two sufficient sureties, to the sheriff in double the sum sworn to.

**Barristers or Solicitors** of any of Her Majesty's Superior Courts in any of Her Majesty's Colonies or Provinces in which the same privilege is extended to barristers or solicitors from Newfoundland, may, upon the production of evidence and testimonials to the satisfaction of the Law Society, be admitted as solicitors of the Supreme Court and to practice at the Bar.

**Bills of Exchange**—The law of the Colony upon this point is the same as the Imperial Act of 1882.

**Bills of Sale and Chattel Mortgages**—Bills of Sale and Mortgages of personal chattels being deeds of gift or where consideration exceeds \$400, and where possession continues in the grantor or mortgagor, must be registered. If not so registered they shall be void as against a subsequent purchaser or mortgagee for value, and as