

**Garnishment**—So often as any goods, debts or effects of any defendant in any action have been attached in the hands of any third person, such goods, debts or effects shall be paid into Court or delivered to the Sheriff, as the case may be, to abide the order of the Court, upon proof before the Court or Judge of the nature and amount of such goods, debts or effects. Third persons holding the moneys or effects of a debtor may be garnished under a writ of attachment or under a writ of *fiери facias*.

**Imprisonment for Debt**—No person shall be arrested and held to bail in civil actions on either original or final process, except in the cases mentioned under the heading "Arrest for Debt."

**Insolvency**—Procedure is by petition of the debtor himself or of a creditor, addressed to the Supreme Court or a Judge thereof, setting forth that the debtor is unable to pay his creditors one hundred cents to the dollar, and having attached to it, where the debtor is the petitioner, a schedule of assets and liabilities; and where the creditor is the petitioner, either a similar schedule or a statement of facts sufficient to satisfy the Court or Judge that an order for hearing should be made. The petition must also have attached to it an affidavit verifying its contents and those of the schedule, if any. Upon the hearing, the debtor may be declared insolvent, and his estate vested in a trustee or trustees for realization and distribution. The Court or a Judge may subsequently grant the debtor a certificate of insolvency and discharge. An arrangement or composition entered into by the debtor and two-thirds in number and value of his creditors resident or having a house of business in Newfoundland, and of two-thirds of his creditors elsewhere, or of three-fourths in number and value of the whole of such creditors, may be confirmed by the Court or Judge, and has the same effect, when so confirmed, as a certificate of final discharge. The working tools and implements of trade of any person, his fishing skiff or punt, the necessary cooking apparatus, the bedding and wearing apparel of himself and family, shall not pass to or vest in the trustee.

**Interest**—Interest is allowed on written agreements, and on accounts when notice is given that the interest would be charged. The usual rate is six per cent., and this is allowed except when under an agreement another rate is provided for. Under a writ of *fiери facias*, interest runs at five per cent.

**Judgments**—Where defendant does not defend, judgment may be entered in the Supreme Court four or eight days (according to the place of residence of defendant) after service of the writ in the action. The Judicature Act, Order xiv., provides for the entry of judgment in a case where a defendant appears and pleads where the Court is satisfied as to the cause of action, and that the defendant has no defence thereto on the merits.

**Limitations of Actions**—TWENTY YEARS—Judgments, rent upon lease under seal, bonds and other specialties, recovery of land.

SIX YEARS—Award where submission not under seal, money levied under *fi. fa.*, actions upon the case (except slander), actions for account, trespass, debt, detainee, trover, replevin for goods or cattle, trespass *quare clausum fregit*, admiralty suits for seamen's wages.

FOUR YEARS—Assault, menace, battery, wounding, imprisonment.

TWO YEARS—Penalties, damages or sums of money by the party grieved; slander. Disabilities and acknowledgments extend the time for bringing action.

**Married Women**—A married woman can sue and be sued as if she were a *femme sole*. The law of the Colony on this point is the same as the Imperial Act of 1882, as amended by that of 1893.