



## THE COURTS (EMERGENCY POWERS) ACT, 1914.

THE following Order of His Majesty in Council is issued for general information.

By order,

B. E. SARGEAUNT,

Government Secretary.

Government Office,

Isle of Man,

27th October, 1914.

At the Court at Buckingham Palace, the 14th day of October, 1914. Present: The King's Most Excellent Majesty, Lord Chancellor, Lord President, Lord Wimborne, Lord Islington.

Whereas by the Isle of Man (War Legislation) Act, 1914, His Majesty has power to extend to the Isle of Man any Act which, in the opinion of His Majesty, was passed for the purpose of meeting any emergency created by the present War, subject to adaptations for the purpose of making the Act applicable to the Isle of Man:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the Courts (Emergency Powers) Act, 1914, shall extend to the Isle of Man, adapted as set out in the Schedule hereto.

ALMERIC FITZROY.

### SCHEDULE.

1.—(1) From and after the passing of this Act no person shall—

(a) proceed to execution on, or otherwise to the enforcement of, any judgment or order of any court (whether entered or made before or after the passing of this Act) for the payment or recovery of a sum of money to which this subsection applies, except after such application to such court and such notice as may be provided for by rules or directions under this Act; or

(b) levy any distress, take out any arrest for rent, sue out any action of arrest, take, resume, or enter into possession of any property, exercise any right of re-entry, foreclose, realise any security (except by way of sale by a mortgagee in possession), forfeit any deposit, or enforce the lapse of any policy of insurance to which this subsection

applies, for the purpose of enforcing the payment or recovery of any sum of money to which this subsection applies, or, in default of the payment or recovery of any such sum of money, except after such application to such court and such notice as may be provided for by rules or directions under this Act.

This subsection shall apply to all sums of money except sums (other than rent at a rate not exceeding £50 per annum) due and payable in pursuance of a contract made after the beginning of the 4th day of August, 1914.

This subsection shall not apply in the case of any proceedings for recovery or enforcement of any fine, or for the enforcement of the payment of any sum due under a recognisance, or for the enforcement of any order of affiliation, or any order enforceable in the same way as an order of affiliation.

This subsection applies to life or endowment policies for an amount not exceeding £25, or payments equivalent thereto, the premiums in respect of which are payable at not longer than monthly intervals, and have been paid for at least the two years preceding the 4th day of August, 1914.

(2) If, on any such application, the court to which the application is made is of opinion that time should be given to the person liable to make the payment on the ground that he is unable immediately to make the payment by reason of circumstances attributable, directly or indirectly, to the present war, the court may, in its absolute discretion, after considering all the circumstances of the case and the position of all the parties, by order, stay execution or defer the operation of any such remedies as aforesaid, for such time and subject to such conditions as the court thinks fit.

(3) Where a bankruptcy petition has been presented against any debtor, and the debtor proves to the satisfaction of the court having jurisdiction in bankruptcy that his inability to pay his debts is due to circumstances attributable, directly or indirectly, to the present war, the court may, in its absolute discretion, after considering all the circumstances of the case and the position of all the parties, at any time stay the proceedings under the petition for such time and subject to such conditions as the court thinks fit.

(4) The Judges of the High Court of Justice of the Isle of Man may make such rules and give such directions as they think fit for the purpose of giving full effect to this Act, and may, by those rules or directions, provide for any proceedings for the purposes of this Act being conducted, so far as desirable, in private, and for the remission of any fees.

(5) The powers given under this Act shall be in addition to, and not in derogation of, any other powers of any court.

(6) Nothing in this Act shall affect any right or power of pawnbrokers to deal with pledges, or give any power to stay execution or defer the operation of any remedies of a creditor in the case of a sum of money payable by, or recoverable from, the subject of a Sovereign or State at war with His Majesty.

(7) Any stay of execution or of other proceedings, and any postponement of the operation of the remedies of a creditor, which has been granted or ordered by any court since the commencement of the present war and before the extension of this Act to the Isle of Man shall be as valid as if this Act had been in operation in the said Island when the stay or postponement was granted or ordered.

2.—(1) This Act may be cited as “The Courts (Emergency Powers) Act, 1914.”

(2) His Majesty may, by Order in Council, at any time determine the operation of this Act, or provide that this Act shall have effect subject to such limitations as may be contained in the Order; but, subject to the operation of any such Order in Council, this Act shall have effect during the continuance of the present war, and for a period of six months thereafter.