

A BILL INTITULED

AN ACT to amend "The Bankruptcy Act 1867." Title.

WHEREAS it is expedient that "The Bankruptcy Act 1867" should be amended Preamble.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The Bankruptcy Act Amendment Act 1868." Short Title.

2. This Act shall be read as part of "The Bankruptcy Act 1867" which said Act is hereinafter referred to as "the said Act." Act to be read as part of "Bankruptcy Act, 1867."

3. It shall be lawful for the Judge or Judges of each judicial district of the Supreme Court to appoint from time to time by general order any *Gazette* or newspaper published within his or their judicial district to be a *Gazette* for the purposes of the said Act and of this Act and either for the whole of the judicial district or for any part or parts thereof and publication in such *Gazette* or newspaper is referred to in the said Act and in this Act as "gazetting." Judges to appoint *Gazettes* for purposes of Act.

4. Upon the abolition or suspension of sittings of any District Court in which proceedings are being taken in any case of bankruptcy all proceedings in such case of bankruptcy shall be deemed to be transferred to the Supreme Court for the judicial district within which such District Court was acting and all future proceedings in every such case shall be carried on as if the petition for adjudication had been presented to the Judge of the Supreme Court for the said judicial district. Cases in District Courts to be transferred to Supreme Court.

5. If a sufficient number of creditors of any bankrupt do not attend at the meeting appointed by the order of adjudication it shall be lawful for the Registrar or for the person appointed by him under section ninety-five of the said Act to adjourn such meeting for seven days notice of which adjournment shall be gazetted and if a sufficient number of creditors do not attend at such adjourned meeting the Registrar shall then be deemed to be invested with all the powers conferred on trustees and supervisors by the said Act and shall perform all the duties required of them by the said Act and the Court shall forthwith after the said adjourned meeting appoint a day for the bankrupt to pass his last examination in manner required by section one hundred and eleven of the said Act. Non-attendance of creditors at meeting to elect trustee &c.

6. Where at the date of the order of adjudication the bankrupt was indebted in any sum payable for rates leviable under the provisions of any Act or Ordinance for the time being in force the trustees on proof thereof by the collector or other person authorized by law to collect and receive the same shall pay so much as is due not exceeding the rates due and payable for the then current period and such collector or other person may prove as an ordinary creditor for any sum so due beyond that amount. Rates a prior claim.

7. Notwithstanding anything in the said Act contained or implied to the contrary any judgment debt in respect of which the bankrupt shall before the making of the order of discharge have been arrested or be detained under any final process shall be a debt provable under the bankruptcy. Discharge of bankrupt from custody and judgment debt provable.

8. All actions to recover claims in the nature of unliquidated damages arising out of the breach before the order of discharge of any contract or promise made by the bankrupt and in respect of which no proof shall have been tendered under the bankruptcy in manner prescribed by section one hundred and eighty-eight of the said Act shall be commenced within six calendar months after the date of the order of discharge and not afterwards. Actions for unliquidated damages to be brought within six months.