

11

New Zealand.

ANNO TRICESIMO

V I C T O R I Æ R E G I N Æ .

No. —.

ANALYSIS.

Title.	Estates Fund to be paid into Treasury.
1. Short Title.	5. Estates to be deemed brought under administration.
2. Sections 39 and 40 of "Debtors and Creditors Act 1862" and 5th section of "Debtors and Creditors Act Amendment Act 1865" repealed.	6. What estates chargeable with fees.
3. Supreme Court may make rules for payment of fees of Mercantile Assessors.	7. On failure of creditor to contribute to maintenance debtor to be discharged from custody.
4. Moneys standing to the credit of Insolvent	8. Governor in Council may confer full powers on District Judge.
	9. Interpretation.

A BILL INTITULED

AN Act for further amending "The Debtors and Creditors Act 1862" and amending "The Debtors and Creditors Act Amendment Act 1865."

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

I. The Short Title of this Act shall be "The Debtors and Creditors Acts Amendment Act 1866."

II. The thirty-ninth and fortieth sections of "The Debtors and Creditors Act 1862" and the fifth section of "The Debtors and Creditors Act Amendment Act 1865" are hereby repealed.

III. It shall be lawful for the Judges of the Supreme Court or any three of them when and if they shall think fit to make general rules or orders for forming a fund for payment of fees of Mercantile Assessors under said Act and by such rules or orders to direct that there shall be paid out of every estate brought under administration through the provisions of the said Acts a sum not exceeding _____ in the pound to be computed upon the gross amount of all moneys recovered and received from such estate and effects and by such rules or orders to direct in what custody such moneys shall be kept and in what manner accounted for and what costs charges or expenses shall be payable thereout and all payments authorized by such rules or orders and by the Supreme Court or any Judge thereof directed to be made under the said Acts shall be paid out of such fund.

IV. All moneys paid before the passing of this Act under the thirty-ninth section of "The Debtors and Creditors Act 1862" to the fund therein called the "Insolvent Estates Fund" and unexpended before the passing of this Act shall be paid over by the officer or

Short Title.
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Supreme Court may make rules for payment of fees of Mercantile Assessors.

Moneys standing to the credit of Insolvent Estates Fund to be paid into Treasury.

Debtors and Creditors Amendment.

person having the custody or control of the same to the Colonial Treasurer and shall thenceforward form a part of the fund created by the twenty-eighth section of the said Amendment Act and be dealt with and be charged with the like expenses as the said fund.

Estates to be deemed brought under administration.

V. It is hereby declared and enacted that in every case where any debtor has since the passing of said Act made and executed or shall hereafter make and execute any deed of assignment for the benefit of his creditors or any deed under the said Act whereby or in such wise as that creditors of such debtor not executing or assenting to such deed shall nevertheless be bound thereby and where before or after the passing of this Act upon or after any application under the said Act by petition to the Supreme Court or a Judge thereof by a debtor or by the creditors of any debtor the estate or effects of such debtor has been or shall be assigned for the benefit of his creditors by order of the said Court or any Judge thereof then in every such case the estate of such debtor shall be deemed to have been brought under administration under or through "The Debtors and Creditors Act 1862."

What estates chargeable with fees.

VI. Every such estate brought under administration under the said Act before the thirtieth day of October one thousand eight hundred and sixty-five and undistributed on the thirtieth day of October one thousand eight hundred and sixty-five shall but only as to so much of the estate or effects as were then undistributed be deemed to have been and be liable to the payment of the fees specified in the Schedule to "The Debtors and Creditors Act Amendment Act 1865."

On failure of creditor to contribute to maintenance debtor to be discharged from custody.

VII. Whenever a detaining creditor or detaining creditors shall for the period of two weeks fail to pay for the maintenance of a debtor detained as a prisoner at his or their suit at the rate provided by section thirty-five of "The Debtors and Creditors Act 1862" upon affidavit thereof made by the warden or other officer in charge of the gaol in which such debtor shall so be detained being filed in the Supreme Court in the judicial district in which such gaol may be situated such debtor shall on application to the Court or to a Judge thereof be entitled to an order for his discharge from further custody at the suit of such detaining creditor or creditors. Provided that such order of discharge or such imprisonment so terminated shall not be deemed or taken to have extinguished the debt or debts of such creditor or creditors as aforesaid but solely to have extinguished the right of such creditor or creditors to take or detain in custody the body of such debtor in respect of such debt or debts.

Governor in Council may confer full powers on District Judge.

VIII. It shall be lawful for the Governor by Order in Council from time to time to direct and declare that all or any of the powers by the said Acts or by either of them or by this Act vested in the Supreme Court or a Judge thereof and the jurisdiction and functions of the Supreme Court or of the Judges or of any Judge thereof under the said Acts or this Act may be exercised by the Judge of such District Court within his district as in such order shall be named.

Interpretation.

IX. Where used in this Act the term "the said Act" shall mean "The Debtors and Creditors Act 1862" and the term "the said Amendment Act" shall mean "The Debtors and Creditors Act Amendment Act 1865" and the term "the said Acts" shall mean "The Debtors and Creditors Act 1862" and "The Debtors and Creditors Act Amendment Act 1865."