

9151

119

A BILL INTITULED

An Act for relief of persons Imprisoned for debt, and for the better security of Creditors.

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

Short Title.

I. The Short Title of this Act shall be "The Debtors and Creditors Act 1862."

Ordinance No. 7., Session 3, and Act No. 8, 1861, repealed.

II. An Ordinance passed in the year 1844 in the 3rd Session of the Legislative Council of the Colony of New Zealand intituled "An Ordinance for the relief of persons Imprisoned for Debt," and "The Imprisonment for Debt Ordinance Amendment Act, 1861," are hereby respectively repealed.

Debtors taken in Execution may petition a Judge of Supreme Court for Discharge and relief under this Act.

III. It shall be lawful for any person who shall have been taken in execution under any process issuing from the Supreme Court or from any Court of inferior jurisdiction for any debt or sum of money to apply by petition to a Judge of the Supreme Court for discharge from custody and for relief according to the provisions of this Act.

Nature of the Petition.
Account of Debts, &c., and to whom owing.
Like of all monies &c. due to Petitioner.
To be signed by Petitioner and filed with Registrar.

IV. The Petition shall state the time of the prisoners committal to prison and the name or names of the person or persons at whose suit he shall be detained in custody and the debts or sums of money for which he shall be so detained and that he hath caused notice in writing of his intention to present such Petition, to be personally served on such detaining Creditors as aforesaid or on their Attorneys or Agents (which notice shall be served accordingly) The Petition shall also set forth either in its body or by way of Schedule a full true and particular account of all the Petitioners debts liabilities and engagements and the respective amounts thereof as nearly as may be and to whom owing with the names places of abode and descriptions of the persons to whom owing and the respective considerations for the same : And also of all monies due to or payable to him from any person or persons or on any account whatsoever and of all income whereof he shall be in receipt from any office place or employment whatever and of all real and personal estate and effects whatsoever of or to which he shall be possessed or entitled in possession reversion remainder or expectancy or of which he shall have power to dispose and all such other particulars as shall from time to time by any rule or order in that behalf be directed for the purpose of enabling the Court to judge as to the state

circumstances and condition of the Petitioner The Petition shall be subscribed by the Petitioner and shall be forthwith filed with the Registrar or Deputy Registrar (as the case may be) of the Court for the District within which such Prisoner shall be confined.

Sittings of the Court.

V. The Court shall sit for the hearing of applications for relief and for the despatch of all business accruing under the provisions of this Act at such places and on such days and times as the Governor in Council shall from time to time appoint.

List of applicants to be published.

VI. Lists of persons applying for relief under this Act shall be published in the *Government Gazette* of the Province in which the application is made one month at least before the day of hearing their respective Petitions.

The Hearing, Enquiries, how to be made, and Relief of Petitioner from Debts, &c.
The Court may order Conveyance of Estate and effects to Registrar or other person for purposes and trusts set forth in Order.
Upon compliance with Order Petitioner discharged from Debts and liabilities as specified in Order.

VII. Every person who shall have filed such Petition as aforesaid shall be brought up on such day accordingly and upon the hearing of the Petitioner's application for relief it shall be lawful for the Court on being satisfied of the truth of the matters contained in such Petition by enquiries to be made or directed by the Court through such officer of the Court or other person appointed in that behalf or in such other manner as to the Court shall seem fit to make such order as to the Court shall seem fit for relief of the Petitioner and for releasing and discharging the Petitioner from all or any of the debts liabilities and engagements specified in such Petition or any part or parts thereof and by the same or any other order may order and direct the conveyance and assignment by the Petitioner of all such estate and effects as aforesaid or any part thereof to the Registrar of the said Supreme Court or to such other person or persons as to the Court shall seem fit such conveyance and assignment to contain all requisite powers for enabling some person or persons named therein to recover and receive debts monies goods chattels estate and effects in any way belonging to or due and payable to the Petitioner or any of such debts or monies goods chattels estate or effects in particular upon such trusts with such powers subject to such conditions and in such manner as to the Court shall seem fit for the purpose of selling, disposing of getting in and receiving or otherwise realizing such estate monies goods chattels and effects and thereof of satisfying all costs charges and expenses incurred by order of the Court or incidental to the execution of such trusts and all fees of Court and such other sums of money as shall be ordered by the Court and subject thereto for the purpose of such a just distribution and administration of such estate and effects between and amongst and for the benefit of all or any of the Creditors of the Petitioner in such order of priority or by way of *pro rata* distribution or otherwise and inclusive or exclusive of any creditors of the Petitioner either in whole

or in part and generally in such manner in all respects as the Court in the fullest and most absolute discretion may think fit and shall in and by any such order direct. And upon compliance by the Petitioner with the terms of such order the effect thereof shall be to release and discharge the Petitioner from any debts liabilities and engagements specified therein and from liability in respect thereof but so far only and to such extent and at such time and in such manner and upon such terms and conditions as shall be specified in such order and every such order shall be published in the *Government Gazette* of the Colony and also of the Province in which the Petition is heard.

The Court may order Prisoner to be Discharged from custody.

VIII. The Court upon full compliance by the Petitioner with the terms of such order or in accordance therewith may order the Prisoner to be discharged from custody and he shall be discharged accordingly and it shall be the duty of all Sheriffs and Gaolers to obey such order.

Adjournment of hearing, and examination of Petitioner. Creditors may attend Hearing and oppose Petition.

IX. The Court may from time to time adjourn the hearing of any Application or Petition under this Act to any time or place which it shall think fit and may examine the Applicant or Petitioner upon Oath as to the matters stated in the Application or Petition and any Creditor or person claiming to be a Creditor of the Applicant or Petitioner may attend any hearing of such Application or Petition and may either by himself or Counsel be heard in opposition thereto and by leave of the Court may examine the Applicant or Petitioner and any Witnesses which the Court shall think fit and may by such leave as aforesaid produce and read to the Court any letters or documents whatever in any way relating to the affairs of the Applicant or Petitioner and the Court shall have power to summon and compel the attendance of Witnesses and the production of books papers or writings as to it shall seem fit.

Enumeration of offences under this Act.

X. If any person shall have been guilty of any of the following acts deeds neglects or defaults that is to say if a person shall have contracted any of his debts fraudulently or by means of a breach of trust or by means of false pretences or without having had any reasonable or probable expectation at the time when contracted of paying the same or shall have fraudulently or by means of false pretences obtained the forbearance of any such debts by any of his Creditors or shall have put any of his Creditors to unnecessary expense by any vexatious or frivolous defence or delay to any suit for recovering any such debts or shall be imprisoned or liable for damages recovered in any action for criminal conversation seduction or breach of promise of marriage or for damages recovered in any action for a malicious prosecution or for libel or for slander or in any other action for a malicious injury or shall have falsified any books of accounts or being a trader shall have conducted his business or kept his accounts with gross negligence or who shall have fraudulently concealed or misrepresented the state of his

affairs or (with intent to diminish his means of paying and satisfying his Creditors or any of them) shall have fraudulently discharged or concealed any debt due or growing due to him or to any person in trust for him or made away with or assigned transferred charged delivered or made over any of his estate or effects before or after the commencement of his imprisonment or shall have been guilty of any fraud or misconduct whatsoever in reference to the management or disposition of his estate or the contracting of any unsatisfied debts liabilities or engagements he shall not be entitled to relief under this Act until after the expiration of one year from the date of his first imprisonment.

Costs to opposing Creditors.

XI. The Court may in its discretion allow to any opposing Creditor the costs of opposition to be added to such Creditors debt or liability against the Applicants or Petitioners estate.

Maintenance of a person in Custody, how to be paid.

XII. Where a person in custody shall be maintained at the public charge there shall be paid out of the estate and effects of such prisoner so long as he shall be so detained and so far as such estate and effects will extend the sum of five shillings per week for his maintenance and the same shall be paid to the Keeper of the Gaol towards the maintenance of the Prisoner and accounted for by him accordingly And the Court shall in any order relating to the estate and effects of the Prisoner under this Act make provision for payment of such sums accordingly in preference to any other debt or liability whatsoever.

Detaining Creditors to pay towards maintenance.

XIII. A detaining Creditor shall pay at the rate of five shillings per week for the maintenance of a Prisoner detained at his suit and failing such payment the Court may order the Prisoner to be discharged The money so paid to be applied in reimbursement of the cost of maintaining the Prisoner.

Where several such, to be paid rateably.

XIV. Where there shall be several detaining Creditors they shall contribute towards the maintenance of the Prisoner at the before mentioned rate proportionately to the respective amounts for which the Prisoner shall be detained.

Appointment of Mercantile Assessors.

XV. The Governor may by warrant under his hand appoint persons of mercantile experience resident in the Colony to be Mercantile Assessors under this Act and may from time to time remove such persons or any of them.

Their duties and powers.

XVI. If upon the hearing of any Petition or upon any enquiry or proceeding arising out of or in relation thereto the Court shall desire to be assisted or advised by a Mercantile Assessor or Assessors upon any question matter or thing what-

soever in any way relating to the conduct of the Petitioner the state of his accounts or affairs or of any particular account or affair the nature of the arrangement proper to be made with or for the benefit of the Petitioner's Creditors the terms and conditions of any order to be made by the Court or upon any other matter or thing whatsoever in any way relating to or arising out of the Petition or any proceedings thereupon it shall be lawful for the Court to summon and require the attendance of any one or more Mercantile Assessor or Assessors named in such summons at any time or place to be named in such summons and every Mercantile Assessor so summoned shall obey such summons and shall be bound to attend the Court from time to time as may be ordered by the Court until discharged and to advise and assist the Court in reference to the matters aforesaid in such manner as the Court shall require And for that purpose the Court may refer to such Mercantile Assessor or Assessors any accounts books or papers whatsoever and may call on and require such Mercantile Assessor or Assessor to make a report to the Court upon any specific question matter or thing which may be referred to them And such Mercantile Assessor or Assessors shall in executing the duties so imposed on them have power to examine the Petitioner and witnesses on Oath and to call for the production of books papers and accounts and to conduct their enquiries at such times and in such manner as to them shall seem fit.

Court may order them to be paid fees and allowances.

XVII. The Court may order such reasonable fees and allowances to be paid to such Mercantile Assessor or Assessors as to the Court as shall seem fit not exceeding three guineas per day for every days attendance or occupation about such business.

Court may employ Receivers, Accountants, &c.

XVIII. For the purpose of carrying into execution the provisions of this Act the Court shall have power to employ from time to time Receivers Agents Clerks and Accountants and may allow the Mercantile Assessors to employ Clerks and Accountants and may incur other reasonable costs and expenses incidental to the carrying into execution the provisions of this Act.

To form a fund for payment of such to be called "The Insolvent Estates Fund."

XIX. For the purpose of forming a fund for payment of costs and expenses under this Act there shall be paid out of every estate brought vnder Administration through the provisions of this Act a sum of one shilling in the pound in respect of all estates of less amount or value than five hundred pounds and the sum of sixpence in the pound in respect of the excess of amount or value beyond five hundred pounds to be computed upon the gross amount of all monies recovered and received from such estate and effects which money shall be paid in to the the Supreme Court to the credit of a fund to be called "The Insolvent Estates Fund."

Payments to be made thereout, or by Colonial Treasurer in event stated.

XX. All payments authorized by the Court to be made under this Act shall be paid out of 'The Insolvent Estates Fund' or if there shall be no monies applicable from such fund then by

the Colonial Treasurer upon an order of the Court to that effect out of the General Revenue of the Colony by way of advance to such fund and to be repaid when and as the state of such fund shall admit by an order of the Court upon application of the Colonial Treasurer.

Any person not being in Custody may apply for relief under this Act.
 Nature of Petition and Proceedings thereupon.
 Court may declare him entitled to relief.

XXI. If any person not being a prisoner in custody shall be unable to satisfy his just debts and liabilities and shall be desirous of availing himself of the provisions made by the foregoing sections of this Act and shall give notice in *The Government Gazette* and also in at least one Newspaper published in the Province in which he shall reside three times consecutively within six weeks before making his application setting forth in such notice his intention to apply for relief under the provisions of this Act and the time when his application will be made and if the Court (after proof of such notice as aforesaid) upon hearing the application and after such enquires as to it shall seem fit shall be satisfied that the Applicant has not been guilty of any of the acts deeds neglects or defaults specified in the eleventh section of this Act the Court may in its discretion declare such person entitled to proceed under the foregoing Sections of this Act and thereupon such person may proceed in like manner as if he were a Prisoner in custody and the like proceedings shall be thereupon had and taken as if he were a Prisoner in custody *mutatis mutandis*.

If any person shall remain in custody for two months, any Creditor may apply by Petition to compel cession of his Estate and Effects for benefit of Creditors.
 Order thereupon.

On non-compliance with Order the Court may order the Registrar or other person to make such cession and delivery, and to execute Deeds, &c.

XXII. In case any person being taken in execution for any debt shall remain in custody for the space of two calendar months without satisfying the same it shall be lawful for any Creditor or Creditors of such Prisoner to present a Petition to the Court setting forth such fact and also setting forth the particulars of the debt or debts owing to him or them and praying that such Prisoner shall be compelled to make a cession of his real and personal estate for the benefit of his Creditors And the Court upon hearing such Petition and being satisfied as to the truth thereof may cause the Prisoner to be brought up before the Court and may examine him as to all matters and things respecting which the Court is hereby empowered to examine a Debtor petitioning for relief under this Act and may thereupon make a like order as in the case of a Debtor petitioning for relief under this Act for the conveyance and assignment by the the Prisoner of all or any part of his estate and effects to and for empowering the same to be recovered and received by the Registrar of the Court or such other person or persons in such manner and upon such terms and conditions and upon such trusts as to the Court shall seem fit for securing the proper administration of the Debtors Estate (subject to and after making provision for all proper costs charges and expenses as shall be determined by the Court) for the benefit of all or any of the Creditors of such Prisoner in such order of priority or by way of *pro rata* distribution or otherwise and inclusive or exclusive of any Creditors of the Petitioner

either in whole or in part and generally in such manner in all respects as the Court in the fullest and most absolute discretion may think fit and shall in any such order direct with such provision for the relief of such Prisoner from his debts liabilities and engagements or any of them either in whole or in part at such time or times upon such terms and conditions as to the Court shall seem fit and in case such Prisoner shall not within such time as shall by any such order be limited in that behalf make such cession and delivery or give such power as aforesaid the Court may order the Registrar of the Court or such other person as the Court shall in that behalf appoint in the name and on behalf of such Prisoner to make such cession and delivery and to execute such power and to execute all necessary acts Deeds and Instruments whatsoever for vesting the Estate and Effects of the Prisoner in the person or persons appointed by the Court upon the Trusts and in manner aforesaid and all acts Deeds and Instruments done and executed under such last mentioned order shall be as effectual as if the same were made done and executed by such Prisoner.

Upon the Hearing of such Petition, the Court and Assessors to have same Powers as in case of Insolvent Debtors.

XXIII. Upon the hearing of any such last mentioned Petition the Court and Mercantile Assessors respectively shall have all the powers which are herein contained in reference to proceedings upon the Petition of Debtors petitioning for relief under this Act.

Judgment Creditor may compel Debtor to appear before Supreme Court.

XXIV. If any Creditor shall have obtained Judgment in any Court against a Debtor and the Debtor shall not within seven days after Judgment so obtained pay or satisfy to such Creditor the full amount payable under such Judgment such Creditor may by Petition supported by affidavit apply to the Supreme Court for and the Court is hereby empowered to grant a Rule (either *nisi* or absolute as the Court shall think fit) calling on the Debtor to appear in person before the Court at such time as the Court shall think fit in order that such other proceedings shall be taken as are hereinafter mentioned.

In certain cases Creditors may compel Debtor to appear before Supreme Court.

XXV. If any Debtor shall suffer his real or personal estate to be taken under execution or other legal process or if any Debtor shall at any time knowing that he is at the time unable to meet his engagements fraudulently and with intent to prevent the same being divided amongst the general body of Creditors have made away with mortgaged encumbered or charged any part of his property of what kind soever or if being a trader he shall at any time pawn pledge or dispose of otherwise than by *bona fide* transactions in the ordinary way of his trade any of his goods and chattels which have been obtained on credit and remain unpaid for any Creditor of of such Debtor may forthwith by Petition supported by affidavit apply to the Supreme Court for and the Court is hereby empowered to grant a Rule either *nisi* or absolute as the Court shall think fit calling on the Debtor to attend before the Court at such time as the Court shall think fit in order that such other proceedings may be taken as are hereinafter mentioned.

Court may proceed in such cases.

XXVI. In any of the cases specified in Sections XXIV and XXV the Court on being satisfied as to the matters alleged in the Petition by affidavit or otherwise as to it shall seem fit may compel the attendance of such Debtor accordingly And upon the attendance of such Debtor in person before the Court in the case of the Petition of a Judgment Creditor if the Debtor shall not pay or give such Creditor such security for payment of the amount payable under his Judgment as the Court shall think sufficient or in the said other cases if the Debtor shall not pay or give such security as the Court shall think sufficient for the payment of all his debts within the Colony the Court shall have power to hear and examine the Debtor as to all particulars respecting which the Court is hereby empowered to hear and examine a Debtor petitioning for relief under this Act And if the Court shall not be fully satisfied upon such hearing and examination that the Debtor is able to pay and satisfy all his just debts the Court shall have power forthwith to make such Orders and take such proceedings and all such proceedings shall be taken as upon a Creditors Petition in the case of a Prisoner in custody.

Debtors and Creditors may make Compositions.

XXVII. If upon any hearing or examination of a Debtor under this Act it shall be made to appear to the satisfaction of the Court in such manner as the Court shall think fit that three-fourths in number or three-fourths in value of the Creditors within the Colony of any Debtor are desirous that the Estate of such Debtor shall be wound up under a Deed of Arrangement Composition or otherwise the Court shall order all further proceedings under this Act to be stayed for such a period as the Court shall think fit and in such case the Debtor or any Creditor of the Estate may at any time within the period during which the proceedings are so stayed produce to the Court a Deed of Arrangement or Composition signed by or on behalf of three-fourths in number or three-fourths in value of Creditors in the Colony of such Debtor and the Court may consider the same and may examine on Oath the Debtor and any of the Creditors who may desire to be heard in support of or in opposition to the Deed and may make such other enquiry as it may think necessary and if the Court shall be satisfied that the Deed has been duly entered into and executed and that its terms are reasonable and calculated to benefit the general body of the Creditors within the Colony under the Estate it shall by Order make a declaration of the complete execution of the Deed and direct the same to be registered in the Supreme Court and shall also cancel any former Orders as to it shall seem fit touching the Debtor or the Debtors Estate and such Deed shall thereafter be as binding on any Creditor who has not executed the Deed as if he had executed it provided such Deed is registered as aforesaid.

Estates in such cases to be wound up under direction of the Court.

XXVIII. In every such last-mentioned case the Court may if it shall think fit make such Order and direction for the winding up of the Debtors Estate under and in accordance with such Deed of Arrangement or Composition but subject to such Order and directions as the Court shall from time to time make in that behalf.

Trustees, &c., to be subject to the provisions of this Act.

XXIX. In every such last-mentioned case the Trustees and all other persons concerned in the management and winding up of such Estate shall be subject to the same provisions of this Act as are applicable to Trustees and persons concerned in the management and winding up of Estates under the provisions of this Act.

No Sale, Mortgage, &c., to be executed by prisoner in custody unless with consent of the Court.

XXX. No Sale Mortgage Delivery or Disposition whatsoever of any real or personal Estate of any Prisoner in custody shall be of any force or effect whatever unless the same shall be made with the consent of the Court or such person or persons as the Court shall in that behalf from time to time appoint and no such consent shall be given unless it shall appear to the Court or to such person or persons that the same is made *bond fide* and is not meant to defeat the Prisoners just Creditors or to give undue preference or with any other fraudulent intent whatever.

Fraudulent and Voluntary Consignments void.

XXXI. If any Debtor who shall become subject to the provisions of this Act shall being in Insolvent circumstances convey assign transfer charge deliver or make over either voluntarily or fraudulently any estate real or personal security for money Bond Bill Note money property goods or effects whatsoever to any Creditor or Creditors or to any other person or persons every such transaction shall be fraudulent and void as against any Registrar or Trustee to whom the estate and effects of such Debtor shall be conveyed or assigned under any order of Court made under this Act Provided such transactions shall have taken place within three months next before such order made.

Any Act so done to be void.

XXXII. Every act Deed Disposition or Delivery of real or personal Estate goods chattels or effects whatsoever made by any Prisoner in custody contrary to the provisions of this Act shall be void and of no effect.

Every Trustee under this Act may recover any such Estate &c as if no such Disposition made.

XXXIII. Every Trustee appointed under this Act shall have the same power of recovering and receiving any debts monies goods chattels and Estate disposed of by a Prisoner in custody contrary to the provisions of this Act as effectually as if no such disposition thereof had taken place.

Certain offences declared to be misdemeanours.

XXXIV. From and after the passing of this Act any Debtor who shall have become subject to the provisions of this Act and who shall do any of the acts or things following with intent to defraud or defeat the rights of his Creditors shall be guilty of a misdemeanor and shall be liable at the discretion of the Court before which he shall be convicted to punishment by imprisonment for not more than three years or to any greater punishment attaching to the offence by any existing law :

1. If he shall not upon the service of any Rule calling upon him to appear before the Supreme Court having no lawful impediment allowed by the Court appear before such Court according to such Rule and submit to be examined from time to time.

2. If he shall not upon his examination fully and truly discover to the best of his knowledge and belief all his property real and personal inclusive of his rights and credits and all other particulars required to be disclosed by the provisions of this Act.

3. If within two months previous to the service of any such Rule he shall with intent to defraud his Creditors remove conceal or embezzle any part of his property to the value of ten pounds or upwards.

4. If in case of any person having to his knowledge or belief proved a false debt under proceedings taken under this Act he shall fail to disclose the same to the Trustee or other person appointed to manage the Estate within one month after the same coming to his knowledge or belief.

5. If he shall with intent to defraud wilfully and fraudulently omit from his Schedule any effects or property whatsoever.

6. If he shall after the Petition is presented with intent to conceal the state of his affairs or to defeat the object of this law conceal prevent or withhold the production of any book deed paper or writing relating to his property dealings or affairs.

7. If he shall after the Petition is presented or within three months next before with intent to conceal the state of his affairs or to defeat the objects of the law part with conceal destroy alter mutilate or falsify or cause to be concealed destroyed altered mutilated or falsified any book paper writing or security or document relating to his property trade dealings or affairs or make or be privy to the making of any false or fraudulent entry or statement in or omission from any book paper document or writing relating thereto.

8. If within the like time he shall knowing that he is at the time unable to meet his engagements fraudulently and with intent to diminish the sum to be divided amongst the general body of his Creditors have made away with mortgaged encumbered or charged any part of his property of what kind soever or if he shall conceal from the Court or from the Trustee or person concerned in the management of the Estate any debt due to or from him.

9. If being a trader he shall either to the Court or at any meeting of his Creditors within three months next preceding the Petition presented have attempted to account for any of his property by fictitious losses or expenses.

10. If being a trader he shall within three months next before Petition presented under the false color and pretence of carrying on business and dealing in the ordinary course of trade have obtained on credit from any person any goods or chattels with intent to defraud.

11. If being a trader he shall with intent to defraud his Creditors within three months next before the Petition presented have pawned pledged or disposed of otherwise than by *bonâ fide* transactions in the ordinary way of his trade any of his goods or chattels which have been obtained on credit and remain unpaid for.

Act not to extend to Crown Debts &c.

XXXV. This Act shall not extend to discharge any Debtor with respect to any debt due to Her Majesty or Her Successors or to any debt or penalty with which he shall stand charged at the suit of the Crown or of any person for any offence committed against any Act or Ordinance in force within this Colony relative to any branch of the Public Revenue or at the suit of any Sheriff or other Public Officer upon any Bail Bond entered into for the appearance of any person prosecuted for any such offence unless His Excellency the Governor shall certify under his hand his consent that such person may apply to take the benefit of this Act.

Order of Court may be pleaded in defence to any action.

XXXVI. Any order of the Court under this Act discharging a Debtor from any Debts claims or demands shall have the effect of discharging him from the same and if thereafter he shall be arrested or if any action shall be brought against him for any such debt claim or demand he shall be discharged upon entering an appearance and may plead that the cause of action arose in respect of a debt claim or demand from which he had been discharged under this Act and may give this Act and the special matter in evidence and the order of discharge shall be sufficient evidence of all proceedings precedent thereto.

The Court to make Rules.

XXXVII. The Court shall from time to time make Rules and Orders for regulating proceedings under this Act and may from time to time alter and rescind the same.

And publish same.

XXXVIII. Notice of such Rules and Orders and of all alterations and rescindings thereof shall be published in the *Government Gazette* of the Colony.

All Trustees &c. under this Act to be Officers of Court.

XXXIX. All Trustees Receivers Agents Accountants and other persons from time to time acting under or in execution of the provisions of this Act or any Conveyance or Assignment made in pursuance thereof shall for the time they shall

so act and so far as they shall so act be deemed to be Officers of the Court and shall be subject to and shall obey such orders as the Court shall from time to time make.

The Court to settle Table of Fees.

XL. The Judges of the Supreme Court shall settle a Table of Fees to be paid by Petitioners Creditors and other persons and a scale of allowances to Witnesses and other allowances in respect of proceedings under this Act which Fees and Allowances being allowed by the Governor in Council shall be payable accordingly.

Interpretation.

XLI. The term "Court" in this Act shall mean the Supreme Court of the Colony exercising Jurisdiction in a separate District.