

SUPPLEMENTARY ORDER PAPER.

LEGISLATIVE COUNCIL.

Wednesday, the 31st Day of August, 1892.

Contingent Notice of Motion.

BANKRUPTCY BILL.

The Honourable Mr. OLIVER to move, when in Committee:—

In clause 15, after "Clerk," insert "or Deputy Clerk."

Clause 23, and subclause 2, struck out, and the following new clause inserted:—

23. There shall be appointed, by the Governor for each district of the Supreme Court constituted under the provisions of "The Supreme Court Act, 1882," an Official Assignee or Official Assignees of bankrupts' estates, who shall be officers of the Court:

Provided that one person may be appointed for more than one district.

The Governor may, by writing under his hand, appoint a fit person to be deputy of the Assignee in the management of any particular estate, or generally as to any bankrupt's estates. Every deputy so appointed shall, with respect to the matters placed under his management, have, and may exercise, all the powers and duties of an Assignee, and shall receive such remuneration as the Governor may in each case, or the Governor in Council may, by any general rules, direct.

Every deputy shall act under the control and direction of the Official Assignee of the district: Provided that nothing herein contained shall affect the status of any Deputy Assignee or other person already appointed; and all proceedings relative to the property or person of any bankrupt now had, taken, or commenced may be continued and completed in the same manner as if this Act had not passed.

Clause 25, line 1: After "Assignees" insert "and Deputy Assignees respectively." Same clause, line 3: After the word "Assignees" insert "and Deputy Assignee respectively." Same clause, line 5: After "Act" strike out all the words down to the end of the clause.

Clause 26, subclause (2), line 1: After "Assignee" insert "and Deputy Assignee respectively." Same clause, subclause (3): After "Assignees" insert "and Deputy Assignees respectively." Same clause, subclause (4), line 2: After "Assignee" insert "and Deputy Assignees respectively." Same clause, subclause (5), line 1: After "Assignee" insert "or Deputy Assignee." Same clause, subclause (6), line 2: After "Assignee" insert "or Deputy Assignee."

Clause 55, subclause (4), line 2: Strike out "or," and insert "but." Same line: Strike out "shall," and insert "may."

Clause 63, subclause (3), in line 5: After "thereof" add "but debts and other things in action due or growing due to the bankrupt shall not be deemed goods within the meaning of this subsection." Same clause, paragraph (b), line 2: After "been," insert "or shall be."

Clause 77, after subclause (2), add new paragraphs (b) and (c), as follows:—

(b.) Any Assignee may, by summons, apply to a Judge, as defined by this Act, in any case in which a husband has, within two years before the date of adjudication, erected buildings upon or otherwise improved land of his wife, or has purchased land in her name, or provided money to purchase land in her name or on her behalf; and the Judge may, upon hearing such summons, fix the value of the land, if the same belongs to the wife, and shall ascertain the value of the improvements, or the amount expended or paid upon or for such land, by or on behalf of the husband, and may order the wife to pay the

amount so ascertained to the Assignee; and, in case the wife fails to comply with such order, the Judge, by the same or a subsequent order, may direct the Assignee to sell such land, or a sufficient part thereof, and to convey or transfer the same to the purchaser; and the Judge may make all vesting or other orders that may be necessary for that purpose. And out of the proceeds arising from such sale the amount so fixed by the Judge as the value of any land belonging to the wife shall be paid to the wife, and the amount so ascertained by the Judge shall be retained by the Assignee, sufficient, along with any other assets in the estate, to pay equal to twenty shillings in the pound to the creditors of the husband, and the balance shall be paid to the wife; but, in the event of the said proceeds being insufficient to pay the wife and the Assignee, they shall rank rateably thereon. And the costs of the proceedings shall be in the discretion of the Judge.

(c.) On any such application evidence may be given either orally or on affidavit, or partly in both such ways, and on any appeal the Court may, if it sees fit, allow further evidence to be adduced.

Clause 100, subclause (9), line 2: Strike out "one," and insert "two;" also after "month" insert the letter "s."

Clause 120: Paragraph (c), line 7, after "months" strike out "actually due and payable by the bankrupt at," and insert "due or accruing due by the bankrupt computed to." Also same paragraph, line 8, after "adjudication," insert "and which rent may be apportioned as to time if necessary." Also same paragraph, line 10, strike out "was payable," and insert "if payable would be." Also same paragraph, page 44, after line 16, add "Fourthly, in payment of any expenses and charges of process, and the execution thereof rendered unavailable under section fifty-five of this Act." Also in lines 17, 38, 40, and 43 strike out the words "fourthly," "fifthly," "sixthly," and "seventhly," and insert the words "fifthly," "sixthly," "seventhly," and "eighthly," respectively.

Clause 125: After subclause (2) add the following new subclause:—

(3.) A bankrupt shall apply for his discharge within four months of the date of his adjudication. If he shall neglect to do so the Assignee may, by notice in writing, require him to apply for his discharge, and if he shall for ten days thereafter fail to take all necessary steps for this purpose the Assignee may apply to the Judge to have the bankrupt committed for contempt of Court. If the bankrupt shall satisfy the Assignee that he, the bankrupt, is unable to pay the Court-fees and outlay incidental to his application for discharge, such fees shall, on production of a certificate by the Assignee to that effect, be remitted, and the Assignee shall take all necessary steps and pay out of the estate all other outlay in respect of the application for the bankrupt's discharge.

The Judge shall have power to make such order in the premises as he may think proper.

Clause 152: After subclause (6) add new subclause to stand as subclause (7):—

(7.) If the Assignee shall be dissatisfied with any decision or finding of the Controller and Auditor-General, the Assignee may, within two months thereafter, appeal to the Judge, who shall give such decision thereon as he may think proper.

Clause 154, line 3: After "Assignee" insert "after deducting where necessary the costs of his release."

Clause 155, line 1: After "1883" insert "or this Act." Same clause, line 5: After "payment" insert "of their debts proved." Same clause, line 11: Strike out "conducted," and insert "commenced."

Clause 169, subclause (4), line 3: After "Act" insert "and a sum of two guineas towards his costs."

Schedules.

In the Third Schedule, line 2: Before the word "receipts" insert "net." In line 6, strike out the figures "£1 5s. Od.," and insert "£2 10s. Od." In line 7, strike out the figures "£1 0s. Od.," and insert "£1 5s. Od."

In the Fourth Schedule: In line 3, strike out the figures "£2 10s.," and insert "£1 5s.;" in line 4, strike out the figures "£1 5s.," and insert "£1 0s."