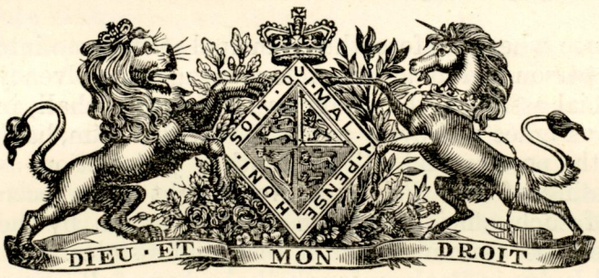
This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 13 *July,* 1888.

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. .

An Act to amend the "Bankruptcy Act, 1887."

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Bankruptcy Act Amendment Act, 1888." And the Bankruptcy Act, 1887 [hereinafter termed the 'Principal Act'], and this Act when referred to collectively may be cited as the "Bankruptcy Acts, 1887–1888."

Verbal amendments of Principal Act.

2. The sections of the Principal Act herein specified and the Third Schedule are hereby respectively amended as follows, and the amendments hereby enacted shall have effect as from the passing of the Principal Act, that is to say,—

In section 4, subsection (*e*), the words "or otherwise" shall be omitted.

In section 11, the words "debtors' summons" shall be omitted, and the words "bankruptcy notice" shall be substituted for the words so omitted.

In

In section 19, subsection (15), the words "able to obtain his" shall be omitted, and the words "released by a" shall be substituted for the words so omitted.

In section 57, the words "and preferences" shall be omitted.

In section 133, the word "them" shall be omitted, and the word "him" shall be substituted for the word so omitted.

In the Third Schedule, the figures "£300," wheresoever they occur, shall be omitted, and the figures "£200" shall be substituted for the figures so omitted.

Provided always that nothing in this section shall affect any judgment or order of the Supreme Court or of the Judge in Bankruptcy given or made, or any proceedings pending, before or at the commencement of this Act.

Jurisdiction, &c., in respect of estates vested in official assignees before passing of Principal Act.

3. (I) In any case where, before the Principal Act came into force, the estate of any person had under the Acts relating to Insolvency been vested in any official assignee, the Judge in Bankruptcy shall, in respect of such official assignee and every estate so vested in him, have and may exercise all the powers and all such other jurisdiction as previously to the passing of the Principal Act might have been exercised in respect of such official assignee or such estate by the Chief Justice or by the Chief Commissioner of Insolvent Estates.

(II) The said Judge in Bankruptcy shall also have full power and authority to inquire into, and investigate, the dealings of such official assignees with each estate vested in him or with any part thereof, whether such dealings took place before or since the passing of the Principal Act, or before his removal as hereafter provided for.

(III) The said Judge shall also have full power and authority to remove such official assignee from being the official assignee of any particular estate, and may appoint any other of the official assignees to be the official assignee of such estate, and in case of such removal, the right, title, and interest of the official assignee so removed shall, by the order appointing the official assignee in his place vest in the official assignee so appointed as aforesaid.

(IV) The said Judge shall also have full power and authority to order any official assignee to bring into Court any sums of money which he may find to be in the hands of such official assignee, and also may call upon any official assignee to account fully for all moneys which have come to his hands at any time and to show how the same were disposed of, and generally may exercise all necessary powers and authorities to compel any official assignee fully to disclose all his dealings with all or any of the estates so vested in him.

(V) The said Judge may also, upon the application of the Colonial Treasurer or of any person interested, direct an investigation by the Colonial Treasurer or by any person instructed by the Colonial Treasurer, or by the Registrar, of the books, accounts, vouchers, papers, and documents of any such official assignee, and may order such books, accounts, vouchers, papers or documents to be handed over to the Colonial Treasurer or to any person instructed by him, or to the Registrar; and may direct an inquiry as to the conduct, omissions, and dealings of any such assignee, and may remove him from his office for misconduct or neglect.

(VI) Provided always that every official assignee appointed an official assignee of any estate under the provisions of this section shall be subject to all the provisions of this section, in respect of the estate to which he is so appointed.

Judge may make vesting order.

4. For the purpose of transferring any estate vested in an official assignee or trustee (whether such estate were vested before or after the passing of the Principal Act) to, and vesting the same in, some other official assignee or trustee, the Judge in Bankruptcy may make

make such vesting order as in his opinion will effectually carry out such transfer to, and the vesting of such estate in, the person named in such order. And such order when made shall have the effect of vesting in the person therein named the whole right, title, and interest of the official assignee or trustee from whom such right, title, and interest shall be intended to be divested or transferred.

Effect of certificate of discharge.

5. Every Certificate of Discharge issued under the Principal Act shall have the re-vesting effect given by section thirty-six of the said Act to an Order of Release, but subject to the first proviso contained in that section in the words following, viz.: "Provided that all sales and dispositions of the property and payments made and acts theretofore done by the official assignee or trustee shall be valid."

Revival of sec. 15 of 7 Vic. No. 19, and sec. 3 of 10 Vic. No. 14, and provisoes.

6. Notwithstanding anything in the Principal Act, the fifteenth section of the Act seventh of Victoria number nineteen, and the third section of the Act tenth Victoria number fourteen shall, for the respective purposes mentioned in such sections, be deemed to be and to have always been in full force in respect to all titles to property belonging to or forming part of any insolvent estate within the meaning of the Acts relating to insolvency repealed by the Principal Act; provided that after the passing of this Act the certificate of the Judge in Bankruptcy shall have the same effect as the certificate of the Chief Commissioner mentioned in the said fifteenth section of the Act seventh of Victoria number nineteen; and provided also that in applying the provisions of the said sections to conveyances or transfers, executed by official assignees or trustees, of property forming part of any bankrupt estate, and to purchasers from such assignees or trustees, the expression "insolvent estate" shall include "bankrupt estate" within the meaning of the Principal Act, the expression "official assignee" shall include "an official assignee" within the like meaning, and the expression "elected assignee" and "trustee" shall include "a trustee" within the like meaning.

Provision against abatement in certain cases.

7. No action or proceeding of any kind to which an official assignee or trustee shall have been a party, shall be deemed to have abated by the death, or resignation, or vacation of, or removal from, office of any such official assignee or trustee; but in every such case such action or proceding may be continued in the name of the official assignee or trustee appointed in the place of the official assignee or trustee who has died, resigned, or vacated, or been removed from, his office. Provided that a suggestion in the usual way be made of such death, resignation, removal, or vacation.

Sydney: Charles Potter, Government Printer.—1888.

[3*d*.]

BANKRUPTCY ACT AMENDMENT BILL.

SCHEDULE of Amendment referred to in Message of 18*th July*, 1888.

Page 3, clause 5. *Omit* clause 5.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 13 *July,* 1888.

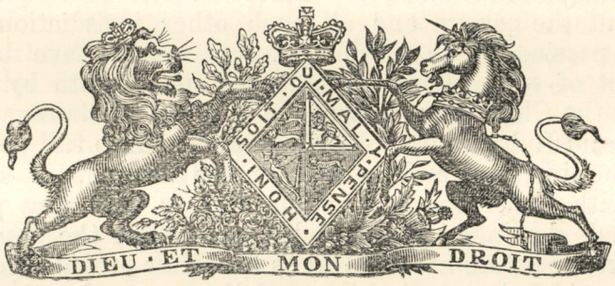
F. W. WEBB,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with an Amendment.*

Legislative Council Chamber,
Sydney, 18*th July,* 1888.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No.

An Act to amend the "Bankruptcy Act, 1887."

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Bankruptcy Act Amendment Act, 1888." And the Bankruptcy Act, 1887 [hereinafter termed the 'Principal Act'], and this Act when referred to collectively may be cited as the "Bankruptcy Acts, 1887–1888."

Verbal amendments of Principal Act.

2. The sections of the Principal Act herein specified and the Third Schedule are hereby respectively amended as follows, and the amendments hereby enacted shall have effect as from the passing of the Principal Act, that is to say,—

In section 4, subsection (*e*), the words "or otherwise" shall be omitted.

In section 11, the words "debtors' summons" shall be omitted, and the words "bankruptcy notice" shall be substituted for the words so omitted.

910— In

NOTE.—The words to be *omitted* are *ruled through.*

In section 19, subsection (15), the words "able to obtain his" shall be omitted, and the words "released by a" shall be substituted for the words so omitted.

In section 57, the words "and preferences" shall be omitted.

5 In section 133, the word "them" shall be omitted, and the word "him" shall be substituted for the word so omitted.

In the Third Schedule, the figures "£300," wheresoever they occur, shall be omitted, and the figures "£200" shall be substituted for the figures so omitted.

10 Provided always that nothing in this section shall affect any judgment or order of the Supreme Court or of the Judge in Bankruptcy given or made, or any proceedings pending, before or at the commencement of this Act.

Jurisdiction, &c., in respect of estates vested in official assignees before passing of Principal Act.

3. (I) In any case where, before the Principal Act came into 15 force, the estate of any person had under the Acts relating to Insolvency been vested in any official assignee, the Judge in Bankruptcy shall, in respect of such official assignee and every estate so vested in him, have and may exercise all the powers and all such other jurisdiction as previously to the passing of the Principal Act might have been 20 exercised in respect of such official assignee or such estate by the Chief Justice or by the Chief Commissioner of Insolvent Estates.

(II) The said Judge in Bankruptcy shall also have full power and authority to inquire into, and investigate, the dealings of such official assignees with each estate vested in him or with any part 25 thereof, whether such dealings took place before or since the passing of the Principal Act, or before his removal as hereafter provided for.

(III) The said Judge shall also have full power and authority to remove such official assignee from being the official assignee of any particular estate, and may appoint any other of the official assignees 30 to be the official assignee of such estate, and in case of such removal, the right, title, and interest of the official assignee so removed shall, by the order appointing the official assignee in his place vest in the official assignee so appointed as aforesaid.

(IV) The said Judge shall also have full power and authority 35 to order any official assignee to bring into Court any sums of money which he may find to be in the hands of such official assignee, and also may call upon any official assignee to account fully for all moneys which have come to his hands at any time and to show how the same were disposed of, and generally may exercise all necessary powers and 40 authorities to compel any official assignee fully to disclose all his dealings with all or any of the estates so vested in him.

(V) The said Judge may also, upon the application of the Colonial Treasurer or of any person interested, direct an investigation by the Colonial Treasurer or by any person instructed by the Colonial 45 Treasurer, or by the Registrar, of the books, accounts, vouchers, papers, and documents of any such official assignee, and may order such books, accounts, vouchers, papers or documents to be handed over to the Colonial Treasurer or to any person instructed by him, or to the Registrar; and may direct an inquiry as to the conduct, omissions, and dealings of 50 any such assignee, and may remove him from his office for misconduct or neglect.

(VI) Provided always that every official assignee appointed an official assignee of any estate under the provisions of this section shall be subject to all the provisions of this section, in respect of the estate 55 to which he is so appointed.

Judge may make vesting order.

4. For the purpose of transferring any estate vested in an official assignee or trustee (whether such estate were vested before or after the passing of the Principal Act) to, and vesting the same in, some other official assignee or trustee, the Judge in Bankruptcy may make

make such vesting order as in his opinion will effectually carry out such transfer to, and the vesting of such estate in, the person named in such order. And such order when made shall have the effect of vesting in the person therein named the whole right, title, and interest of the official assignee or trustee from whom such right, title, and interest shall be intended to be divested or transferred.

Effect of certificate of discharge.

5. Every Certificate of Discharge issued under the Principal Act shall have the re-vesting effect given by section thirty-six of the said Act to an Order of Release, but subject to the first proviso contained in that section in the words following, viz.: "Provided that all sales and dispositions of the property and payments made and acts theretofore done by the official assignee or trustee shall be valid."

Revival of sec. 15 of 7 Vic. No. 19, and sec. 3 of 10 Vic. No. 14, and provisoes.

~~6.~~ **5.** Notwithstanding anything in the Principal Act, the fifteenth section of the Act seventh of Victoria number nineteen, and the third section of the Act tenth Victoria number fourteen shall, for the respective purposes mentioned in such sections, be deemed to be and to have always been in full force in respect to all titles to property belonging to or forming part of any insolvent estate within the meaning of the Acts relating to insolvency repealed by the Principal Act; provided that after the passing of this Act the certificate of the Judge in Bankruptcy shall have the same effect as the certificate of the Chief Commissioner mentioned in the said fifteenth section of the Act seventh of Victoria number nineteen; and provided also that in applying the provisions of the said sections to conveyances or transfers, executed by official assignees or trustees, of property forming part of any bankrupt estate, and to purchasers from such assignees or trustees, the expression "insolvent estate" shall include "bankrupt estate" within the meaning of the Principal Act, the expression "official assignee" shall include "an official assignee" within the like meaning, and the expression "elected assignee" and "trustee" shall include "a trustee" within the like meaning.

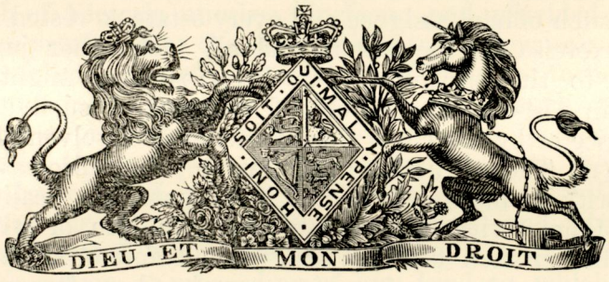
Provision against abatement in certain cases.

~~7.~~ **6.** No action or proceeding of any kind to which an official assignee or trustee shall have been a party, shall be deemed to have abated by the death, or resignation, or vacation of, or removal from, office of any such official assignee or trustee; but in every such case such action or proceding may be continued in the name of the official assignee or trustee appointed in the place of the official assignee or trustee who has died, resigned, or vacated, or been removed from, his office. Provided that a suggestion in the usual way be made of such death, resignation, removal, or vacation.

Sydney: Charles Potter, Government Printer.—1888.

[3*d*.]

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. XI.

An Act to amend the "Bankruptcy Act, 1887."
[Assented to, 23rd July, 1888.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Bankruptcy Act Amendment Act, 1888." And the Bankruptcy Act, 1887 [hereinafter termed the 'Principal Act'], and this Act when referred to collectively may be cited as the "Bankruptcy Acts, 1887–1888." Short title.

2. The sections of the Principal Act herein specified and the Third Schedule are hereby respectively amended as follows, and the amendments hereby enacted shall have effect as from the passing of the Principal Act, that is to say,— Verbal amendments of Principal Act.

In section 4, subsection (*e*), the words "or otherwise" shall be omitted.

In section 11, the words "debtors' summons" shall be omitted, and the words "bankruptcy notice" shall be substituted for the words so omitted.

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In section 19, subsection (15), the words "able to obtain his" shall be omitted, and the words "released by a" shall be substituted for the words so omitted.

In section 57, the words "and preferences" shall be omitted.

In section 133, the word "them" shall be omitted, and the word "him" shall be substituted for the word so omitted.

In the Third Schedule, the figures "£300," wheresoever they occur, shall be omitted, and the figures "£200" shall be substituted for the figures so omitted.

Provided always that nothing in this section shall affect any judgment or order of the Supreme Court or of the Judge in Bankruptcy given or made, or any proceedings pending, before or at the commencement of this Act.

Jurisdiction, &c., in respect of estates vested in official assignees before passing of Principal Act.

3. (I) In any case where, before the Principal Act came into force, the estate of any person had under the Acts relating to Insolvency been vested in any official assignee, the Judge in Bankruptcy shall, in respect of such official assignee and every estate so vested in him, have and may exercise all the powers and all such other jurisdiction as previously to the passing of the Principal Act might have been exercised in respect of such official assignee or such estate by the Chief Justice or by the Chief Commissioner of Insolvent Estates.

(II) The said Judge in Bankruptcy shall also have full power and authority to inquire into, and investigate, the dealings of such official assignees with each estate vested in him or with any part thereof, whether such dealings took place before or since the passing of the Principal Act, or before his removal as hereafter provided for.

(III) The said Judge shall also have full power and authority to remove such official assignee from being the official assignee of any particular estate, and may appoint any other of the official assignees to be the official assignee of such estate, and in case of such removal, the right, title, and interest of the official assignee so removed shall, by the order appointing the official assignee in his place vest in the official assignee so appointed as aforesaid.

(IV) The said Judge shall also have full power and authority to order any official assignee to bring into Court any sums of money which he may find to be in the hands of such official assignee, and also may call upon any official assignee to account fully for all moneys which have come to his hands at any time and to show how the same were disposed of, and generally may exercise all necessary powers and authorities to compel any official assignee fully to disclose all his dealings with all or any of the estates so vested in him.

(V) The said Judge may also, upon the application of the Colonial Treasurer or of any person interested, direct an investigation by the Colonial Treasurer or by any person instructed by the Colonial Treasurer, or by the Registrar, of the books, accounts, vouchers, papers, and documents of any such official assignee, and may order such books, accounts, vouchers, papers or documents to be handed over to the Colonial Treasurer or to any person instructed by him, or to the Registrar; and may direct an inquiry as to the conduct, omissions, and dealings of any such assignee, and may remove him from his office for misconduct or neglect.

(VI) Provided always that every official assignee appointed an official assignee of any estate under the provisions of this section shall be subject to all the provisions of this section, in respect of the estate to which he is so appointed.

Judge may make vesting order.

4. For the purpose of transferring any estate vested in an official assignee or trustee (whether such estate were vested before or after the passing of the Principal Act) to, and vesting the same in, some other official assignee or trustee, the Judge in Bankruptcy may make

make such vesting order as in his opinion will effectually carry out such transfer to, and the vesting of such estate in, the person named in such order. And such order when made shall have the effect of vesting in the person therein named the whole right, title, and interest of the official assignee or trustee from whom such right, title, and interest shall be intended to be divested or transferred.

Revival of sec. 15 of 7 Vic. No. 19, and sec. 3 of 10 Vic. No. 14, and provisoes.

5. Notwithstanding anything in the Principal Act, the fifteenth section of the Act seventh of Victoria number nineteen, and the third section of the Act tenth Victoria number fourteen shall, for the respective purposes mentioned in such sections, be deemed to be and to have always been in full force in respect to all titles to property belonging to or forming part of any insolvent estate within the meaning of the Acts relating to insolvency repealed by the Principal Act; provided that after the passing of this Act the certificate of the Judge in Bankruptcy shall have the same effect as the certificate of the Chief Commissioner mentioned in the said fifteenth section of the Act seventh of Victoria number nineteen; and provided also that in applying the provisions of the said sections to conveyances or transfers, executed by official assignees or trustees, of property forming part of any bankrupt estate, and to purchasers from such assignees or trustees, the expression "insolvent estate" shall include "bankrupt estate" within the meaning of the Principal Act, the expression "official assignee" shall include "an official assignee" within the like meaning, and the expression "elected assignee" and "trustee" shall include "a trustee" within the like meaning.

Provision against abatement in certain cases.

6. No action or proceeding of any kind to which an official assignee or trustee shall have been a party, shall be deemed to have abated by the death, or resignation, or vacation of, or removal from, office of any such official assignee or trustee; but in every such case such action or proceding may be continued in the name of the official assignee or trustee appointed in the place of the official assignee or trustee who has died, resigned, or vacated, or been removed from, his office. Provided that a suggestion in the usual way be made of such death, resignation, removal, or vacation.

By Authority: CHARLES POTTER, Government Printer, Sydney, 1888.

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