

Legislative Council

56^o VICTORIA, 1892.

A BILL

To amend the Bankruptcy Act 1887 and the Bankruptcy Act Amendment Act 1888, and to amend the Law relating to Bankruptcy and Bills of Sale.

[MR. R. E. O'CONNOR ;—6 October, 1892.]

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 :—

5 1. This Act may be cited as the "Bankruptcy Acts Amendment Act of 1892," and shall be read with and form part of the Bankruptcy Act 1887 (hereinafter referred to as the Principal Act) and the Bankruptcy Act Amendment Act of 1888; and the three Acts may be cited together as the "Bankruptcy Acts, 1887, 1888, and 1892." Short title.

10 2. (1) Where, in the opinion of the Court or the Judge, there is ground to believe that any person has, in the course of any proceeding under this or the Principal Act, been guilty of perjury or of wilfully making on oath any false statement, knowing the same to be false, or of any offence which is by this or the Principal Act made a misdemeanour, the Court or the Judge may, orally or by summons, direct such person to appear before the Court or the Judge to answer such charge as aforesaid, and may also issue and enforce a warrant for the apprehension and detention of such person until the said charge is heard and determined. Person making false statement on oath may be brought before the Court.

And may be som-
mitted for trial, or
dealt with sum-
marily.

(II) The Court or the Judge may thereupon commit such person for trial, and may admit him to bail for his appearance at the time and place then named; or may deal with the case in a summary way, and, on being satisfied of the guilt of such person, may forthwith sentence him to imprisonment, with or without hard labour, for any term not exceeding *six* months. And for the purposes aforesaid, the Judge shall have all the powers of a Stipendiary Magistrate. 5

Certain sections of
Principal Act
amended.

3. The sections of the Principal Act herein specified are respectively amended as follows:—

Section 6, subsec-
tion (a).

Section six, subsection (a), by substituting the word "twenty" 10
for the word "fifty" before the word "pounds."

Section 8,
subsection (3).

Section eight, subsection (3), by substituting the word "debtor"
for the word "bankrupt."

Section 10, subsec-
tion (2).

Section ten, subsection (2), by inserting the words "or take any
fresh step in," after the word, "commence." 15

Section 17,
subsection (2).

Section seventeen, subsection (2), by omitting the words "except
such matters and directions as relate to an offer of composi-
tion or other arrangement of a bankrupt's affairs."

Section 18.

Section eighteen, by inserting the words "or Registrar," after the
word "Judge" wherever it occurs. 20

Section 19,
subsection (15).

Section nineteen, subsection (15), by omitting the words "if the
debtor had been adjudged bankrupt."

Section 21,
subsection (1).

Section twenty-one, subsection (1), by omitting the words "in
place of or" before the words "in addition to the Official
Assignee." 25

Section 22,
subsection (2).

Section twenty-two, subsection (2), by substituting the words
"termination of the first or single meeting" for the words
"expiration of four weeks from the date of the sequestration
"order."

Section 30,
subsections (3), (4),
(5).

Section thirty, subsections (3), (4), and (5), by substituting the 30
word "bankrupt" for the word "debtor" in each subsection.

Section 31.

Section thirty-one, by substituting the words "in the course of
any proceeding under this Act" for the words "under the
preceding section."

Section 37.

Section thirty-seven by substituting the word "approved" for 35
the word "confirmed."

Section 38,
subsections (c), (e).

Section thirty-eight, subsection (c), by substituting the word
"twenty" for the word "fifty," and subsection (e), by sub-
stituting the word "or" for the word "and."

Section 40,
subsection (5).

Section forty, subsection (5), by adding the words "or Registrar" 40
after the word "Judge."

Section 50.

Section fifty by inserting the words "as against the estate of the
bankrupt," after the words "proceeded with."

Section 51.

Section fifty-one by substituting the word "six" for the word
"three" before the word "months." 45

Section 51.

Section fifty-one, substitute the words "for the sequestration of
his estate" for the words "against him."

Section 52, subsection
(3).

Section fifty-two, subsection (3), insert the words "or at any time
between that time and the date of the order of sequestration"
after the words "commencement of the bankruptcy." 50

Section 57.

Section fifty-seven, by substituting the words "and transactions
under section fifty-six" for the words "and preferences"
struck out by the "Bankruptcy Act Amendment Act, 1888."

Section 58.

Section fifty-eight, by inserting the word "available" before the
words "act of bankruptcy." 55

Section 83,
subsection (4).

Section eighty-three, subsection (4), by adding after the word
"Registrar" wherever it occurs, the words "or other taxing
officer appointed by the Judge."

Section

- Section eighty-three, subsection (6), by substituting the words "Master or Deputy Registrar" for the words "Chief Clerk." Section 83, subsection (6).
- Section eighty-six, subsection (1), by inserting the words "with the approval of the Judge" before the word "appoint." Section 86, subsec. (1).
- 5 Section one hundred and five, by substituting the words "as if he were still alive" for the words "as if the sequestration order had been made in the first instance against his representatives." Section 105.
- 10 4. Section five of the Bankruptcy Act Amendment Act, 1888, is hereby amended by inserting the words "or Registrar" after the words "Judge in Bankruptcy." Amendment of section 5 of 52 Vic. No. 11.
5. The First Schedule to the Principal Act is hereby amended as follows:— Amendment of First Schedule.
- 15 Clause one, by substituting the words "twenty-one" for the word "fourteen." Clause 1.
- Clause two, by substituting the words "creditor named in the statement of affairs then resident in the Colony of New South Wales, or his authorised agent" for the words "proved creditor." Clause 2.
- 20 Clause fourteen, by omitting the whole of the clause. Clause 14.
- Clause nineteen, by adding the words "except with the leave of the Judge or Registrar" at the end of the clause. Clause 19.
- Clauses twenty-three and twenty-four shall not apply to a single meeting. Clauses 23 and 24.
- 25 6. The Second Schedule to the Principal Act is hereby amended as follows:— Amendment of Second Schedule.
- Clause six, by inserting the words "or Registrar" after the word "Judge" Clause 6.
- 30 Clause twenty-three, by omitting the whole clause and enacting in lieu thereof as follows:—The official assignee or a trustee may upon further evidence and after notice to the creditor who has made the proof apply to the Judge or Registrar to expunge such proof or reduce its amount. Clause 23.
- 35 Clause twenty-four, by inserting the words "or official assignee or trustee" after the word "creditor" wherever it occurs. Clause 24.
7. Any person who is for the time being entitled to enforce a final judgment, shall be deemed a creditor who has obtained a final judgment within the meaning of section four of the Principal Act. Person entitled to enforce judgment a creditor within sec. 4 of Principal Act.
- 40 8. Section ten, subsection (1), of the Principal Act, is hereby repealed, and in lieu thereof it is enacted that upon the making of a sequestration order, the property of the bankrupt shall vest in one of the official assignees, to be named in such order, and be divisible among the creditors of the bankrupt in accordance with the provisions of the Principal Act, and any Act amending the same. Effect of sequestration order, repealing sec. 10, subsec. (1).
- 45 9. The Judge may at any time, on the motion of the official assignee, and on being satisfied that an act of bankruptcy has been committed by the bankrupt within six months next preceding the date of the presentation of the petition upon which the sequestration order was made, order and declare that the bankruptcy shall be deemed to have relation back to and commence on the date of such act of bankruptcy; and such order or declaration shall be *prima facie* evidence of the fact of the alleged act of bankruptcy, and of the commencement of the bankruptcy on such date as aforesaid. Judge may make order antedating commencement of bankruptcy.
- 50 10. Section forty, subsection (7) of the Principal Act, is hereby repealed, and in lieu thereof it is enacted that the Court or Judge may review, rescind, and vary any order made, in the bankruptcy jurisdiction, by it or him respectively, or by the Registrar acting for the Judge: Provided that no application shall be made by any bankrupt with reference to his certificate of discharge within five years after the making

making of an order refusing or suspending the operation of such certificate, or granting the same subject to conditions, except with the consent of the majority, in number and value, of the creditors who have proved in his bankruptcy.

Allowance to bankrupt of personal property.

11. Subsections (2) and (3) of section sixteen of the Principal Act are hereby repealed, and in lieu thereof it is enacted that the official assignee may, with the consent of the creditors given by resolution at the first or any other meeting of creditors and with the approval of the Judge or Registrar, allow the bankrupt to retain any of his personal property, and such approval shall have the effect of vesting the said property in the bankrupt as from the date of such resolution: Provided that notice of the intention to allow a bankrupt to retain anything beyond his household furniture and personal effects shall be given to all proved creditors two days at least before a vote is taken on the resolution. 15

12. Section thirty-eight of the Principal Act shall include the cases where a bankrupt has—

Frivolous or vexatious action.

(a) Within three months preceding the sequestration order incurred unjustifiable expense by bringing a frivolous or vexatious suit or action. 20

Given unregistered bill of sale.

(b) Given a bill of sale which was in existence at the date of the sequestration order, and which has not been registered in accordance with the law then in force dealing with the registration of bills of sale.

Given a bill of sale within three months of sequestration.

(c) Given a bill of sale at any time within the three months preceding the sequestration order. 25

Obtained credit without notice while uncertificated.

(d) While an uncertificated bankrupt or insolvent obtained credit to the amount of twenty pounds or upwards from any person without having first informed such person that he is an uncertificated bankrupt or insolvent. 30

Suspension and conditions concurrent.

13. The powers of suspending and of attaching conditions to a bankrupt's discharge may be exercised concurrently.

Definition of terms in section thirty-eight, subsection (h).

14. In section thirty-eight, subsection (h) of the Principal Act the word "bankrupt" shall include "insolvent," and the words "statutory composition or arrangement" shall include an assignment for the benefit of creditors either at Common Law or under the Act of Council fifth Victoria number nine. 35

Certificate not to be a release in certain cases except on conditions.

15. In addition to the matters mentioned in section forty-two, subsection (1) of the Principal Act, a certificate of discharge shall not release the bankrupt from any liability under a judgment against him as defendant in an action for seduction, libel, or defamation, or as a respondent or co-respondent in a suit in the divorce jurisdiction, or under an affiliation order, except to such extent and subject to such conditions as the Judge may think just. 40

Discharge of bankrupt on conditions.

16. The Judge may, as one of the conditions referred to in the last preceding section and in section thirty-seven of the Principal Act, require the bankrupt to consent to judgment being entered against him by the official assignee for any balance or part of any balance of the debts provable under the bankruptcy which is not satisfied at the date of the discharge; and in a matter arising under the last preceding section, the Judge may require the bankrupt to consent to a judgment being entered against him by any person who is a creditor in respect of any matter therein referred to for such unsatisfied balance as aforesaid or any part thereof: Provided that in no case shall execution be issued without leave of the Judge on a judgment entered as aforesaid. 50

Amendment of law as to preference.

17. Section fifty-six of the Principal Act is hereby amended by substituting the words "defeating or delaying any then existing creditor" for the words "preferring any then existing creditor to another:" Provided that the fact that any such transaction as is referred 55

referred to in the said section has the effect of preferring any then existing creditor to another shall be *prima facie* evidence that such transaction has the effect of defeating or delaying a then existing creditor.

5 18. (I) Subsection (1) of section sixty-one is hereby repealed, and in lieu thereof it is enacted that where the bankrupt is an officer of the army or navy, or of the Colonial Forces, or an officer or clerk, or otherwise employed or engaged in the Civil Service of the Crown, the Judge may, on the application of the official assignee or a trustee, make an
10 order for the payment to such assignee or trustee for distribution among the creditors of the bankrupt of so much of the bankrupt's pay or salary then due or thereafter to become due, as he shall think fit: Provided that before making any such order, the Judge shall communicate with
15 the chief officer of the Department under which the pay or salary is enjoyed as to the amount, times, and manner of such payment, and shall hear and give consideration to any report which such chief officer may make as to the circumstances of the case.

Power to direct payment by Civil Servant, &c., out of salary.

(II) Subsection (2) of section sixty-one is hereby amended by substituting the word "may" for the words "shall from time to
20 time."

19. Subsection (1) of section sixty-five is repealed, and in lieu thereof it is enacted that the permission given for the purposes of section sixty-four of the Principal Act shall not be a general permission to do all or any of the things therein mentioned but only a permission
25 to do the particular thing or things for which permission is sought in the specified case or cases.

Permission under sec. 64 to be specific.

20. Section ninety-four is hereby repealed, and in lieu thereof it is enacted—

Audit of accounts of official assignee and trustee, repealing sec. 94.

30 (I) Every official assignee and trustee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, send to the Registrar and to the Colonial Treasurer an account of his receipts and payments as such assignee or trustee.

35 (II) The account shall be in the prescribed form, and shall be made in duplicate, and verified by affidavit in the prescribed form.

40 (III) The Colonial Treasurer shall cause the account so sent to be audited; and for the purpose of the audit the official assignee or trustee shall produce for the inspection of the Colonial Treasurer such books, accounts, and vouchers and shall furnish such information as he may require.

(IV) The Colonial Treasurer shall forthwith forward a report of such audit to the Judge.

45 21. Any person proving against the estate of a bankrupt for a debt in respect of money lent under any contract or agreement shall state on oath the actual amount of the money lent as aforesaid and the amount repaid to him in respect thereof, and he shall be entitled as against the other creditors to receive a dividend only in respect of the balance then due upon the amount actually lent, with interest
50 thereon at a rate not exceeding eight pounds per centum per annum. Provided that such person shall be entitled to be ranked as a creditor for the full amount due under the said contract or agreement, and shall be paid the full amount so due as aforesaid out of any assets remaining after the payment in full of all other debts proved in the
55 estate.

Dividend payable on loans limited to amount actually advanced and interest at 8 p. c.

22. No deed of assignment for the benefit of creditors shall be taken to come within the proviso to section six, or the provisions of subsection (3) of section eight, or of section fifty-eight, or within the protection of the Principal Act or any Act amending the same, unless
such

Unregistered deeds of assignment not protected by Act.

such deed is duly registered by filing in the office of the Registrar-General within one month from the execution of the same by the assignor an examined copy signed by some or one of the parties to the original deed of assignment and certified by the oath of one credible person taken before a Judge or before the Registrar-General 5 or his deputy, or before any Commissioner for affidavits. And the Registrar-General shall register the said copy accordingly.

Renewal of registration of bill of sale.

23. (I) No bill of sale shall have any validity as against the official assignee or trustee of a bankrupt estate unless it is duly registered within the time prescribed by and in accordance with the 10 law then in force dealing with the registration of bills of sale, and unless such registration is renewed by the grantee or his assignee once at least every twelve months.

(II) No promise to give a bill of sale shall have any validity for any purpose against such assignee or trustee as aforesaid, unless it 15 be in writing, signed by the person making the promise, and unless it be registered within the time and in the manner hereinbefore provided with respect to bills of sale, and unless such registration is renewed by the promisee once at least every twelve months.

Form of renewal.

24. Such renewal of registration shall be effected by filing in 20 the office of the Supreme Court an affidavit stating the date of the bill of sale or promise as aforesaid and of the last registration thereof, and the names, residences, and occupations of the parties thereto, as stated therein, and that the bill of sale or promise as aforesaid is still an existing security, and stating what amount is then actually due 25 thereon; and the fact of such renewal shall be noted by the Prothonotary in the book kept by him under section three of the Act of Council nineteenth Victoria number two.

Renewed bill of sale not within sec. 52 (3).

25. The goods comprised in a bill of sale as to which the provisions of this Act have been duly complied with shall be 30 exempt from the provisions of section fifty-two, subsection (3), of the Principal Act.

19 Vic. No. 2, incorporated.

26. The provisions of the Act of Council nineteenth Victoria number two shall be read with the three last preceding sections.

Judge may appoint District Registrar for special purposes.

27. Whenever it shall be made to appear to the Judge that a 35 District Registrar is prevented by illness, or any other cause, from holding any meeting or examination, which under the provisions of the Principal or any Amending Act is required to be held before such District Registrar, the Judge may appoint a District Registrar for the special purpose of holding such meeting or examination, who 40 shall have for the purpose aforesaid the same powers and authorities as are by the Principal or any Amending Act given any District Registrar in the like case.

Books, &c. may be destroyed with leave of Judge.

28. After the expiration of five years from the date of the sequestration order, or two years from the date of the certificate of dis- 45 charge, whichever shall first happen, the official assignee may, with the leave of the Judge, cause all or any of the books and other documents and papers lodged with him by a bankrupt or insolvent, to be destroyed.

Plan of distribution not to be disturbed in certain cases.

29. After a plan of distribution has been approved of by the 50 Judge, no creditor shall be entitled by proof of his debt to disturb the plan of distribution, unless he satisfy the Judge that he could not by the exercise of due diligence have proved his debt prior to such approval; and in any order allowing a disturbance of the plan of distribution the Judge may impose such terms as to costs or otherwise 55 as he may think fit: Provided that if any plan of distribution is referred back to the official assignee for amendment under section seventy of the Principal Act, any creditor who has proved his debt before the order is made directing such amendment shall be entitled to rank for dividend on the amended plan.

30. No bankrupt shall remove out of the jurisdiction of the Court until after the confirmation of the account and plan of distribution in his estate, except with the consent of three-fourths in number and value of the proved creditors in his estate, unless he has obtained
5 either his certificate of discharge or the leave of the Judge; and any bankrupt acting in breach of this section shall be guilty of a misdemeanour, and may be arrested on a warrant issued for that purpose by the Judge or any Justice of the Peace on the information of any official assignee, trustee, or creditor of his estate.

Bankrupt removing
out of the jurisdic-
tion without lawful
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meanour.

[6d.]

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(II) The Court or the Judge may thereupon commit such person for trial, and may admit him to bail for his appearance at the time and place then named; or may deal with the case in a summary way, and, on being satisfied of the guilt of such person, may forthwith sentence him to imprisonment, with or without hard labour, for any term not exceeding *six* months. And for the purposes aforesaid, the Judge shall have all the powers of a Stipendiary Magistrate. 5

3. The sections of the Principal Act herein specified are respectively amended as follows:—

Section six, subsection (a), by substituting the word "twenty" 10
for the word "fifty" before the word "pounds."

Section eight, subsection (3), by substituting the word "debtor"
for the word "bankrupt."

Section ten, subsection (2), by inserting the words "or take any
fresh step in," after the word, "commence." 15

Section seventeen, subsection (2), by omitting the words "except
such matters and directions as relate to an offer of composi-
tion or other arrangement of a bankrupt's affairs."

Section eighteen, by inserting the words "or Registrar," after the
word "Judge" wherever it occurs. 20

Section nineteen, subsection (15), by omitting the words "if the
debtor had been adjudged bankrupt."

Section twenty-one, subsection (1), by omitting the words "in
place of or" before the words "in addition to the Official
Assignee." 25

Section twenty-two, subsection (2), by substituting the words
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"expiration of four weeks from the date of the sequestration
"order."

Section thirty, subsections (3), (4), and (5), by substituting the 30
word "bankrupt" for the word "debtor" in each subsection.

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any proceeding under this Act" for the words "under the
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Section thirty-seven by substituting the word "approved" for 35
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Section thirty-eight, subsection (c), by substituting the word
"twenty" for the word "fifty," and subsection (e), by sub-
stituting the word "or" for the word "and."

Section forty, subsection (5), by adding the words "or Registrar" 40
after the word "Judge."

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bankrupt," after the words "proceeded with."

Section fifty-one by substituting the word "six" for the word
"three" before the word "months." 45

Section fifty-one, substitute the words "for the sequestration of
his estate" for the words "against him."

Section fifty-two, subsection (3), insert the words "or at any time
between that time and the date of the order of sequestration"
after the words "commencement of the bankruptcy." 50

Section fifty-seven, by substituting the words "and transactions
under section fifty-six" for the words "and preferences"
struck out by the "Bankruptcy Act Amendment Act, 1888."

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words "act of bankruptcy." 55

Section eighty-three, subsection (4), by adding after the word
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- Section eighty-three, subsection (6), by substituting the words "Master or Deputy Registrar" for the words "Chief Clerk." Section 83, subsection (6).
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- 10 4. Section five of the Bankruptcy Act Amendment Act, 1888, is hereby amended by inserting the words "or Registrar" after the words "Judge in Bankruptcy." Amendment of section 5 of 52 Vic. No. 11.
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- 15 Clause one, by substituting the words "twenty-one" for the word "fourteen." Clause 1.
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- 20 Clause fourteen, by omitting the whole of the clause. Clause 14.
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- 25 6. The Second Schedule to the Principal Act is hereby amended as follows:— Amendment of Second Schedule.
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- 35 Clause twenty-four, by inserting the words "or official assignee or trustee" after the word "creditor" wherever it occurs. Clause 24.
7. Any person who is for the time being entitled to enforce a final judgment, shall be deemed a creditor who has obtained a final judgment within the meaning of section four of the Principal Act. Person entitled to enforce judgment a creditor within sec. 4 of Principal Act.
- 40 8. Section ten, subsection (1), of the Principal Act, is hereby repealed, and in lieu thereof it is enacted that upon the making of a sequestration order, the property of the bankrupt shall vest in one of the official assignees, to be named in such order, and be divisible among the creditors of the bankrupt in accordance with the provisions of the Principal Act, and any Act amending the same. Effect of sequestration order, repealing sec. 10, subsec. (1).
- 45 9. The Judge may at any time, on the motion of the official assignee, and on being satisfied that an act of bankruptcy has been committed by the bankrupt within six months next preceding the date of the presentation of the petition upon which the sequestration order was made, order and declare that the bankruptcy shall be deemed to have relation back to and commence on the date of such act of bankruptcy; and such order or declaration shall be *prima facie* evidence of the fact of the alleged act of bankruptcy, and of the commencement of the bankruptcy on such date as aforesaid. Judge may make order antedating commencement of bankruptcy.
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making of an order refusing or suspending the operation of such certificate, or granting the same subject to conditions, except with the consent of the majority, in number and value, of the creditors who have proved in his bankruptcy.

Allowance to bankrupt of personal property.

11. Subsections (2) and (3) of section sixteen of the Principal Act are hereby repealed, and in lieu thereof it is enacted that the official assignee may, with the consent of the creditors given by resolution at the first or any other meeting of creditors and with the approval of the Judge or Registrar, allow the bankrupt to retain any of his personal property, and such approval shall have the effect of vesting the said property in the bankrupt as from the date of such resolution: Provided that notice of the intention to allow a bankrupt to retain anything beyond his household furniture and personal effects shall be given to all proved creditors two days at least before a vote is taken on the resolution.

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15. In addition to the matters mentioned in section forty-two, subsection (1) of the Principal Act, a certificate of discharge shall not release the bankrupt from any liability under a judgment against him as defendant in an action for seduction, libel, or defamation, or as a respondent or co-respondent in a suit in the divorce jurisdiction, or under an affiliation order, except to such extent and subject to such conditions as the Judge may think just.

Discharge of bankrupt on conditions.

16. The Judge may, as one of the conditions referred to in the last preceding section and in section thirty-seven of the Principal Act, require the bankrupt to consent to judgment being entered against him by the official assignee for any balance or part of any balance of the debts provable under the bankruptcy which is not satisfied at the date of the discharge; and in a matter arising under the last preceding section, the Judge may require the bankrupt to consent to a judgment being entered against him by any person who is a creditor in respect of any matter therein referred to for such unsatisfied balance as aforesaid or any part thereof: Provided that in no case shall execution be issued without leave of the Judge on a judgment entered as aforesaid.

Amendment of law as to preference.

17. Section fifty-six of the Principal Act is hereby amended by substituting the words "defeating or delaying any then existing creditor" for the words "preferring any then existing creditor to another:" Provided that the fact that any such transaction as is referred

referred to in the said section has the effect of preferring any then existing creditor to another shall be *prima facie* evidence that such transaction has the effect of defeating or delaying a then existing creditor.

5 18. (I) Subsection (1) of section sixty-one is hereby repealed, and in lieu thereof it is enacted that where the bankrupt is an officer of the
 10 army or navy, or of the Colonial Forces, or an officer or clerk, or other-
 wise employed or engaged in the Civil Service of the Crown, the Judge
 may, on the application of the official assignee or a trustee, make an
 15 order for the payment to such assignee or trustee for distribution among
 the creditors of the bankrupt of so much of the bankrupt's pay or salary
 then due or thereafter to become due, as he shall think fit: Provided
 that before making any such order, the Judge shall communicate with
 the chief officer of the Department under which the pay or salary is
 20 enjoyed as to the amount, times, and manner of such payment, and
 shall hear and give consideration to any report which such chief
 officer may make as to the circumstances of the case.

Power to direct pay-
 ment by Civil
 Servant, &c., out of
 salary.

(II) Subsection (2) of section sixty-one is hereby amended
 by substituting the word "may" for the words "shall from time to
 20 time."

19. Subsection (1) of section sixty-five is repealed, and in lieu
 thereof it is enacted that the permission given for the purposes of
 section sixty-four of the Principal Act shall not be a general permission
 to do all or any of the things therein mentioned but only a permission
 25 to do the particular thing or things for which permission is sought in
 the specified case or cases.

Permission under sec.
 64 to be specific.

20. Section ninety-four is hereby repealed, and in lieu thereof
 it is enacted—

Audit of accounts of
 official assignee and
 trustee, repealing
 sec. 94.

30 (I) Every official assignee and trustee shall, at such times as may
 be prescribed, but not less than twice in each year during his
 tenure of office, send to the Registrar and to the Colonial
 Treasurer an account of his receipts and payments as such
 assignee or trustee.

35 (II) The account shall be in the prescribed form, and shall be
 made in duplicate, and verified by affidavit in the prescribed
 form.

40 (III) The Colonial Treasurer shall cause the account so sent to
 be audited; and for the purpose of the audit the official
 assignee or trustee shall produce for the inspection of the
 Colonial Treasurer such books, accounts, and vouchers and
 shall furnish such information as he may require.

(IV) The Colonial Treasurer shall forthwith forward a report of
 such audit to the Judge.

45 21. Any person proving against the estate of a bankrupt for a
 debt in respect of money lent under any contract or agreement shall
 state on oath the actual amount of the money lent as aforesaid and the
 amount repaid to him in respect thereof, and he shall be entitled as
 against the other creditors to receive a dividend only in respect of
 the balance then due upon the amount actually lent, with interest
 50 thereon at a rate not exceeding eight pounds per centum per annum.
 Provided that such person shall be entitled to be ranked as a creditor
 for the full amount due under the said contract or agreement, and
 shall be paid the full amount so due as aforesaid out of any assets
 remaining after the payment in full of all other debts proved in the
 55 estate.

Dividend payable
 on loans limited to
 amount actually
 advanced and
 interest at 8 p. c.

22. No deed of assignment for the benefit of creditors shall be
 taken to come within the proviso to section six, or the provisions of
 subsection (3) of section eight, or of section fifty-eight, or within the
 protection of the Principal Act or any Act amending the same, unless
 such

Unregistered deeds
 of assignment not
 protected by Act.

such deed is duly registered by filing in the office of the Registrar-General within one month from the execution of the same by the assignor an examined copy signed by some or one of the parties to the original deed of assignment and certified by the oath of one credible person taken before a Judge or before the Registrar-General 5 or his deputy, or before any Commissioner for affidavits. And the Registrar-General shall register the said copy accordingly.

Renewal of registration of bill of sale.

23. (I) No bill of sale shall have any validity as against the official assignee or trustee of a bankrupt estate unless it is duly registered within the time prescribed by and in accordance with the 10 law then in force dealing with the registration of bills of sale, and unless such registration is renewed by the grantee or his assignee once at least every twelve months.

(II) No promise to give a bill of sale shall have any validity for any purpose against such assignee or trustee as aforesaid, unless it 15 be in writing, signed by the person making the promise, and unless it be registered within the time and in the manner hereinbefore provided with respect to bills of sale, and unless such registration is renewed by the promisee once at least every twelve months.

Form of renewal.

24. Such renewal of registration shall be effected by filing in 20 the office of the Supreme Court an affidavit stating the date of the bill of sale or promise as aforesaid and of the last registration thereof, and the names, residences, and occupations of the parties thereto, as stated therein, and that the bill of sale or promise as aforesaid is still an existing security, and stating what amount is then actually due 25 thereon; and the fact of such renewal shall be noted by the Prothonotary in the book kept by him under section three of the Act of Council nineteenth Victoria number two.

Renewed bill of sale not within sec. 52 (3).

25. The goods comprised in a bill of sale as to which the provisions of this Act have been duly complied with shall be 30 exempt from the provisions of section fifty-two, subsection (3), of the Principal Act.

19 Vic. No. 2, incorporated.

26. The provisions of the Act of Council nineteenth Victoria number two shall be read with the three last preceding sections.

Judge may appoint District Registrar for special purposes.

27. Whenever it shall be made to appear to the Judge that a 35 District Registrar is prevented by illness, or any other cause, from holding any meeting or examination, which under the provisions of the Principal or any Amending Act is required to be held before such District Registrar, the Judge may appoint a District Registrar for the special purpose of holding such meeting or examination, who 40 shall have for the purpose aforesaid the same powers and authorities as are by the Principal or any Amending Act given any District Registrar in the like case.

Books, &c. may be destroyed with leave of Judge.

28. After the expiration of five years from the date of the sequestration order, or two years from the date of the certificate of dis- 45 charge, whichever shall first happen, the official assignee may, with the leave of the Judge, cause all or any of the books and other documents and papers lodged with him by a bankrupt or insolvent, to be destroyed.

Plan of distribution not to be disturbed in certain cases.

29. After a plan of distribution has been approved of by the 50 Judge, no creditor shall be entitled by proof of his debt to disturb the plan of distribution, unless he satisfy the Judge that he could not by the exercise of due diligence have proved his debt prior to such approval; and in any order allowing a disturbance of the plan of distribution the Judge may impose such terms as to costs or otherwise 55 as he may think fit: Provided that if any plan of distribution is referred back to the official assignee for amendment under section seventy of the Principal Act, any creditor who has proved his debt before the order is made directing such amendment shall be entitled to rank for dividend on the amended plan.

30. No bankrupt shall remove out of the jurisdiction of the Court until after the confirmation of the account and plan of distribution in his estate, except with the consent of three-fourths in number and value of the proved creditors in his estate, unless he has obtained
5 either his certificate of discharge or the leave of the Judge; and any bankrupt acting in breach of this section shall be guilty of a misdemeanour, and may be arrested on a warrant issued for that purpose by the Judge or any Justice of the Peace on the information of any official assignee, trustee, or creditor of his estate.

Bankrupt removing
out of the jurisdic-
tion without lawful
excuse a misde-
meanour.

[6d.]

[Faint, illegible title]

[Faint, illegible text]

