

## No. XIX.

INSOLVENCY.

An Act to amend an Act intituled “ *An Act for giving relief to Insolvent Persons and providing for the administration of Insolvent Estates and to abolish Imprisonment for Debt.*” [21st December, 1843.]

Preamble.

5 Victoria No. 17.

So much thereof repealed as relates to appointment of and fees to be taken by Commissioners.

WHEREAS an Act was passed by the Governor and Legislative Council of New South Wales in the fifth year of the reign of Her present Majesty intituled “ *An Act for giving relief to Insolvent Persons and providing for the due collection administration and distribution of Insolvent Estates within the Colony of New South Wales and for the prevention of frauds affecting the same*” and whereas it is expedient and necessary to amend the same Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act so much of the said recited Act as relates to the appointment of Chief Commissioners Commissioners or other ministerial officers for the purpose of carrying into effect the provisions of the said Act and also so much of the said Act as relates to

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to the taking of fees by the said Chief Commissioners Commissioners and other ministerial officers shall be and the same are hereby repealed.

2. And be it enacted That from and after the passing of this Act it shall and may be lawful for the Governor of the said Colony for the time being or for the officer administering the Government for and on behalf of Her Majesty and subject to Her Majesty's approval to appoint a Chief Commissioner for Insolvent Estates for all parts of the Colony not being within the District of Port Phillip and for the said Governor or officer administering the Government in like manner to appoint such Commissioners resident in the country parts of the said Colony and other ministerial officers as may be necessary to carry into effect the provisions of the said Act and such Chief Commissioners Commissioners or other ministerial officers as well as the Chief Commissioners Commissioners or other ministerial officers already appointed under the said recited Act to suspend or remove and to appoint other persons in their stead respectively as occasion may from time to time in the opinion of the said Governor require.

Governor to appoint Chief Commissioners Commissioners and ministerial officers subject to Her Majesty's approval.

3. And be it enacted That from and after the passing of this Act the several fees mentioned in the Schedule to this Act annexed marked A and no others shall be taken in all matters or things to be done under this or the said recited Act Provided that in cases of extreme poverty it shall be lawful for any Commissioner at his discretion to remit any of such fees.

Fees to be taken.

4. And be it enacted That the said fees shall be and the same are hereby declared to be payable for and on behalf of Her Majesty and Her Successors for the support of the Commissioners and other officers of the said insolvent estates and their necessary contingent expenses and that the same may in all cases be recovered by Her Majesty and Her Successors in the same manner as all other sums of money and debts due to the Crown may be recovered.

Fees to be payable to Her Majesty and applied to the support of the officers of the Court and their contingent expenses.

5. And be it enacted That if after payment of the salaries of the said Commissioners and ministerial officers and their necessary contingent expenses there shall be any surplus remaining out of the produce of the said fees such surplus shall be applied towards the general revenue of the said Colony.

Surplus fees (if any) how to be applied.

6. And whereas by the said recited Act it is enacted that it shall and may be lawful for the Judges of the Supreme Court at Sydney and for the Resident Judge at Port Phillip from time to time as they shall think fit to make such rules orders and regulations for carrying the said Act into effect and also touching the form and manner of proceeding as to them shall seem fit and whereas it is necessary to make further provision in respect to any such rules orders or regulations Be it therefore enacted That all orders rules or regulations which may at any time after the passing of this Act be made by the said Judges or Resident Judge shall within thirty days after the promulgation of the same be laid before the Legislative Council of this Colony if the Council be then sitting and if not sitting then within thirty days after the said Council shall next thereafter assemble.

Rules of Court to be laid before the Legislative Council.

7. And whereas certain notifications are required by the twentieth thirty-fourth sixtieth seventy-seventh and eighty-eighth sections respectively of the said recited Act to be made by public advertisement in the *Government Gazette* of the said Colony and whereas such notifications in the *Government Gazette* published at Sydney have been found practically inconvenient within the District of Port Phillip Be it enacted That in all cases of insolvency within the District of Port Phillip such notifications shall be made by advertisement in one or more of the public newspapers published at Melbourne instead of the said *Government Gazette*.

Notifications of insolvencies at Port Phillip to be by advertisements in newspapers.

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Insolvent Act ss. 5  
and 6.

Advancement of  
Justice Act ss. 33  
and 34.

Voluntary assign-  
ments provided for.

Liabilities of trustees  
under such deeds.

8. And whereas by the fifth section of the said recited Act it is enacted that the fraudulent alienation or transfer of any property shall constitute an act of insolvency and in the following section it is enacted that every alienation or transfer of property without valuable consideration by any person at the time insolvent or who thereby shall be rendered insolvent shall be and the same is declared to be fraudulent and void provided that no conveyance or assignment executed prior to the passing of that Act under the provisions of the Act passed in the fifth year of the reign of Her present Majesty intituled "*An Act for the further amendment of the Law and the better advancement of Justice*" and in conformity with those provisions should be deemed fraudulent or void either under that or the preceding section and whereas it is expedient to protect conveyances and assignments hereafter executed in conformity with the provisions of the said last recited Act and for that purpose to extend the operation of the said proviso Be it therefore enacted That after the passing of this Act no conveyance or assignment which shall be made under and executed in conformity with the provisions of the said Act for the better advancement of justice shall be deemed fraudulent within the intent or meaning of the said Act for the relief of insolvents or shall be void under or be in any manner affected by the said last mentioned Act or any part thereof nor shall any person having executed any such conveyance or assignment in conformity with the said provisions of the said Act for the further amendment of the law and the better advancement of justice be afterwards liable to be adjudged insolvent by reason thereof or of his not pointing out or not being able to point out to the Sheriff or his officers any property belonging to him sufficient to satisfy any writ in the hands of such Sheriff anything in the said Act passed for the relief of insolvents notwithstanding Provided always that it shall be lawful for one of the Judges of the Supreme Court upon the petition of any number of creditors whose debts shall amount to one-fifth of the whole amount of the debts of the said debtor appearing on the said deed of assignment to summon the said debtor before him and cause him to be examined by the said creditors touching the state of his affairs previous and subsequent to making the said assignment and all other matters relating to his estate and effects as to the said Judge may seem fit and that any such debtor refusing to answer any question which shall be put to him on such examination or who shall answer evasively or unsatisfactorily shall be liable to be committed to prison by the said Judge until he shall answer such question in a full fair and satisfactory manner.

9. Provided always and be it enacted That every trustee appointed by and having executed any such conveyance or assignment as aforesaid shall be subject to the same liabilities with respect to the keeping of accounts of all monies and property coming to his hands or being under his care or control in that capacity and to the depositing of such monies in some public bank and with respect to the withdrawing of the same therefrom as the trustees of any insolvent person are by the said Act for the relief of insolvents subject to in those cases and it shall be lawful for the Supreme Court or any Judge thereof by rule or order in that behalf made (after rule or summons to shew cause as in any ordinary case) upon the complaint or application of any creditor or of the debtor or any other interested party to require and compel any such trustee if the Court or Judge shall see fit so to order to make out and deliver to the person so applying or to file in the proper office of the Supreme Court a full true and particular account on oath of all such monies and property and of the appropriation thereof or if need be to direct any such trustee to attend before the Master or Prothonotary of the Court and submit himself to

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be examined touching the execution of his trust and upon the coming in of the report upon any such examination or on sufficient grounds shewn to such Court or Judge upon affidavit without any such report or examination or upon the resignation absence from the Colony or death of any such trustee to appoint a new trustee in the place of any of the trustees originally appointed and so from time to time as occasion may require and to direct any trustee to pay over to any claimant or person or into the hands of some officer of the Court any sum of money alleged or proved as the case may be to be due to such claimant or person either by such trustee or the debtor for whose estate he shall have been appointed or the amount of any balance appearing then to be in his hands to the credit of such estate and every such order to enforce by attachment or execution as in cases of the like nature and the costs of every such proceeding and rule or order as aforesaid shall be in the discretion of the Court or Judge making such rule or order.

10. And be it enacted That if any such trustee as aforesaid or any official or elected assignee appointed after the passing of this Act in any insolvent estate shall at any time after the passing of this Act wilfully retain in his hands or keep or have at any bank or in the hands of any person for his own private benefit or otherwise than to the credit of the estate by name for which he shall be acting any sum of money exceeding ten pounds for any longer space or period than one month or shall in any manner fraudulently make away with or appropriate to his own use or otherwise misapply any money or property whatsoever in his hands or under his custody or care as such trustee or assignee he shall be deemed guilty of a misdemeanor and being convicted thereof shall be liable to a fine not exceeding three times the amount of the sum retained or to imprisonment for any term not exceeding one year at the discretion of the Court.

Misconduct of  
trustees provided for.

11. And for the protection of purchasers claiming under any such trustee as aforesaid Be it enacted That it shall not in any case be necessary for any person purchasing any property whether land or chattels *bonâ fide* and for valuable consideration from the trustee or trustees appointed by or otherwise lawfully acting for the time being under any such conveyance or assignment as aforesaid or advancing any money on the same on loan to inquire into the necessity or propriety of any such sale or loan or to see to the application of the money paid or advanced nor shall the title of such person be in anywise impeached or invalidated by reason of any fraud or defect of which he shall have had no notice provided that such conveyance or assignment shall have been duly advertised and that by reference to the schedule thereto the creditors having executed the deed shall at the time of such sale or loan apparently constitute the majority in number and in value of the creditors named in or otherwise indicated by such schedule.

Purchasers under  
voluntary assign-  
ments.

12. And be it enacted That after the passing of this Act it shall be lawful for the Chief Justice of the Colony and the Resident Judge at Port Phillip respectively to appoint within the limits of their several jurisdictions such number of fit persons to be and be called Official Assignees of Insolvent Estates as may be from time to time required and in case of resignation death absence or incapacity of any of them from time to time to appoint others in their place respectively and at any time to remove any such assignee from office and appoint another in his stead and from and after the time of the first appointment of such assignees as aforesaid the power of appointing a provisional trustee shall cease and the Judge by whom any estate shall be placed under sequestration shall at the same time by order under his hand appoint one of the said persons as and to be the official assignee of and for such

Appointment of  
Official Assignees.

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such estate which assignee shall thereupon and from thenceforth become and act as and continue to be either alone or jointly with the elected assignee (if one shall thereafter be elected by the creditors therein) the assignee or one of the assignees (as the case may be) of such insolvent estate until the insolvency shall be superseded or the the affairs of such estate have been finally wound up and the proceeds thereof disposed of Provided that in case the official assignee so appointed shall be dismissed from office or be removed from his trust for misconduct or other sufficient cause or shall resign the same leave the Colony or die it shall be lawful for the said Chief Justice or Resident Judge as the case may be to appoint another official assignee in his place who shall thereupon succeed to all the rights powers duties and liabilities of his predecessor.

Elected assignees.

13. And be it enacted That after the passing of this Act it shall not be necessary for the creditors of an insolvent estate to elect any trustee or assignee of such estate but that in case they shall think fit to do so they shall or lawfully may at the time in the manner and according to the rules provided for the election of trustees by the said recited Act for the relief of insolvents elect one assignee only which said assignee after being confirmed by the Court as by the said Act in that behalf is provided shall act in all things jointly with the official assignee appointed for the same estate except in so far as either of them may at the time by consent of the Chief Commissioner have undertaken some particular duty at the request of the other of them.

Effect of appointment and election respectively.

14. And be it enacted That every appointment so made of any official assignee as aforesaid in and for any insolvent estate shall from the time of the making thereof have the same effect in the law of divesting from the insolvent or insolvents all his or their estate rights and property of every kind and of vesting the same in such assignee and (in case of a previous appointment in the same estate) of divesting such estate rights and property from the assignee previously appointed and of vesting the same in his successor as by the said recited Act for the relief of insolvents is (with respect to the vesting of an insolvent's estate in the Chief Commissioner) conferred on the Judge's order for placing the estate under sequestration Provided that upon the confirmation of any such elected assignee as aforesaid all such estate rights and property as aforesaid shall vest in the official assignee for the time being jointly only with such elected assignee and all and singular the powers privileges rights duties and liabilities in all respects which by the said Act now attach or belong to or devolve on or which may lawfully be enjoyed or exercised by the trustees for the time being of an insolvent estate shall after the passing of this Act in like manner and to the same extent attach and belong to and devolve upon and may be claimed enjoyed and exercised by the assignees of every insolvent estate sequestered after the passing of this Act (separately or jointly as the case may be) whether official or elected.

Title conveyed by assignees.

15. And (for the better protection of purchasers and others) Be it enacted and declared That the same title to property whether land or chattels belonging to or forming part of any insolvent estate whether legal or equitable and whether in possession or in reversion only or expectancy shall or may be conveyed or transferred in fee or otherwise as the case may be to any purchaser mortgagee or other person by the assignee or assignees of such estate for the time being as the insolvent himself had or was by law entitled or able to convey or transfer immediately before the sequestration of the same estate and it shall not be essential to the validity of any such conveyance or transfer (so far as it respects the right of any person to execute the same as assignee) to prove more than the fact of his appointment or in the case of an elected assignee his confirmation in that character that at the time of the

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the execution of the instrument he had not been removed from office and that there was then no assignee in or of the estate in question other than the assignee or assignees executing the same either official or elected of which several facts the certificate of the Chief Commissioner endorsed on such instrument of transfer shall be conclusive evidence.

16. And be it enacted That after the passing of this Act the certificate required by the said Act for the relief of insolvent persons as a preliminary to the insolvent's discharge from his debts shall not be necessary nor shall any such certificate be given or applied for but in lieu thereof a certificate in the terms or to the effect hereinafter contained shall be granted by the Chief Commissioner either at Sydney or Melbourne as the case may require which when allowed by the Court as hereinafter mentioned shall have in all respects the same effect and be attended in other respects with the same consequences as a certificate under the said recited Act for the relief of insolvent persons when in like manner allowed would have and be attended with in case the present Act were not passed and the Commissioner's said certificate shall be pleadable in like manner and shall or may be revoked or made void for the same causes and every contract or security made or given as a consideration or with intent to induce any creditor to forbear opposition to the granting or allowance of any such certificate shall be deemed fraudulent and absolutely void and every such certificate shall be under the hand and seal of the Commissioner granting the same and be to the effect that in so far as appears to or is known by such Commissioner the insolvent has in all things conformed himself to the provisions and requirements of the said Act for the relief of insolvent persons and has not been guilty of any offence or misconduct by reason whereof the granting of such certificate can lawfully according to the present Act be refused or suspended.

17. And be it enacted That at any time after the expiration of fourteen days from the day of the holding of the third meeting of his creditors or where no such meeting shall have taken place then after the expiration of thirty days from the date of the first meeting it shall be lawful for any insolvent to cause an advertisement to be inserted in the *Government Gazette* or if at Melbourne in two of the newspapers published there notifying his intention to apply to the Chief Commissioner on some day to be appointed by such Commissioner and named in such advertisement being not less than one calendar month next following that a certificate under this Act may be granted to him and every insolvent shall so apply and be heard in the matter of such application on some particular day of the week to be set apart specially in all cases alike for that purpose and a copy of every such advertisement shall be publicly exhibited together with a copy of the next succeeding section of this Act on a board in some conspicuous part of the hall or room in which meetings of creditors before the Chief Commissioner shall usually be holden for not less than twenty-one days consecutively next preceding the day of application therein specified and on the day so named and appointed and on any day or days of adjournment therefrom if necessary the Chief Commissioner shall proceed to inquire into and determine on the matter of such application and the assignee or assignees and any creditor or creditors of the insolvent may be heard and any witness or witnesses examined thereon and the said Commissioner having reference to the conduct of the insolvent as well before as after the insolvency shall either grant the certificate and in such case either without qualification or subject to such conditions as the circumstances may appear to him to require or shall suspend for any time not exceeding one year or absolutely refuse the granting of the same but subject in each case to confirmation alteration or disallowance by the Court as hereinafter provided.

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Causes of refusing  
or suspending  
certificate.

18. And be it enacted That the insolvent's certificate shall be refused in every case where the same would if granted by his creditors have been refused allowance by the Court or if allowed would have been void under the said Act for the relief of insolvents and also where the insolvent shall not have made a full and fair disclosure and surrender of his property in possession reversion and expectancy or shall in any other respect have wilfully violated or knowingly omitted to comply with the provisions of the said Act or shall have contracted any debts or debt without in fact intending to pay or having had at the time any reasonable or probable expectation of being able to pay the same or where being at the time indebted he shall have squandered his means or unjustifiably made away with or disposed of otherwise than *bonâ fide* and for a valuable consideration any of his property or by habits of intoxication gambling or extravagance have diminished his means of payment or where he shall have unlawfully expended for his own benefit or appropriated to his own use any trust funds or other property of which he shall at the time have had the charge or disposition as trustee or as an agent only or where he shall in contemplation of insolvency or knowing himself to be insolvent have given any creditor any fraudulent or unjust preference and such certificate shall be refused or suspended where the insolvent shall have taken the benefit of the Insolvent Act at any time within three years previously or where being a person engaged in trade of any kind he shall have omitted to keep reasonable accounts or entries of his receipts and payments or where there shall be any unsatisfied judgment against him in any action for assault seduction breach of promise of marriage criminal conversation or any other malicious injury or where he shall in any action suit or other proceeding at law or in equity have put any creditor to any vexatious or unjustifiable expense by any frivolous or inequitable defence or claim or where he shall being reasonably required so to do have refused or neglected to afford the assignee or assignees his assistance in collecting obtaining possession of and selling or otherwise realizing his debts and property or any part thereof.

Punishment of  
insolvent in certain  
cases.

19. And be it enacted That in every case where under the preceding section the Chief Commissioner shall be required or authorized to refuse and not merely to suspend the insolvent's certificate and shall refuse the same it shall be lawful for him if the circumstances appear to him to be such as call for punishment to hold the insolvent to bail to appear before the Supreme Court at such time as may be named by the said Commissioner and in default of bail to commit the insolvent forthwith to prison there to remain until the next ensuing sitting of the Court in its insolvency jurisdiction Provided that in every such case the said Commissioner shall forthwith report to the said Court in writing under his hand the examination and evidence taken in the matter together with such his opinion and the ground or grounds thereof and of such report the insolvent shall be entitled to a gratuitous copy twenty-four hours at the least before the day of such sitting and the Court shall at such sitting and on any day or days of adjournment therefrom if necessary proceed to inquire into and determine the matter and shall after hearing the insolvent and also (if justice appear so to require) any witnesses or other evidence which he may adduce in his defence and the assignees or any creditor if the Court shall think fit in reply either grant the certificate or confirm the refusal thereof and in the last mentioned case it shall be lawful for the Court to sentence the insolvent to such punishment not exceeding imprisonment for one year as the said Court shall think fit to award.

Allowance of certifi-  
cate &c.

20. And be it enacted That at the next sitting of the Court in its insolvency jurisdiction after granting or refusal or suspension of any certificate the said Court shall in like manner have power on the complaint

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complaint or appeal of the insolvent or the assignees or any creditor to confirm reverse or alter the decision of the Commissioner and in every case the insolvent's certificate when granted shall at such next sitting be presented to the Court by the Chief Commissioner for its allowance thereof and the Court shall then proceed to inquire into and determine the matter and until the insolvent's certificate shall have been so allowed it shall be of no force or validity whatever.

21. And be it enacted That if any insolvent or witness shall whilst under examination before the Chief Commissioner be guilty of prevarication or evasion or if such insolvent or witness or any other person shall whilst such Commissioner shall be publicly and openly engaged in the duties of his office contemptuously interrupt the proceedings before him or be guilty of any other contemptuous or indecent conduct it shall be lawful for such Commissioner to commit the party so offending to prison for any term not exceeding fourteen days.

Committal of insolvent or witness.

22. And whereas by the aforesaid Act for the relief of insolvent persons it is enacted that if any insolvent under examination before the Court or Commissioner shall refuse to answer any lawful question put to him he may be committed to prison until he shall submit to make such answer Be it enacted That after the passing of this Act no question put to an insolvent on any such occasion shall be deemed unlawful by reason only that the answer thereto may expose him to punishment under this Act Provided that no such examination or any answer thereto shall be admissible in evidence against such insolvent (other than on a prosecution against him for perjury) except for the purposes of this Act only.

Questions put to insolvent.

23. And be it enacted That in every case where the insolvent shall not at any time within six calendar months after the holding of the third meeting (or where there shall have been no such meeting) within nine calendar months after the first meeting have applied for his certificate it shall be lawful for the Chief Commissioner on the application of the assignees or of any creditor to require the said insolvent (and in case of his refusal or neglect to compel him by warrant) to appear before such Commissioner and be examined touching his insolvency and thereupon and from thenceforth it shall be lawful for the Chief Commissioner to deal with such insolvent and grant refuse or suspend his certificate and in case of refusal thereof to commit him and for the Court thereafter to proceed in the matter and punish or otherwise deal with such insolvent the same as if the certificate had in fact been applied for by himself.

Proceeding where insolvent does not apply.

24. And be it declared and enacted That in all cases where by this Act any power or duty is conferred on or entrusted to the Supreme Court such power or duty is and shall be taken to be conferred on and entrusted to the Resident Judge at Melbourne in respect of all cases there.

Power of Resident Judge.

25. And be it enacted That it shall be lawful for the Chief Commissioner at his discretion to award to the insolvent a reasonable weekly allowance for his support out of the estate such allowance to be paid to him by the official assignee and to cease when the third meeting shall have taken place or sooner if the said Commissioner shall at any time think fit.

Allowance to insolvent.

26. And whereas the present power of arrest for debt has been found to be oppressive and unnecessary Be it enacted That after the thirty-first day of March now next ensuing no person shall be arrested or imprisoned on any civil process issuing out of any Court of Law or on any execution issuing out of any Court of Equity in any suit or proceeding instituted for the recovery of any money due upon any judgment or decree founded upon contract or due upon any contract expressed or implied or the recovery of any damages for the non-performance

Abolishing imprisonment for debt.



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performance of any contract except in the cases and in the manner hereinafter provided or in actions of trespass trover or case.

Exceptions.

27. Provided always and be it enacted That the preceding section shall not extend to any proceeding as for contempt to enforce civil remedies nor to actions for fines or penalties or on promises to marry or for seduction or criminal conversation or libel or assault or for monies collected by any public officer or by any person in a public capacity or for any misconduct or neglect in office or in any professional employment.

Debtor may be arrested on Judge's warrant in certain cases.

28. Provided also and be it enacted That in all cases where by the foregoing enactment a defendant cannot be arrested or imprisoned it shall be lawful for the plaintiff who shall have obtained a judgment or decree against such defendant in any Court of Record or Court of Requests in said Colony to apply to any Judge of the Court in which the suit is brought for a warrant to arrest the defendant in such suit Provided that such plaintiff shall by the affidavit of himself or some other person or persons shew to the satisfaction of a Judge of such Court of Record or Commissioner of the Court of Requests (as the case may be) that the defendant is about to remove any of his property out of the jurisdiction of the Court in which such suit is brought with intent to defraud his creditor or creditors or that the defendant has property or rights in action which he fraudulently conceals or that he has rights in action or some interest in any public or corporate stock money or evidences of debt which he unjustly refuses to apply to the payment of any just judgment or decree which shall have been pronounced against him or that he has any other means whereby (in the opinion of the said Judge or Commissioner) he can pay the same and refuses to do so or that he has assigned removed or disposed of or is about to dispose of any of his property with intent to defraud his creditor or creditors or that he fraudulently contracted the debt or incurred the obligation respecting which such suit is brought and that such judgment or decree will be defeated unless such defendant be apprehended in any of such cases it shall be lawful for such Judge or Commissioner to order and direct that such defendant shall be held to bail for such sum as to him shall seem meet not exceeding the amount of such judgment or decree such order or direction to be under the hand and seal of said Judge or Commissioner.

Debtor so arrested may apply for rule on plaintiff to shew cause.

29. And be it enacted That it shall be lawful for any person so arrested to apply on affidavit at any time after such arrest to any such Court of Record or any Judge thereof or the Commissioner of the Court of Requests (as the case may be) for an order or rule on the plaintiff in any such action or suit to shew cause why the defendant should not be discharged out of custody and it shall be lawful for such Court or Judge or such Commissioner to make absolute or discharge such order or rule and to direct the costs of the application to be paid by either party or to make such order therein as to such Court Judge or Commissioner shall seem fit.

Debtor committed to remain in custody until debt paid or security given.

30. And be it enacted That any defendant committed as hereinbefore provided shall unless discharged in manner aforesaid remain in custody in the same manner as other prisoners on criminal process until he pays the debt or demand against him with costs of suit or until he give security to the satisfaction of the Court Judge or Commissioner (as the case may be) that the debt or demand with costs shall be paid within such time as to such Court Judge or Commissioner shall seem reasonable or until he shall prove to such Court Judge or Commissioner that he has assigned over his property in such manner as shall be satisfactory to a majority of his creditors in number and value or until he shall sequester under the provisions of the Act intituled "*An Act for the relief of Insolvent Debtors.*"

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## SCHEDULE REFERRED TO.

## A.

*Schedule of Fees to be taken by Commissioners and others in Insolvent Estate proceedings.*

## CHIEF COMMISSIONER.

	£	s.	d.
Upon filing every petition by a person surrendering his estate as insolvent including the Judge's order thereon where the assets shall appear not to exceed £100 ... ..	0	2	6
When above that amount ... ..	0	5	0
For drawing and inserting each advertisement besides the expenses paid for advertising when required to be done by him ... ..	0	2	6
Upon receiving and filing every petition against a person having committed an act of insolvency ... ..	0	5	0
For every affidavit used therewith ... ..	0	1	0
For the Judge's order thereon ... ..	0	5	0
For every summons of debtor to shew cause ... ..	0	5	0
For every examination taken on the hearing—per folio of 90 words ... ..	0	0	4
For every person examined or document exhibited ... ..	0	1	0
For making up and recording the judgment of the Court thereon ... ..	0	5	0
For taxing costs in any case (same as in the Supreme Court Office).			
For making every necessary application and report to the Court or a Judge and minute of the order thereon ... ..	0	2	6
For every warrant of attachment of moveable property ... ..	0	2	6
For every summons for the attendance of a person to give evidence or be examined ... ..	0	5	0
For every certified extract from or copy of proceedings relating to insolvent estates of less than 90 words ... ..	0	2	6
And above that number per folio ... ..	0	0	4
For every inspection of proceedings in each estate not exceeding half an hour ... ..	0	1	0
For every summons or other process for procuring the attendance of any person before the Court or any Judge or Commissioner (same as in the Supreme Court Office on similar cases).			

## CHIEF AND OTHER COMMISSIONERS.

For presiding at meeting of creditors in estates under £100 assets ... ..	0	15	0
For presiding at any other meeting of creditors per diem ... ..	0	15	0
For every proof of debt to be paid by the person offering it ... ..	0	1	0
For swearing every affidavit by the party sworn ... ..	0	1	0
For every affidavit filed by the party using it ... ..	0	1	0
For every person examined by the party producing him ... ..	0	1	0
For making up the minutes and reporting when necessary the proceedings at any meeting of creditors ... ..	0	5	0
For every warrant for apprehension of insolvent ... ..	0	5	0
For every warrant of commitment of any person ... ..	0	7	6

## MESSENGER'S FEES.

For making every attachment of person or property (the same as now paid for service of civil process of the Supreme Court and mileage).			
For making inventory and notice and report to Commissioner ... ..	0	2	6
Copy of ditto ... ..	0	2	6
Allowance per diem to person left in charge by direction of the Chief Commissioner when necessary... ..	0	3	0

## SHERIFF'S FEES.

For registering every order for sequestration and delivering to Chief Commissioner ... ..	0	1	0
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