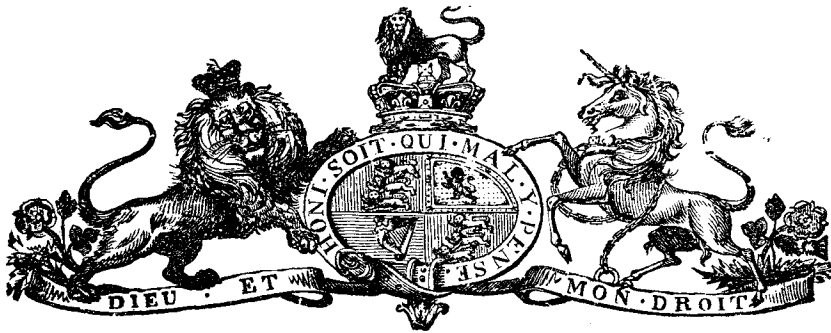


T A S M A N I A .



1899.

ANNO SEXAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 12.



AN ACT to amend "The Bankruptcy Act, A.D. 1870." [12 October, 1899.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 "The said Act" means "The Bankruptcy Act, 1870" : Interpretation.  
"Trustee" includes a Trustee of the property of any bankrupt, a Trustee under a liquidation by arrangement or composition with creditors, and a Receiver or Manager of the property or business of any debtor appointed, as in this or the said Act is mentioned.

2 The Second Sub-section of Section Thirty-one of "The Bankruptcy Act, 1870," is hereby repealed, and in lieu thereof the following shall be and be deemed to be and may be cited as the second Sub-section of Section Thirty-one of the said Act :— Amendment of Section 31 of 34 Vict. No. 32.

"31—(2.) All wages or salary of any clerk or servant in respect of services rendered to the bankrupt during Four months before the date of the Order of Adjudication, not exceeding Fifty Pounds; and all wages of any labourer or workman, not exceeding Fifty Pounds, whether payable for time or piece work, in respect of services rendered to the bankrupt during Four months before the date of the adjudication."

*Bankruptcy Amendment.*

A.D. 1899.

Votes of  
preferential  
creditors.

**3** The following shall be added to and be deemed to form part of Sub-section (4.) of Section Fifteen of the said Act:—

“A creditor entitled to priority of payment under Section Thirty-one of this Act shall, for the purpose of voting, be deemed a creditor only in respect of so much (if any) of the debt due to him as he may consider, (and by so proving for it elect to claim for as) an ordinary debt not to be paid in priority to all other debts.”

Official Assignees  
may be appointed.

**4** The Governor in Council may, on such security being given as hereinafter provided, appoint for each Court constituted under the said Act Two fit persons to be called Official Assignees, each of whom, subject to the provisions of this Act, shall be competent to act as a Trustee.

Official Assignee  
to give security.

**5** Each Official Assignee shall give security in an amount of One thousand Pounds, to the satisfaction of the Governor in Council, and in such manner as the Governor in Council shall require for the due performance of his duties as Trustee, whenever he shall be appointed a Trustee as hereinafter provided, and for the full compliance with the provisions of this Act and the said Act, or as may be prescribed in reference to Trustees, Receivers, Managers, or Agents of the property or business of any bankrupt or debtor.

Creditors may  
appoint an Official  
Assignee Trustee  
of an estate.

**6** The creditors assembled at any general meeting called under the said Act, in any proceedings in bankruptcy, or for liquidation by arrangement or composition, may, by Resolution, appoint an Official Assignee to be the Trustee of the estate in reference to which such meeting shall have been called, at such remuneration as they may from time to time determine, and the duties, powers, rights, and liabilities of the Official Assignee so appointed as such Trustee as aforesaid shall be the same as those of a Trustee appointed under the said Act; and if no Trustee be appointed at the first general meeting of creditors the Registrar may by writing under his hand appoint one of the Official Assignees to be the Trustee, and shall report such appointment to the Court, and the Court shall give a certificate declaring the Official Assignee so appointed to be the Trustee of the estate mentioned in the certificate, and such certificate shall be conclusive evidence of the appointment of such Trustee, and such appointment shall date from the date of the certificate.

Power of Court  
over Official  
Assignee.

**7** Each Official Assignee shall be an officer of the Court and be subject to its orders; and the Court may at any time upon the application of the Registrar, or of a committee of inspection, or of a majority in number and value of the creditors of an estate in which an Official Assignee is acting as Trustee, examine him on oath, and require him to produce all books, papers, deeds, and documents in his possession relating to the estate in reference to which the application is made; and the Court may, upon like application at any time, upon cause being shown, remove an Official Assignee from office.

Death, &c., of an  
Official Assignee.

**8** If an Official Assignee is removed from office by the Court, or dies, or becomes incapable of acting, or resigns, or leaves the Colony for a longer period than Three months without the written consent of the Registrar, or is adjudged bankrupt, thereupon there shall be vacated *ipso facto* his office of Official Assignee, and every office of Trustee

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*Bankruptcy Amendment.*

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which he may be holding at the time of such vacation, and every such office shall thereupon vest in the Registrar of the Court until such time as another Trustee may be appointed. A.D. 1899.

9 The provisions of the said Act empowering the Judges of the Supreme Court to make General Rules shall extend to the matters contained in this Act; and this Act and the said Act, save as amended by this Act, shall be read and construed together as one and the same Act. Acts to be read together.

