

TASMANIA.



1856-7.

ANNO VICESIMO

VICTORIÆ REGINÆ,

No. 12.

AN ACT to amend an Act, intituled "*An Act to make provision for the more effectual Distribution of Insolvent Estates.*" [17th January, 1857.]

WHEREAS several Warrants issued under the Act of Council of this Island, intituled *An Act to make provision for the more effectual Distribution of Insolvent Estates*, by the Commissioners of Insolvent Estates for *Hobart Town* and *Launceston* for the commitment to prison of Insolvents who have been guilty of frauds have been set aside on Writs of *Habeas Corpus* on grounds of informality: And whereas no form of Warrant is provided by the said Act, and it is expedient to authorise the said Commissioners to prepare Warrants adapted to the various purposes for which they may be required, in order to prevent a recurrence of the escape of fraudulent Insolvents from the hands of justice: Be it therefore 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:—

PREAMBLE.
3 Vict., No. 1.

1 In all Warrants of Commitment of any Insolvent, or Witness or other person, which shall henceforth be issued by either of the

Forms of Warrant of Commit-

ment under
3 Vict. No. 1.

said Commissioners for any offence against the provisions of the said Act, or for any contempt against either of the said Commissioners, or for refusing or neglecting to obey any order necessary for carrying into effect the provisions of the said Act, or for refusing or neglecting to attend and give evidence after having been duly summoned for that purpose under the provisions of the said Act, or for otherwise disobeying the lawful orders of either of the said Commissioners, it shall be sufficient to set forth the substance of the offence, or contempt, or disobedience of order, or refusal or neglect to attend and give evidence, or other disobedience of orders charged against any Insolvent, Witness, or other person, without setting forth the proceedings under any Insolvency or any part thereof, or the proceedings or examinations of any Insolvent or other person, or any documentary or other evidence in any matter of Insolvency.

Repeals Sec. 93
of 3 Vict. No. 1
partially.

2 And whereas by the 93rd Clause of the said Act it is enacted that it shall be lawful for the said Commissioners to postpone the making of an Order of Discharge for any period not exceeding Twelve calendar Months from the time of the Insolvent's application for the same: And whereas in case of frauds committed by Insolvents a considerable interval frequently and unavoidably occurs between the time of the application for discharge and the date of the Order postponing such discharge by reason of the examination of Insolvents and Creditors and other Witnesses, and the production of documentary evidence, whereby the period of imprisonment falls much short of Twelve Months, to the great detriment of justice: Be it therefore further enacted, that so much of the said Act as enacts that the period of postponement of such Order of Discharge shall be computed from the time of the application for the same shall be, and the same is hereby, repealed.

Order of Dis-
charge may
be postponed
Twelve Months
from date of
postponing
Order.

3 It shall be lawful for the Commissioner before whom any Insolvent's application for an Order of Discharge shall be made under the provisions of the said Act to postpone the making of any such Order of Discharge for any period not exceeding Twelve calendar Months, to be computed from the day on which the Order postponing the making of such Order of Discharge shall be made.

Imprisonment of
Insolvent to be
computed from
the day of post-
ponement of the
Order of Dis-
charge.

4 And whereas by the 39th Clause of the said Act it is enacted that whenever any Insolvent shall apply for an Order of Discharge under the provisions of the said Act, and the Commissioner before whom such application shall be heard shall postpone the making of such Order of Discharge, it shall be lawful for such Commissioner to order such Insolvent to be imprisoned for the period for which such postponement shall be ordered, provided that no such postponement should in any case be for a longer period than twelve months: And whereas it is expedient that the period of the imprisonment of such Insolvent shall be computed from the day on which the Order postponing the making of an Order of Discharge shall be made; be it therefore enacted, that it shall be lawful for the Commissioner, before whom any Insolvent's application for an Order of Discharge shall be made under the provisions of the said Act, to order such Insolvent to be imprisoned for the period for which such postponement shall be ordered, and that such imprisonment shall be computed from the day on which the Order postponing the making of such Order of Discharge shall be made.

Short Title.

5 In citing the said recited Act, it shall be sufficient to use the

expression "*The Insolvent Estates Act*;" and in citing the Act of Council of the Seventh *Victoria*, No. 11, it shall be sufficient to use the expression "*The Insolvent Estates Amendment Act No. 1*;" and in citing the Act of Council of the Fifteenth *Victoria*, No. 2, it shall be sufficient to use the expression "*The Insolvent Estates Amendment Act No. 2*;" and in citing this Act it shall be sufficient to use the expression "*The Insolvent Estates Amendment Act No. 3*."