

Mr. Sheehan.

Debtors and Creditors Act Amendment.

ANALYSIS.

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| <p>Title. Preamble. 1. Short Title. 2. Power to appoint two or more trustees.</p> | <p>3. Election of two or more trustees good. 4. Filing of declaration to have effect of adjudication. 5. Registrar may grant certificate of election or appointment.</p> |
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A BILL INTITULED

AN ACT to amend "The Debtors and Creditors Act, 1876." Title.

WHEREAS doubts exist regarding the power to appoint two or more creditors' trustees under "The Debtors and Creditors Act, 1876:" And whereas it is desirable to confer such powers, and to otherwise amend the said Act: Preamble.

5 BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Debtors and Creditors Act Amendment Act, 1879." Short Title.

10 2. Notwithstanding anything to the contrary contained in "The Debtors and Creditors Act, 1876," or any of the Acts amending the same, it shall be lawful for the creditors of a debtor to elect two or more persons to be creditors' trustees of the property of a debtor, and all the provisions of the said Act shall be read accordingly. Power to appoint two or more trustees.

15 3. All elections heretofore made of two or more persons as creditors' trustees of the property of a debtor, under or purporting to be under "The Debtors and Creditors Act, 1876," or any Acts amending the same, shall be and be deemed to have been, from the time of such election, good and valid to all intents and purposes: Provided that 20 nothing herein contained shall prejudice or affect any action now pending in which the validity of the election of two or more persons as creditors' trustees shall be in question. Election of two or more trustees good.

25 4. The filing of a declaration by a debtor under or purporting to be under "The Debtors and Creditors Act, 1876," that he is unable to meet his engagements with his creditors, shall have on the property, dealings, and transactions of the debtor the like operation and effect, and the title of the creditors' trustee or trustees shall have the like relation, as if the debtor had, at the time of such filing, been duly adjudicated a bankrupt at the instance of a creditor under the provisions of the said Acts. Filing of declaration to have effect of adjudication.

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Registrar may grant
certificate of election
or appointment.

5. After the election or appointment of a creditors' trustee or trustees has been gazetted, the Registrar of the Court in which the proceedings in bankruptcy shall have been commenced or are pending, on the application of such trustee or trustees, if satisfied that such proceedings are regular, and that such election or appointment has been duly gazetted, shall from time to time, upon the election or appointment of a creditors' trustees or trustee, give a certificate under the hand of such Registrar and the seal of the said Court, certifying who have or has been elected or appointed or are or is the creditors' trustees or trustee of the property of the debtor, and that such election or appointment has been duly gazetted, which certificate shall in all judicial proceedings and in all matters be conclusive evidence of such election or appointment, and that all the prior proceedings are regular. 5 10

Provided always that any such certificate may be rescinded or altered by the Court in which any such certificate shall have been granted, or by the Judge thereof. 15