



BY AUTHORITY.

ANNO QUADRAGESIMO QUARTO VICTORIÆ REGINÆ.

CAP. XXII.

An Act to amend Chapter 44 of The Consolidated Statutes, of
'Absconding, Concealed, or Absent Debtors.'

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| <p>Sec.
1 In Sec. 5, Cap. 44, Consolidated Statutes, the words "by an action at law" are repealed, and the words "by attachment upon the order of a Judge," substituted.</p> <p>2 Sec. 22 of Cap. 44 repealed, and new section added. Trustees to convert estate into money,</p> | <p>Sec.
and call general meeting of creditors to pass accounts, &c.</p> <p>3 Trustees, &c. to be subject to jurisdiction of Court. Court may remove Trustees, &c. for cause.</p> <p>4 Scale of Fees.</p> <p>5 When Judge may order matter to be referred to Arbitrators.</p> |
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Passed 25th March, 1881.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the words "by an action at law," at the end of Section five of Chapter 44 of The Consolidated Statutes, be and the same are hereby repealed, and the following words enacted and substituted in lieu thereof,—“by attachment upon the order of a Judge.”

2. Section twenty two of said Chapter is hereby repealed, and the following substituted as Section 22 of said Chapter:—“The Trustees shall convert the estate into money, and within six months from their appointment, by a three month's notice in the Royal Gazette, call a general meeting of the creditors to examine and pass the accounts of the estate, which may be adjourned as often as necessary, and when passed, making allowance for all legal charges and commis-

sions, shall distribute the residue without preference among the creditors in proportion to their respective demands, including therein debts not then due on rebate of interest. If the whole estate be not settled, the Trustees in six months thereafter shall make a second dividend in like manner of all moneys received by them after the first division, and so on every six months until the estate be closed; any remaining surplus shall be paid to the debtor or party legally entitled thereto.”

3. All Trustees, Parties, Sheriffs, Public Officers, and Ministers of the Law, shall be subject to the summary jurisdiction of the Court out of which the Warrant issued, or of the Judge thereof, and the performance of their duties may be compelled and enforced by such Court or Judge under the penalty of imprisonment as for contempt of Court or disobedience thereto, and in the case of Trustees, they may be removed in the discretion of the Court or Judge, and others appointed in lieu of those removed, in whom all the estate, rights and property vested in the Trustees so removed shall thereupon vest.

4. The fees to be paid to the Attorneys, Clerks, Witnesses and Sheriffs for any thing done under and by virtue of the said Chapter hereby amended, and this Act, shall be the same as in corresponding proceedings in the Supreme Court, as near as may be, and shall in all cases be taxed by the Judge.

5. Notwithstanding any thing in Section twenty one of said Chapter contained, any Judge of the Supreme Court or any County Court, on application made to him therefor by any person interested, may order any matter in dispute, mentioned or referred to in said Section, and at any time arising between the parties or any of them, or between the Trustees and the debtor, to be heard, settled and determined by one or more Arbitrators to be named by said Judge, whose award in the premises shall be final.