ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

****

CAP. XXIX.

An Act for investing in Government Securities a Portion of the Cash lying unemployed in the Bank of *England* belonging to Bankrupts Estates, and applying the Interest thereon in discharge of the Expences of the Court of Bankruptcy, and for the Relief of the Suitors in the said Court; and for removing Doubts as to the Extent of the Powers of the Court of Review and of the Subdivision Courts. [21st *August* 1835.]

WHEREAS by an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to establish a Court in Bankruptcy*, it was enacted, that it should be lawful for His Majesty, His Heirs and Successors, to establish a Court of Judicature, which should be called "The Court of Bankruptcy," and to appoint Judges, Commissioners, and other Officers of the said Court; and that it should be lawful for the Lord Chancellor to choose Official Assignees to act in all Bankruptcies prosecuted in the said Court, and to collect the Effects of Bankrupts, and to pay the Proceeds thereof into the Bank of *England* to the Credit of the Accountant General of the High Court of Chancery, subject to the Order of the Lord High Chancellor, or the said Court or any Judge thereof, as therein mentioned; and it was further enacted, that certain Fees and Sums of Money specified in the said 1 & 2 W.4. c. 56.

Act should be received by the Lord Chancellor's Secretary of Bankrupts, and paid by him into the Bank of *England*, to the Credit of the said Accountant General, to an Account to be intituled "The Secretary of Bankrupts Account," and that there should be paid out of the Monies standing to that Account certain yearly Sums specified in the said Act as and for Salaries to the Judges and other Officers of the said Court for the Time being; and it was further enacted by the said Act, that certain Annuities, the Amount thereof to be ascertained and certified as in the said Act is mentioned, should be respectively paid to the Patentee for the Execution of the Laws and Statutes concerning Bankrupts, to certain Persons then acting as Commissioners of Bankrupt in *London*, and to certain Officers of the Lord Chancellor and of the High Court of Chancery mentioned in the said Act, in lieu of and as Compensation for certain Fees and Emoluments accustomed to be received by them, and which would by the Provisions of the said Act be wholly discontinued and abolished, out of the Monies and Securities standing to an Account to be opened by the said Accountant General, to be intituled "The Secretary of Bankrupts Compensation Account;" and that certain Fees and Sums of Money specified by the said Act should be paid by the said Official Assignees into the Bank of *England* to the Credit of the said Accountant General, to be carried to the said Accounts respectively: And whereas His Majesty did, by virtue and in pursuance of the said Act, establish the said Court of Bankruptcy, and did appoint Judges and Commissioners and Registrars and Deputy Registrars of the said Court: And whereas Official Assignees have been chosen by the Lord Chancellor to act in Bankruptcies as aforesaid: And whereas the Amount of certain Annuities have been duly ascertained and certified, in pursuance of the said Act, to be due and payable to the Persons therein mentioned, in lieu of the Fees and Emoluments aforesaid: And whereas an Account has been opened in the Bank of *England* by the said Accountant General, intituled "The Secretary of Bankrupts Account," and another Account has been opened in the Bank of *England* by the said Accountant General, intituled "The Secretary of Bankrupts Compensation Account": And whereas the said Official Assignees have paid into the Bank of *England* in the Name of the said Accountant General divers large Sums of Money, which have been placed to the Credit of the several Bankrupts Estates: And whereas there now is and has been for a long Time a very large Sum of Money belonging to Bankrupts Estates, or to Suitors in Matters of Bankruptcy, standing in the Name of the said Accountant General, which lies dead and unemployed in the said Bank of *England*: And whereas it was necessary for the said Accountant General to appoint certain Persons to act as Clerks in the Performance and Execution of the Duties imposed upon him by the said Act; but no Provision is made by the said Act for the Salaries of the said Clerks and the other Expences necessarily incident to the Performance of the said Duties, other than out of certain Fees directed to be paid to the Chief Registrar of the said Court: And whereas the Business arising from the Duties imposed upon the said Accountant General by the said Act is gradually increasing, and the present Establishment of Clerks is likely to become inadequate to transact the same with that Accuracy and Despatch which is necessary for the Public Service:

And whereas the Payment of the Fees authorized by the said Act, or a Part thereof, will become unnecessary, and the same may be discontinued if another Fund is provided for the Payments now made out of the said Fees by the Authority of the said Act: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That out of the Cash belonging to the Estates of Bankrupts, or to Suitors in Matters of Bankruptcy, that now lies or shall hereafter lie dead and uninvested on Securities in the Bank of *England*, in the Name of the said Accountant General, or of the Accountant in Bankruptcy hereafter mentioned, any Sum or Sums not exceeding in the whole the Sum of Three hundred thousand Pounds shall and may, by virtue of any Order or Orders of the Lord High Chancellor to be made for that Purpose, from Time to Time be placed out in One entire Sum or in Parcels, in the Name of the said Accountant General or of the said Accountant in Bankruptcy, after the Appointment of the said last-mentioned Accountant, on such Government or Parliamentary Securities as in and by such Order or Orders shall be directed; and such Securities shall be carried to an Account to be intituled "The Bankruptcy Fund Account," subject to such Rules and Orders as the Lord High Chancellor shall think fit to prescribe for the Purposes herein mentioned.

Part of the Money in the Bank belonging to Bankrupts Estates to be carried to an Account to be called "The Bankruptcy Fund Account".

II. And whereas the Monies and Securities standing to the Credit of the said Account, intituled "The Secretary of Bankrupts Compensation Account," were in the Month of *August* One thousand eight hundred and thirty-four found inadequate to meet the several Payments then due and payable thereout, and the Sum of Two thousand four hundred Pounds was, on Application to the Lords Commissioners of His Majesty's Treasury, then advanced and paid by them, through the Lord Chancellor's Secretary of Bankrupts, into the Bank of *England* to the Credit of the said Account, for the Purpose of enabling the several Payments then due to be paid and discharged to the Parties entitled thereto; but no Power or Authority exists under the Provisions of the said first-recited Act, or otherwise, for the Repayment of such Sum out of the Monies and Securities standing to the Credit of the said Account; be it therefore enacted, That it shall be lawful for the Lord High Chancellor to order that the said Sum of Two thousand four hundred Pounds so advanced and paid by the Lords Commissioners of His Majesty's Treasury to the Credit of the said Account, intituled "The Secretary of Bankrupts Compensation Account," shall be repaid out of the Monies and Securities which now are or hereafter may be standing to the Credit of such Account, and the same shall be repayable and repaid accordingly, and until so repaid be considered a Charge on such Account; any thing in the said first-recited or other Act or Acts contained to the contrary notwithstanding.

Sum advanced to Credit of Bankrupts Compensation Account to be repaid by Order of Lord Chancellor.

III. And whereas from the increased Amount of the Funds belonging to Bankrupts Estates, and the large Number of Accounts to which such Funds belong, and which are daily augmenting, it appears that such Funds and such Accounts cannot be properly protected and

Lord Chancellor to appoint Accountant in Bankruptcy.

and managed by the said Accountant General of the High Court of Chancery, and it is expedient therefore that an Officer experienced in and conversant with the Mode of keeping Accounts, to be called "The Accountant in Bankruptcy," shall be forthwith appointed to superintend and control the Care and Management of the said Funds; be it therefore enacted, That it shall be lawful for the Lord High Chancellor for the Time being to nominate from Time to Time as Occasion may require some fit and proper Person to be the Accountant in Bankruptcy; which Officer so to be appointed shall hold his Office during good Behaviour, notwithstanding the Demise of His Majesty, or any of His Heirs or Successors: Provided always, that it shall be lawful for the Lord High Chancellor by any Order to remove any such Officer for some sufficient Reason to be in such Order expressed.

Bankrupts Estates to be transferred into the Name of the Accountant in Bankruptcy.

IV. And be it further enacted, That at any Time after the Appointment of the said Accountant in Bankruptcy it shall and may be lawful for the Lord High Chancellor, by any general or other Order or Orders, to direct that the Whole or any Part of the Cash, Funds, or Securities belonging to Bankrupts Estates or to Suitors in Matters of Bankruptcy, and then standing in the Name or to the Credit of the said Accountant General of the High Court of Chancery at the Bank of *England*, to the Credit of any Bankrupt's Estate, or of any Assignee or Assignees of such Estate, or in the Matter of any Bankruptcy, be forthwith paid and transferred into the Name and to the Credit of the said Accountant in Bankruptcy; and all such Payments or Transfers as now are or heretofore have been made into the Bank in the Name or to the Credit of the Accountant General of the High Court of Chancery in Matters of Bankruptcy shall, from and after the Appointment of the said Accountant in Bankruptcy, be made in the Name or to Credit of the said Accountant in Bankruptcy; and all Cash, Funds, or Securities to be so paid or transferred as aforesaid shall be subject to such and the like Provisions, Regulations, Rules, and Orders as the same are or would have been subject to if paid or transferred in the Name or to the Credit of the said Accountant General of the Court of Chancery, except as the same may be altered by this Act, or any Rule or Order to be made by the Lord High Chancellor in respect of the same.

So much of 6 G. 4. c. 16. as directs the filing of the Certificate, and the Investment, &c. of unclaimed Dividends, repealed.

V. And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*, it is amongst other Things enacted, that the Assignees shall file a Certificate in the Office of the Lord Chancellor's Secretary of Bankrupts, containing an Account of the Names of Creditors to whom unclaimed Dividends are due, and of the Amount of such Dividends; and Power is thereby given for the Investment of such Dividends; and after the Expiration of Three Years the Lord Chancellor is empowered to order the same to be divided amongst and paid to the other Creditors in manner therein mentioned; be it enacted, That so much of the said Act as directs the filing of the said Certificate, and the Investment, Division, and Payment of such unclaimed Dividends, be and the same is hereby repealed.

VI. And

VI. And be it further enacted, That all Dividends unclaimed as herein-after mentioned, and also any undivided Surplus of a Bankrupt's Estate, over and above the Amount finally directed to be divided amongst the Creditors of any Bankrupt, shall be paid into the Bank of *England* to the Credit of the Accountant General of the High Court of Chancery, or of the Accountant in Bankruptcy, when such last-mentioned Officer shall have been appointed, to be carried to an Account to be intituled "The Unclaimed Dividend Account," subject to the Order of the Lord High Chancellor, or of the Court of Review in Bankruptcy, or of any Commissioner of the said Court, for the Payment thereout of any Dividend or Dividends due to any Creditor or Creditors, and subject also to the Order of the Lord Chancellor for the laying out and Investment thereof in the Purchase of Government or Parliamentary Securities, which Securities shall be carried to the before-mentioned Account to be intituled "The Bankruptcy Fund Account," and shall be subject to such Rules and Regulations as the said Lord Chancellor shall direct: Provided always, that any Order of any Commissioner for Payment of any Dividend, under the Provisions aforesaid, shall be subject to Appeal to the said Court of Review.

Unclaimed Dividends to be paid into the Bank to the Credit of Accountant General, or when appointed, to the Accountant in Bankruptcy.

VII. And be it further enacted, That if any Assignee under any Commission of Bankrupt or Fiat in Bankruptcy now issued or hereafter to be issued shall have, either in his own Hands, or at any Bankers, or otherwise subject to his Order or Disposition, or shall know that there is or are in the Hands or subject to the Order and Disposition of himself and any Co-assignee or Co-assignees, or of any or either of them, any unclaimed Dividend or Dividends amounting in the whole to the Sum of Twenty Pounds, or any such undivided Surplus as aforesaid amounting to the Sum of Twenty Pounds, such Assignee shall, as to any such now existing unclaimed Dividend or Dividends, within One Year after the passing of this Act, and as to any future Dividend or Dividends within Three Calendar Months next after the Expiration of One Year from the Time of the Declaration and Order of Payment of such future Dividend or Dividends, either pay the same to the Creditor or Creditors or other the Person or Persons entitled to the same respectively, or cause a Certificate thereof respectively to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts, containing a full and true Account of the Name or Names of the Creditor or Creditors to whom such unclaimed Dividend or Dividends is or are respectively due, and of the Amount of such Dividend or Dividends respectively; and shall in like Manner, as to any such now existing undivided Surplus as aforesaid, within One Year after the passing of this Act, and as to any such future undivided Surplus as aforesaid within Three Calendar Months next after the Expiration of One Year after the final Declaration of Dividends, cause a Certificate stating the full and true Amount of such Surplus to be filed in the Office of the said Secretary of Bankrupts; and every Certificate to be filed as aforesaid shall be signed by the Assignee or Assignees filing the same; and every Assignee who shall, according to the Provisions of this Act, be bound to file such Certificate as aforesaid, and who shall make default in filing the same,

How unclaimed Dividends, &c. in the Hands of Assignees to be disposed of.

shall be charged, in Account with the Estate of the Bankrupt, with Interest upon the Amount of such unclaimed Dividend or Dividends or undivided Surplus as aforesaid, to be computed from the Time at which such Certificate is hereby required to be filed, at the Rate of Five Pounds *per Centum per Annum*, for such Time as he shall thenceforth, either solely or together with any Co-assignee or Co-assignees, or other Person or Persons, retain such Dividend or Dividends or undivided Surplus, as the Case may be, and also with such further Sum as the Lord Chancellor or the Court of Review shall direct, not exceeding in the whole at the Rate of Twenty Pounds *per Centum per Annum*, to be computed from the Time aforesaid; and every Assignee shall, within One Year next after the filing of any such Certificate as aforesaid, pay or cause to be paid into the Bank of *England* to the Name of the Accountant General of the High Court of Chancery, or of the Accountant in Bankruptcy, when such last-mentioned Officer shall have been appointed, to be carried to the said Account to be intituled "The Unclaimed Dividend Account," the full Amount of the unclaimed Dividends mentioned in such Certificate, or so much thereof as shall not have been then paid to the Creditor or Creditors or other Person or Persons entitled thereto, and also the full Amount of such undivided Surplus as aforesaid; and if any Assignee shall make default in such Payment it shall be lawful for the Lord Chancellor or the said Court of Review, on Petition or otherwise, to order that such Sum or Sums be forthwith paid into the Bank of *England* in manner aforesaid, together with such further Sum to be charged on such Assignee or Assignees, or other Party or Parties personally, as to the said Lord Chancellor or to the said Court may seem fit, not exceeding at and after the Rate of Twenty Pounds *per Centum per Annum* on the Sum or Sums so withheld, to be computed from the filing of such Certificate up to the Time of Payment of such Sum or Sums, and also to make such further Order as to Costs as the Justice of the Case shall seem to require: Provided always, that no such Certificate as aforesaid of any unclaimed Dividend or Dividends shall be filed until the Expiration of One Year after the Declaration and Order for Payment of such Dividend or Dividends.

Certificates to be given to Assignees, on Production of which Bank of England shall receive the Sums therein mentioned, and give Receipts for the same.

VIII. And be it further enacted, That the said Accountant General in Chancery or the said Accountant in Bankruptcy, as the Case may be, shall, on the Application of any Assignee or Assignees, give to him or them a Certificate or Certificates stating the Amount of any Sum or Sums of Money which he or they may be desirous of paying into the Bank of *England* under the Provisions aforesaid; and on the Production of such last-mentioned Certificate or Certificates the Governor and Company of the Bank of *England* shall receive the Sum or Sums therein mentioned, and give a Receipt or Receipts for the same, and shall forthwith carry the same to the Credit of the said Accountant General or the Accountant in Bankruptcy, as the Case may be, to the said Account intituled "The Unclaimed Dividend Account;" and every such Certificate and Receipt shall be given without Fee or Reward.

IX. And

IX. And be it further enacted, That the Interest and Dividends of all the Securities to be purchased under the Authority of this Act shall from Time to Time be received by the Governor and Company of the Bank of *England*, and be carried to an Account to be intituled "Interest arising from the Bankruptcy Fund Account," to the Credit of the Accountant General in Chancery or the Accountant in Bankruptcy, as the Circumstances may require.

Interest to be received by the Governor and Company of the Bank.

X. And be it further enacted, That out of the Interest and Dividends of the Government or Parliamentary Securities to be purchased under the Authority of this Act, and out of the Interest and Dividends of any Government or Parliamentary Securities to be hereafter purchased and placed to the said Account to be intituled "The Bankruptcy Fund Account," there shall be paid by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor to be made for that Purpose, to the said Accountant in Bankruptcy, such Salary or yearly Sum as the Lord High Chancellor may by any Order or Orders direct, not exceeding the yearly Sum of Eight hundred Pounds, and also to the Clerks of the said Accountant in Bankruptcy such Sums by way of Salary as the Lord Chancellor shall by Order direct, and also any further Sum to the said Accountant in Bankruptcy which may be necessary or expedient to defray the Expences of Stationery, and other necessary Expences of the said Accountant, if any, to be by him incurred in discharge of the Duties imposed upon him by this Act; such several Salaries or yearly Sums before mentioned to be paid quarterly, free of Charges; the first quarterly Payment to the Accountant in Bankruptcy for the Time being to commence from the Day of his Appointment, and as to the said Clerks to commence from the Eleventh Day of *January* One thousand eight hundred and thirty-five, or from such other Day as may in any such Order be specified: Provided always, that nothing hereinbefore contained shall authorize the Lord Chancellor to order the Payment in any One Year of any Sum exceeding the Sum of One thousand Pounds for the Payment of the Salaries of the said Clerks, and the Discharge of such Expences of Stationery and other incidental Expences as aforesaid.

Salaries and other Expences to be paid out of the same by Direction of the Lord Chancellor.

XI. And be it further enacted, That it shall and may be lawful to and for the Lord High Chancellor, upon the Requisition of the said Accountant in Bankruptcy for that Purpose, to appoint One or more, not exceeding Five, Persons to be Clerks to the said Accountant, and to order such yearly Salaries as aforesaid to be paid to them.

Lord Chancellor may appoint additional Clerks, if necessary.

XII. And be it enacted, That the Salaries herein-before provided shall be in lieu of all Fees and Emoluments whatsoever; and that all such Fees and Emoluments, whether for Commission, Brokerage, or otherwise, as are now receivable by the said Accountant General of the Court of Chancery in Matters of Bankruptcy, shall, from and after the Appointment of the said Accountant in Bankruptcy, be received by him, and paid into the Bank in the Name of the said last-mentioned Accountant, and be carried to the Credit of the said Account to be intituled "Interest arising from the Bankruptcy Fund

Accountant not to retain Fees.

Fund Account," and be applicable to all the Purposes of the said Account.

Retiring Allowance to CharlesElley.

XIII. And whereas *Charles Elley*, the Chief Clerk in the Office of the Lord Chancellor's Secretary of Bankrupts, is now of the Age of Seventy Years and upwards, and has been upwards of Fifty Years in the above Office, and from Rheumatism and other bodily Infirmities is become incapable of giving full Attendance so as effectually to discharge the Duties of the said Office, and the Emoluments of his said Office were very much reduced by the Operation of the said first-recited Act, and the said *Charles Elley* is desirous to be allowed to retire from the said Office by reason of such Infirmities; be it therefore enacted, That it shall and may be lawful for the Lord High Chancellor, upon the Retirement or Removal from his said Office of the said *Charles Elley*, to order and direct that there shall be paid to him during his Life such annual Sum not exceeding Four hundred Pounds *per Annum* as to the said Lord Chancellor shall seem fit, such annual Sum to commence on the Retirement or Removal of the said *Charles Elley* as aforesaid, and be payable at such Time or Times as the said Lord Chancellor shall direct; which said annual Sum shall be chargeable upon and payable out of the said Account intituled "The Secretary of Bankrupts Compensation Account."

Lord Chancellor may direct Interest from Securities to be carried to the Secretary of Bankrupts Account.

XIV. And be it further enacted, That it shall be lawful for the said Lord High Chancellor, by any Order or Orders to be by him from Time to Time made for that Purpose, to order and direct that all or any Part of the Interest and Dividends to be carried to the said Account to be intituled "Interest arising from the Bankruptcy Fund Account" may be carried over to the said Accounts respectively intituled "The Secretary of Bankrupts Account" and "The Secretary of Bankrupts Compensation Account," or either of them, and that the same may be applied in Payment or in part Satisfaction of the annual and other Sums now or hereafter to be chargeable upon and made payable out of the Sums directed to be carried to the said last-mentioned Accounts or either of them, and also to direct that the Salaries and other Sums by the said first-recited Act directed to be chargeable upon or payable out of the Fees by the said Act directed to be paid to the Chief Registrar of the Court of Bankruptcy may be paid out of the said Interest and Dividends, as the said Lord High Chancellor shall in his Discretion see fit, so that the Salaries and other Expences of the said Court being provided for out of the Interest and Dividends to be raised as aforesaid, the Fees and other Sums by the said Act directed to be paid may be abolished or reduced as the said Lord High Chancellor may find himself from Time to Time enabled to abolish or reduce the same.

Salaries to be paid on such Days as the Chancellor shall direct.

XV. And be it further enacted, That it shall and may be lawful to and for the said Lord High Chancellor, by any Order or Orders, to direct that all and every or any of the Salaries by this Act, or the Annuities by way of Compensation by the said first-recited Act, made payable, or any Part of any such Salary or Annuity, shall and may be paid respectively on such Days and by such yearly or other Payments as in the said Order or Orders shall be specified;

and in case of the Death, Resignation, or Removal of any of the Officers or Persons entitled to Salaries or Annuities as aforesaid, by the same or other Order or Orders to direct that the Proportion of any Salary or Annuity payable as aforesaid which may become due to any Officer or Person as aforesaid between the Time to which any such Salary or Annuity may have been then last paid or payable and the Time of any such Death, Resignation, or Removal, shall be paid to the said Officer or other Person so resigning or being removed, his Executors, Administrators, or Assigns, or to the Executors or Administrators of any Officer or other such Person so dying.

If the Fund is not sufficient at any Time then the Securities to be sold.

XVI. And be it further enacted, That if at any Time hereafter the Whole or any Part of the Money placed out in pursuance of this Act shall be wanted to answer any of the Demands due in respect of the said Bankrupts Estates, then and in such Case the said Lord High Chancellor may and shall direct the Whole or any Part of the Securities in which the same may be placed to be sold and disposed of, and the Money arising from such Sale to be paid into the Bank of *England* in the Name of the said Accountant General in Chancery or the Accountant in Bankruptcy, in such Manner as the said Lord Chancellor shall direct, in order that the Demands due in respect of the said Bankrupts Estates may at all Times be fully paid out of the common and general Cash belonging to such Estates.

Securities purchased may be changed.

XVII. And be it further enacted, That it shall be lawful for the Lord High Chancellor, by any Order or Orders, to authorize the Change of the Securities to be purchased pursuant to this Act, or any Part of the same.

Cash in the Bank belonging to Bankrupts Estates to be one common and general Cash.

XVIII. And to the end that no Suitor or Suitors of the said Court of Bankruptcy may be delayed in payment of any Money due to him, her, or them, but that every one may receive his or her full Demand whensoever he or she shall apply for the same, in the most easy and expeditious Way; be it enacted, That all the Money and Cash now deposited in the Bank, or that shall at any Time hereafter be paid into or deposited in the Bank, on the Account of Bankrupts Estates or in any Matter of Bankruptcy, shall be and be accounted and taken to be one common and general Cash, and shall be promiscuously issued and issuable for the answering, paying, and clearing the Debts and Demands thereon.

Expences of Proceedings under this Act to be paid out of the Fund.

XIX. And be it further enacted, That out of the Interest and Dividends of the said Government or Parliamentary Securities to be purchased as aforesaid the Costs, Charges, and Expences of all Proceedings to be had under this Act shall be paid by the Governor and Company of the Bank of *England* by virtue of any Order of the said Lord High Chancellor.

If Money not sufficient for the Purposes of this Act, the same to

XX. Provided always, and be it further enacted, That if at any Time hereafter the Whole or any Part of the Money to be laid out in pursuance of this Act shall be wanted to answer the Demand of any Bankrupts or their Creditors or other Persons interested therein,

be made good by Parliament.

and the Stocks, Funds, and Cash then standing in the Name of the said Accountant General in Chancery or the Accountant in Bankruptcy to the several Accounts before mentioned and created by this Act, or either of them, shall not be sufficient to answer and satisfy the said Demands, then the same Money taken for the Purposes and by virtue of this Act shall be and shall be considered a Debt due from the Public, and to such Extent as may be necessary shall be answered and made good by Parliament accordingly.

Court in future to consist of One Chief Judge and Two Judges.

XXI. And whereas by the firstly herein-before recited Act it is enacted that there shall be a Chief Judge and Three other Judges of the said Court of Bankruptcy, and that there shall be Two Registrars and Eight Deputy Registrars of the said Court: And whereas a Vacancy having occurred by the Death of One of such Judges, such Vacancy has not been supplied, and it appears that the Duties of the said Court may be effectually performed by the Chief Judge and Two other Judges; be it therefore enacted, That hereafter there shall be only Two Judges of the said Court other than the Chief Judge; and it also appearing that upon the Appointment hereby authorized being made of an Accountant in Bankruptcy, Part of the Duties now performed by the Chief Registrar of the said Court may be discharged by such Accountant, so that the Duties now performed by the Two Registrars and the Two Deputy Registrars not attached to the Commissioners of the said Court may be discharged by Two Registrars and One Deputy Registrar; be it therefore enacted, That as and when any Vacancy may occur by the Death, Removal, or Retirement of any one of the said Registrars, such Vacancy shall be supplied by the Deputy Registrar acting under the Registrar by whose Death, Removal, or Retirement such Vacancy shall occur; and that when any Vacancy shall occur by the Death, Removal, or Retirement of either of the said Two last-mentioned Deputy Registrars, such Vacancy shall not be supplied so as to provide altogether for more than Two such Registrars and One such Deputy Registrar, other than the Six Deputy Registrars attached to the Commissioners aforesaid; and it shall be lawful for the Court of Review, when and as any such Vacancy shall occur, to make such general Orders as to the Duties to be performed by such Registrars and Deputy Registrar as they shall think fit.

In the Event of Death or Removal of a Registrar, Vacancy to be supplied by Deputy Registrar acting under him.

Annual Returns to Parliament.

XXII. And be it enacted, That within Two Months from the First Day of *January* in every Year Returns shall be presented to Parliament if then sitting, and if not, then within One Month after Parliament shall have assembled, by the said Accountant General of the Court of Chancery or the Accountant in Bankruptcy (as the Case may be), of the net Amounts at the Credit of the said Accountant on the said First Day of *January* on each of the following distinct Accounts, which Returns shall respectively specify the Amount transferred and paid out as Dividends, and the Amount paid by Orders of Court or of the Judges, and shall also show the unappropriated Balance then existing on each Account; *videlicet*, First, The Bankruptcy Fund Account; Second, The Interest arising from the Bankruptcy Fund Account; Third, The Unclaimed Dividend Account; Fourth, The Secretary of Bankrupts Account; Fifth, The Secretary

of Bankrupts Compensation Account; the Fourth and Fifth of such Accounts to have Appendixes attached to them, detailing all Payments made from such Accounts, and to whom made, and whether as Salaries, Compensations, or other Allowances.

Mode of forming Subdivision Courts in case of Nonattendance of any Commissioners of the Division to which Cause is referred.

XXIII. And whereas by the said first-recited Act it is enacted, that the Six Commissioners therein mentioned may be formed into Two Subdivision Courts, consisting of Three Commissioners for each Court, for the Purposes therein mentioned; and that all References and Adjournments by a single Commissioner to a Subdivision Court by virtue of the said Act shall be to the Subdivision Court to which he belongs, unless the said Commissioner, in case of the Sickness of some One or more of the Commissioners of such Subdivision Court, or for other sufficient Cause, shall think fit otherwise to direct; be it enacted, That in case of the Nonattendance of any One or more of the Commissioners of either of the said Subdivision Courts, to be duly summoned for that Purpose, the Reference shall not be of Necessity to the other Subdivision Court, but it shall and may be lawful for the remaining Commissioner or Commissioners of such Subdivision Court to call in and require the Attendance of either or any of the Commissioners of the other of the said Subdivision Courts, and that such Commissioners may form a Subdivision Court for the Purposes of the said recited Act as fully and effectually as either of the Two Subdivision Courts so now authorized to be formed as aforesaid.

Power given to Courts to administer Oaths on Affidavits.

Fees.

XXIV. And be it enacted, That the said Court of Review and either of the said Subdivision Courts, and also any Judge or Commissioner of the Court of Bankruptcy, shall have Power to administer Oaths on Affidavits to be sworn before them respectively in Matters of Bankruptcy in all Cases where the same may be administered by a Master in Ordinary or Extraordinary of the High Court of Chancery, and to take for every such Oath, except where such Oath shall be administered to an Affidavit entitled in the Court of Bankruptcy or in the Court of Review, the Fee of One Shilling and Sixpence, which said Fee shall be payable and paid accordingly; and that all such Fees shall be accounted for and paid over to the Chief Registrar of the said Court of Bankruptcy, and be carried to the Account of the Second Schedule of Fees annexed to the said first-recited Act, and be applied to the Purposes of the said Schedule.

Court of Review and Subdivision Courts declared to have been Courts of Record from the passing of 1 & 2 W. 4. c. 56.

XXV. And whereas Doubts have been entertained whether, by the Terms of the said first-recited Act, the said Court of Review and Subdivision Courts have been effectually made Courts of Record; and whether the said Courts have upon an Examination before them the same Powers of Commitment for the Purpose of enforcing Discovery as were vested in Commissioners of Bankrupt under the Acts of Parliament relating to Bankrupts in force at the Time of the passing of the said first-recited Act; and it is expedient that such Doubts be removed, and that such Powers as are herein-after mentioned should be given to the several Judges and Commissioners acting under the Authority of the said first-recited Act; be it enacted, and it is hereby declared, That the said Court of Review and the said several Subdivision Courts respectively shall henceforth be, and shall

shall be deemed and taken from and after the passing of the said first-recited Act to have been, Courts of Record, and shall and may have and exercise all such Powers of Commitment as were vested in Commissioners of Bankrupt acting as such at the Time of the passing of the said first-recited Act, and shall and may have, use, and exercise all the Powers, Rights, Privileges, and Incidents of a Court of Record, as fully to all Intents and Purposes as the same are used, exercised, and enjoyed by any of His Majesty's Courts of Law at *Westminster;* and all Orders heretofore pronounced and all Acts done by the said Court of Review and Subdivision Courts respectively shall be deemed and taken to have been pronounced and done by the said Courts respectively as Courts of Record; and every Judge or Commissioner appointed or to be appointed by virtue of the said first-recited Act sitting alone and acting in execution of the Duties imposed upon him as such Judge or Commissioner shall have, use, exercise, and enjoy all the Powers, Rights, Privileges, and Exemptions of a Court of Record: Provided always, that nothing herein contained shall be deemed or taken to authorize or empower any such Judge or Commissioner sitting alone to impose any Fine or commit for a Contempt of Court, but every Contempt of any such Judge or Commissioner sitting alone and acting as aforesaid shall be cognizable by the said Court of Review, to which the same may be referred by any such Judge or Commissioner as aforesaid; and the said Court of Review shall have full Power to deal with the same as a Contempt of the said Court of Review: Provided also, that nothing herein contained shall be deemed or taken to diminish or affect the Power by the said first-recited Act given to any such Judge or Commissioner of committing any Person examined before him to any Messenger or other Officer of the Court of Bankruptcy.

As to the Exercise of the Powers given by this Act.

XXVI. And be it further enacted, That the Powers and Authorities given by this Act to the Lord High Chancellor shall and may be exercised in like Manner and are hereby given to the Lord Keeper or Lords Commissioners for the Custody of the Great Seal respectively for the Time being.

Act may be altered in present Session.

XXVII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act to be passed in this Session.

Public Act.

XXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1835.