



ANNO QUADRAGESIMO SEPTIMO ET QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ.

A.D. 1884.

No. 326.

An Act to amend the law relating to Deeds of Assignment.

[Assented to, November 14th, 1884.]

WHEREAS it is desirable to amend the law relating to deeds of assignment—Be it enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows: Preamble.

1. Except so far as inconsistent therewith this Act shall be incorporated and read as one with the “Insolvent Act, 1860,” and all Acts amending the same, and the Act No. 195 of 1880, intituled “An Act to extend the Jurisdiction of Local Courts,” hereinafter referred to as “the Insolvent Acts.” Incorporation with the Insolvent Acts.

2. A copy of the notice of every deed purporting to be made and executed pursuant to Division vi. of the “Insolvent Act, 1860,” required to be given pursuant to section 172 of the said Act, shall be given to the proper officer of that Court of Insolvency, whether a Local Court or not, which shall be— Local Courts of Insolvency to have jurisdiction in respect of assignments.

(a) Nearest to the place at which was held the meeting of creditors required by the “Insolvency Act, 1881,” to be held prior to the execution of such deed: or (at the option of the trustee)

(b) Nearest to the residence or principal place of business of the debtor making the deed:

And, subject to the power of removal contained in section 7 of the

Insolvency Act Amendment Act.—1884.

the Act, No. 195, of 1880 all jurisdiction and proceedings under the Insolvent Acts or otherwise concerning such deed and the trustees thereunder and the debtor, his creditors and estate, shall be had, exercised, and taken by and in the Court to the officer of which such copy notice shall have been given in pursuance of this Act.

Power to make rules and orders.

3. The powers of making rules and orders conferred by the Insolvent Acts shall extend to the making of rules and orders for regulating the practice of Local Courts of Insolvency, and the forms of proceedings and notices, and generally for the better carrying out of this Act: Provided that, until such rules and orders shall be in operation, the existing rules and orders of the Court of Insolvency, so far as they may be applicable, shall be binding and operative.

Act retrospective, saving past decisions and pending cases.

4. No deed purporting to be made and executed pursuant to Division VI. of the "Insolvent Act, 1860," before the passing of this Act, shall be deemed or declared fraudulent, void, or of no effect, or an act of insolvency, by reason only that any notice or proceedings in relation thereto shall not have been given to the proper officer or taken in the proper Court, if such notice shall have been given to any officer of any Local Court of Insolvency, or such proceedings shall have been taken in any Local Court of Insolvency: Provided that this Act shall not extend to validate any deed which has heretofore been declared void or invalid by any Court of competent jurisdiction, or in respect of the validity of which proceedings are now pending.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.