



1855-6.

No. 11.

*Revised No 105-d 1880, S. 4
385-d 186, S. 5*

An Act to enable any Commissioner of the Court of Insolvency, although not named in a fiat, to prosecute the same, and to exercise and carry into effect the powers and authorities thereof.

[Assented to, April 16, 1856.]

WHEREAS the several Acts for the Relief of Imprisoned Insolvent Debtors, and to make provision for the administration of the estates of Insolvent Debtors in South Australia, contain no sufficient provision for the absence, illness, resignation, or death of the Commissioner or Commissioners of Insolvency appointed to carry fiats of insolvency into effect, and it is deemed expedient that such should be made: Be it therefore enacted by His Excellency the Governor-in-Chief, by and with the consent of the Legislative Council thereof, as follows—

Preamble.

1. Any Commissioner of the Court of Insolvency, heretofore or hereafter to be appointed, shall and may do, perform, and execute all acts, deeds, matters, and things whatsoever required to be done, performed, and executed, under any fiat of insolvency heretofore granted, or hereafter to be granted, although such fiat may not have been or may not be directed to such Commissioner, in the same way as he might have done if named in such fiat; and for that purpose shall have and exercise all the powers and authorities of whatsoever kind, which under any fiat of insolvency belong to, and may be exercised by the Commissioner named therein.

Power to Commissioner of Insolvency to act under fiats not specially directed to him.

2. Every fiat hereafter to be issued by any Judge of the Supreme Court instead of being directed to any one or more persons, to be named in such fiat shall, and may be directed to any Commissioner

Fiats hereafter to be issued, to be directed, generally, to a Commissioner or Commissioners of the Court of Insolvency.

missioner or Commissioners of the Court of Insolvency, and any Commissioner of the said Court for the time being shall, and may act under, and carry into effect, any and every such fiat, and shall and may have, and exercise all the powers and authorities of whatsoever kind incident thereto, in the same manner and to the like extent as if specially named therein.

Word Commissioner to include District Commissioners

3. The word Commissioner shall be included and be construed to extend to Commissioners for any District as well as Commissioners for the Province.

Commencement of Act.

4. This Act shall take effect from the passing thereof.