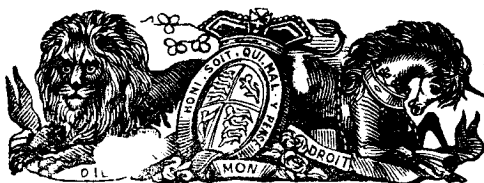


NEW ZEALAND.



OTAGO PROVINCIAL GOVERNMENT GAZETTE.

Published by Authority

Vol. XI.

DUNEDIN, WEDNESDAY, JUNE 19, 1867.

No. 487.

[WITH SUPPLEMENT.]

NOTICE

Of appointment of Mr. Richard Watkins to act as Town Clerk at first Elections of Mayor, Councillors, and Auditors, for the Incorporated Town of Alexandra.

NOTICE is hereby given, that His Honor James Macandrew, Esquire, Superintendent of the Province of Otago, in exercise of the powers vested in him in that behalf by the "Otago Municipal Corporation Ordinance, 1865," has nominated and appointed

Mr. RICHARD WATKINS

to receive nominations of Candidates, and to do and perform at the first Elections of Mayor, Councillors, and Auditors for the Incorporated Town of Alexandra, under the said Ordinance, all acts in and by the said Ordinance required to be done by the Town Clerk of the said Incorporated Town, before a Mayor, Councillors, and Auditors can be elected at such first Elections under the provisions of the said Ordinance.

JULIUS VOGEL,
Provincial Secretary.

Provincial Secretary's Office,
Dunedin, 18th June, 1867.

NOTICE

Of appointment of Mr. Thomas Stanbrook to preside at Polling in Manuherikia Ward, at the Election of Mayor, Councillors, and Auditors, for the Incorporated Town of Alexandra.

NOTICE is hereby given, that his Honor JAMES MACANDREW, Esquire, Superintendent of the Province of Otago, in exercise of the powers vested in him in that behalf by the "Otago Municipal Corporations Ordinance, 1865," has nominated and appointed

Mr. THOMAS STANBROOK

to be the person before whom shall be held within the Manuherikia Ward of the Incorporated Town of Alexandra, the polling at the Election under the said Ordinance,

nance, of Mayor, Councillors, and Auditors for the said Incorporated Town, at the first Election held under the said Ordinance for the said Incorporated Town, and to do within the said Ward, at such first Election, all such acts as by the said Ordinance are required to be done by a Councillor or other person appointed to preside at the polling at Elections of Mayor, Councillors, and Auditors under the said Ordinance.

JULIUS VOGEL,
Provincial Secretary.

Provincial Secretary's Office,
Dunedin, 14th June, 1867.

NOTICE

Of appointment of Mr. James Sandison to preside at Polling in Clutha Ward, at the Election of Mayor, Councillors, and Auditors, for the Incorporated Town of Alexandra.

NOTICE is hereby given, that His Honor James Macandrew, Esquire, Superintendent of the Province of Otago, in exercise of the powers vested in him in that behalf by the "Otago Municipal Corporations Ordinance, 1865," has nominated and appointed

Mr. JAMES SANDISON

to be the person before whom shall be held within the Clutha Ward of the Incorporated Town of Alexandra, the polling at the Election under the said Ordinance of Mayor, Councillors and Auditors for the said Incorporated Town, at the first Election held under the said Ordinance for the said Incorporated Town, and to do within the said Ward, at such first Election, all such acts as by the said Ordinance are required to be done by a Councillor or other person appointed to preside at the polling at Elections of Mayor, Councillors and Auditors under the said Ordinance.

JULIUS VOGEL,
Provincial Secretary.

Provincial Secretary's Office,
Dunedin, 14th June, 1867.

NOTICE

Fixing Day and Place of Nomination of Candidates for office of Mayor of the Incorporated Town of Alexandra.

WHEREAS his Honor JAMES MACANDREW, Esquire, Superintendent of the Province of Otago, in exercise of the powers vested in him by the "Otago Municipal Corporations Ordinance, 1865," has, by warrant under his hand, appointed me, the undersigned JOHN CUMMING, to be the person to give public notice, as by law required, of the place, day, and hour for the Nomination of Candidates for election to the office of Mayor at the first Election of Mayor for the Incorporated Town of Alexandra under the said Ordinance, and to attend on the day of the nomination of candidates for such office, at such first election, and to preside, do, and perform at such first election all the acts by the said Ordinance required or directed to be done by the Mayor of the said Incorporated Town of Alexandra at the election of Mayor:

Now, therefore, I, the said John Cumming, do hereby fix Wednesday, the 17th day of July, 1867, at noon, at one of the Government Buildings, at the Camp, in the said Incorporated Town of Alexandra, as the day, hour, and place for nomination of Candidates for Election to the Office of Mayor of the said Incorporated Town of Alexandra, at the ensuing Election; And I do hereby give notice that I shall attend at the said place, and at the day and time hereinbefore mentioned, and shall then cause to be publicly opened and read, all such Nominations of Candidates for election to the Office of Mayor of the said Incorporated Town, as shall be, in due form, have been lodged with Mr. Richard Watkins, the person appointed by His Honor the Superintendent to act as Town Clerk at such Election at Alexandra, before noon of the said 17th day of July, 1867.

Dated at Alexandra, this 15th day of June, 1867.

JOHN CUMMING.

Witness:—

JAMES SANDISON.

CORRECTION.—For James Thomson, in page 170 of *Gazette* of 12 June, read, George Thomson.

CORRECTION.—In *Gazette* of 5th June current, page 167, for H. Gilchrist, Mayor, read J. C. Gilchrist, Mayor.

In the Supreme Court of New Zealand, }
Otago and Southland District.

NOTICE is hereby given, that a Sitting of this Court will be holden at the Court House, Dunedin, on Tuesday, the 25th day of June instant, at ten o'clock in the forenoon, for the purpose of hearing Appeals from Wardens' Courts.

ROBERT CHAPMAN,
Registrar.

Supreme Court Office,
Dunedin, 7th June, 1867.

In the Supreme Court of New Zealand, }
Otago and Southland District.

In the matter of the Petition of George Dempster, of Dunedin in the Province of Otago, Carpenter, a Bankrupt, and in the matter of the petition of Edward McGlashan, of Dunedin aforesaid, gentleman, a creditor of the said George Dempster, to the extent of not less than fifty pounds, and in the matter of "The Debtors and Creditors Act, 1862" "The Debtors and Creditors Act Amendment Act, 1865" and "The Debtors and Creditors Acts Amendment Act, 1866."

NOTICE IS HEREBY GIVEN that the above named Bankrupt, George Dempster, has this day presented and filed his Petition for the Sequestration of his Estate for the benefit of all his creditors, and for relief according to the provisions of the above mentioned

Acts, and that His Honor Mr. Justice Chapman has appointed Monday, the fifth day of August next, at ten o'clock in the forenoon at the Supreme Court House, Dunedin, for the hearing of the said Petition.

Dated this twelfth day of June, 1867.

HARRIS, MACASSEY AND TURTON,

11s 6d.

Solicitors for the said Bankrupt.

DISSOLUTION OF PARTNERSHIP.—The Partnership hitherto existing between James Fergusson, Melbourne, and John Mitchell, Dunedin, has been dissolved by mutual consent, from the 31st March last. The business here will be carried on as formerly by John Mitchell on his own account, under the firm of Fergusson and Mitchell, Stationers, Account Book Manufacturers, Engravers, Lithographers, and Printers, Dunedin. J. M. will pay all debts due and receive same. 18s.—3in.

(From the *New Zealand Gazette*, June 7, 1867. No. 34.)

G. GREY, Governor.

ORDER IN COUNCIL.

At Wellington, the twenty-first day of May, 1867.

Present:

THE PRESIDENT AND MEMBERS OF THE EXECUTIVE COUNCIL.

WHEREAS by "The Debtors and Creditor's Act Amendment Act, 1865," it is provided that the Governor in Council may, from time to time, frame regulations for the conduct of business under "The Debtors and Creditors Act, 1862," or the said "Debtors and Creditors Acts, 1865," by Registrars of the Supreme Court, sequestrators, trustees, inspectors, attorneys and solicitors, agents, auctioneers, and other persons employed in the management or winding up of sequestered estates, and may impose penalties on persons disobeying such regulations not exceeding one hundred pounds for each offence; and all registrars, sequestrators, trustees and inspectors, and all receivers, attorneys, solicitors, agents and auctioneers employed as aforesaid, shall be bound to do, observe, and perform all matters and things whatever, enjoined and required by such regulations; and the Governor may from time to time rescind, alter or vary any such regulations.

And whereas by an Order in Council made the twenty-third day of May, one thousand eight hundred and sixty-six, certain regulations were made and put into force for the conduct of business under "The Debtors and Creditors Act, 1862," and "The Debtors and Creditor's Act Amendment Act, 1865." And whereas by an Order in Council made the sixteenth day of June, one thousand eight hundred and sixty-six, certain variations and alterations were made in the regulations by the said first in part recited Order in Council, made and put into force as aforesaid.

And whereas it is expedient to rescind the said regulations so made and put into force as aforesaid by the said in part recited Order in Council of the twenty-third day of May, one thousand eight hundred and sixty-six, and varied and altered by the said in part recited Order in Council of the sixteenth day of June, one thousand eight hundred and sixty-six, and to make and put into force other regulations for the conduct of business under the said in part recited Acts:

Now therefore, his Excellency the Governor, by and with the advice and consent of the Executive Council of the Colony, in pursuance and in exercise of the said power and authority for this purpose vested in him, doth hereby rescind the said regulations by the said in part recited Order of the twenty-third day of May, one thousand eight hundred and sixty-six, made and put into force as aforesaid, and the alterations and variations thereof, and the varied regulations by the said in part recited Order of the sixteenth day of June, one thousand eight hundred and sixty-six, declared, made and put into force, and in further pursuance and in

exercise of the powers and authorities in him vested for this purpose, doth hereby make and put into force the following regulations for the conduct of business under the said "Debtors and Creditors Act, 1862," and the said "Debtors and Creditors Act Amendment Act, 1865," by Registrars of the Supreme Court, sequestrators, trustees, inspectors, receivers, attorneys and solicitors, agents, auctioneers and other persons employed in the management or winding up of intestate estates.

FORSTER GORING,
Clerk of the Executive Council.

I.—Registrars.

1. It shall be the duty of every Registrar to forward notices to every sequestrator or trustee appointed by the Court, informing him of his appointment, and requiring from him an intimation as to whether he will accept the office or decline it; and should any such sequestrator or trustee refuse or neglect to accept the office within a reasonable period, it shall be the duty of the Registrar to report the same to the Supreme Court.

2. Every Registrar shall, immediately after the filing of a petition and schedule, furnish to the Inspector in Bankruptcy a copy of the same, as well as a notice of the registration of any deed or instrument registered in the Supreme Court under the provisions of the Debtors and Creditors Acts, containing the date of the deed, the date of registration, and the names of the parties to the said deed, so far as such names appear therein.

II.—Inspectors.

3. Every Inspector shall keep a book of register, as well as a book that shall show a statement of all receipts and expenditure relating to the several estates under administration, which books shall be open during office hours for the inspection of any creditor who has proved his debt, and shall be in the Forms 1 and 2 prescribed in the Schedule hereunto annexed.

4. When any Inspector shall issue a summons for the attendance of any debtor, sequestrator, trustee, receiver, attorney, solicitor, agent, auctioneer, or other person employed in the management or winding-up of a sequestered estate, it shall be in the Form B., prescribed in the Schedule hereunto annexed.

5. Before payment of costs, charges or expenses, by any sequestrator or trustee, an account of them shall be submitted for approval to the Inspector, who may certify to the same.

6. Every Inspector shall, at the expiration of each calendar month, forward to the Colonial Treasurer or the Sub-Treasurer of his district a statement showing the amount of fees payable by sequestrators or trustees upon the assets realized each month in respect of the estates under his inspection, such statement to be in the Form C. prescribed in the Schedule hereunto annexed.

III.—Sequestrators, Trustees, etc.

7. Every interim sequestrator, sequestrator, or trustee shall, immediately after the date of his appointment as sequestrator or trustee of any estate, place himself in communication with the Inspector, and shall also lodge with the said Inspector, within seven days after appointment, an inventory of all the real and personal property of the insolvent, with the valuation of the same, as well as a list of the books and documents connected with the estate of the said insolvent: Provided however, on cause shown, the Inspector may grant an extension of the last-mentioned term.

8. Every trustee shall, within a period of three months immediately succeeding appointment, furnish to the Inspector a detailed account of receipts and expenditure in any estate which he may hold in trust, together with a statement of the balance then in the bank belonging to such estate, with such other information as may be likely to affect the position of the estate. All further accounts shall be furnished within three months after the date of the immediately preceding account.

9. Before any sequestrator or trustee shall dispose of an insolvent estate, he shall first communicate with the Inspector, and obtain his sanction thereto.

10. Every trustee before commencing an action at law, with reference to matters having relation to any estate held in trust by him, shall first communicate his intention so to do to the Inspector, and obtain his sanction thereto.

11. Every sequestrator shall, on or before the fifth day after the expiration of every calendar month, pay into the Colonial Treasury the fees payable under section twenty eight of "The Debtors and Creditors Act Amendment Act, 1865," and trustees, shall, within three months from the date of their appointment, pay into the Colonial Treasury all fees due on assets realised during the last aforementioned period, and all subsequent payments shall be made within the time prescribed by section number eight of these Regulations.

12. In the event of any meeting of the creditors in any estate being convened otherwise than under and by virtue of a rule or order of the Supreme Court or any Judge thereof, it shall be the duty of such sequestrator or trustee to give to the Inspector at least one clear day's notice in writing of such meeting having been convened, stating the time and place for holding the same, as well as the business to be considered at such meeting.

13. Before the declaration of any dividend by the sequestrator or trustee of any estate, the accounts of the estate shall first have been examined and audited by the Inspector, and sanction obtained as to the payment of a dividend.

14. Before the payment of any dividend at least ten days' notice of the same shall be given by all trustees, and such notice shall be published in one of the local newspapers.

15. Every trustee being thereto instructed by the Inspector shall, after the declaration of any final dividend in any estate, pay into the Colonial Treasury all unclaimed dividends to the credit of a fund to be called "The Unclaimed Dividend Fund," to be withdrawn by the parties entitled thereto upon the production of a certificate from the Inspector in Bankruptcy acting for the estate.

16. Every sequestrator or trustee shall, being thereto required by the Inspector in Bankruptcy, verify, by declaration in the manner and form provided by "The Justices of the Peace Act, 1866," the final accounts of any estate administered by him.

17. Every sequestrator or trustee, receiver, attorney, solicitor, agent, auctioneer, or other person employed in the management or winding up of sequestered estates, who shall receive an order from the Inspector relative to any insolvent estate shall comply with the same.

18. Every sequestrator or trustee shall keep possession of all the books and documents of an insolvent debtor until the final winding up of the estate, when the said books and documents shall be lodged with the Inspector; and in the event of the estate of any insolvent debtor being sold by a sequestrator or trustee, the books and documents of such debtor shall be lodged with the Inspector, who shall, upon an order signed by a sequestrator or trustee, permit the temporary use, for the purpose of proof of debts, of any of the said books and documents; and, in like manner, shall permit the person purchasing the said estate to make any extract from the said books and documents which he may require. Books and documents thus obtained under order of the trustee shall, at the expiration of the time during which their use was requested, be returned forthwith to the Inspector.

General.

19. Every debtor shall, immediately upon filing his petition, furnish the Inspector with correct information as to his place of abode, and shall, in case he shall at any time change such place of abode before his final discharge, report the same to the Inspector.

20. Every debtor shall attend, whenever required by the Inspector, for the purpose of assisting in the realization of the estate.

21. Persons disobeying these regulations shall be liable to the following penalties:—

For each and every breach of regulation numbered 9, a penalty of £50.

For each and every breach of any of these regulations, numbered 7, 11, 13, 14, and 18, a penalty of £10.

For each and every breach of any of these regulations, numbered 8, 10, 12, 15, 16, 17, 19, and 20, a penalty of £2.

SCHEDULE.

Form 1.

REGISTER of Insolvent Estates.

Number.	Name of Insolvent.	Occupation and Residence.	Assets.	Liabilities.	Name of Sequestrator or Trustee.		Trustee, how appointed.			Dates of Hearing.			Date of Insolvent's Discharge.	Remarks.	Folio.	
					Sequestrator.	Trustee.	First Hearing.	Second Hearing.	Third Hearing.	Special Hearing.						

Form 2,

Assets £ : :
 Liabilities £ : :

In the Estate of

No. Trustees.

RECEIPTS.

DISBURSEMENTS.

Date.	Particulars.	Total Receipts.	Amount of Fees paid under Act 1865.	Expenses paid.	Dividend paid.	Total Disbursements.	Balance.		Remarks.
							In hands of Trustees	In the Bank.	

Form B.

Under "The Debtors and Creditors Act, 1862," and "The Debtors and Creditors Act Amendment Act, 1865."

SUMMONS.

In the Estate of

You are hereby required to attend at _____ on the _____ day of _____ 18____, at the hour of _____ in the _____ noon, before me, to give any explanation or information that may be required of you in reference to the above Estate, and then and there have and produce and all other papers and books and accounts relating to the said Estate which may be in your custody, possession, or power.

In default of your attendance, you will be liable to penalty imposed by the 25th section of "The Debtors and Creditors Act Amendment Act, 1865."

To

Inspector in Bankruptcy.

N.B.—The penalty is a fine of any sum not exceeding £100 for every offence.

Form C.

STATEMENT of the Amount of Fees payable to the Colonial Treasurer under the provisions of "The Debtors and Creditors Act Amendment Act, 1865," upon the Amount of Assets realised in respect of the several Estates under Inspection during the Month ended

Estate of	Trustee	Amount of Assets realized during the Month	Fees payable thereon under "The Debtors and Creditors Act Amendment Act, 1865."	

Remarks:

Inspector in Bankruptcy

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