

# CORRESPONDENCE RELATIVE TO THE “DEBTORS AND CREDITORS ACT 1862.”

## No. 1.

The CHIEF JUSTICE to the COLONIAL SECRETARY.

SIR,—

Supreme Court, Auckland, 5th October, 1863.

Before leaving Auckland for Wellington I have felt it my duty to make two orders of Court under the 38th, 39th, and 40th sections of the Debtors and Creditors Act 1862.

I have made these orders because I have been in constant communication with Mr. Anderton, in whose favor one of them is made, have witnessed his conduct of the business in the Insolvent department of the Supreme Court, and feel that if anything occurred to prevent my return my successor would not be competent to estimate the nature and value of the services rendered by Mr. Anderton.

The order for payment of money to Mr. Anderton is based upon a calculation of eight per cent. upon the gross amount of the moneys recovered and received from the estate of one insolvent, this being the only estate which will have been wound up at the time when this order is presented. Mr. Anderton will forward for your information the balance sheet of this account and also copies of the schedules of other insolvent estates from which he has been receiving proofs and collecting debts, but which are not yet wound up.

From these you will learn that the single estate (Parker's) upon which the 8 per cent. is calculated, is an estate which has not merely paid twenty shillings in the pound and all costs and expenses incurred in winding up, but leaves a considerable balance payable to the so called insolvent.

The other estates, the winding up of which will be attended with great trouble, are likely to yield in some instances nil, and in others next to nothing on which any per centage can be calculated.

Mr. Anderton has acted in all the several capacities described in the 38th Section, except that of Mercantile Assessor, and it is quite clear that in the long run such a per centage will not remunerate any professional man discharging the like duties.

The Insolvent Estates Fund can never exceed five per cent. on the moneys received.

I have the honor, &c.,

The Honorable the Colonial Secretary,  
(Judicial Department), Auckland.

GEORGE ALFRED ARNEY,  
Chief Justice.

## No. 2.

CIRCULAR.

SIR,—

Attorney General's Office, Auckland, January 14th, 1864.

No. 18.

Having been led to believe that serious defects exist in the Debtors and Creditors Act 1862, I have the honor to request that your honor will be good enough from time to time to favor me with the results of your experience in the working of the Act, so that material may be collected for its amendment by legislation in the next Session of the General Assembly.

I have, &c.,

His Honor Sir G. A. Arney, Chief Justice, Auckland.

FRED. WHITAKER.

One of the same tenor and date to—

His Honor Mr. Justice Johnston, Wellington.

” ” Gresson, Christchurch.

” ” Richmond, Dunedin.

## No. 3.

Mr. JUSTICE JOHNSTON to the Hon. the ATTORNEY-GENERAL.

SIR,—

Judge's Chambers, Wellington, 21st January, 1864.

I have the honor to acknowledge the receipt of your letter of 14th January, calling my attention to the defects existing in the Debtors and Creditors Act 1862, and requesting me from time to time to inform you of the results of my experience in the working of the act, with a view of collecting materials for its amendment. I shall have much pleasure in complying with your request, but I think my observations will be more useful if I merely make notes at present and furnish you with reports at a later period.

I take the liberty of expressing my satisfaction at the course you have adopted for remedying the crying evils caused by the crudeness of the recent Act, and

I have, &c.,

To the Honorable the Attorney General, Auckland.

ALEXANDER J. JOHNSTON.

## No. 4.

Mr. JUSTICE GRESSON to the Hon. the ATTORNEY GENERAL.

SIR,—

Christchurch, Judge's Chambers, 29th March, 1864.

I have the honor to acknowledge your letter of the 14th January last, in which you request me to furnish you with the results of my experience in the working of the Debtors and Creditors Act 1862, with a view to its being amended in the next Session of the General Assembly.