

(No. 51.)



1888.

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PARLIAMENT OF TASMANIA.

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BANKRUPTCY COURT, LAUNCESTON :

CORRESPONDENCE.

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Laid upon the Table by the Attorney-General, May 30, 1888, and ordered by the House of Assembly to be printed.



*Attorney-General's Office, 5th May, 1888.*

SIR,

I HAVE been informed that at the meeting of the creditors of a bankrupt lately held at Launceston, you stated that nothing could be done in the matter until a Judge arrived in Launceston; and if my information is correct, I shall be obliged if you will inform me for what purpose the presence of a Judge was required in the matter, and whether any application had been made to the Registrar to obtain an appointment from a Judge, and if so with what result? I am also informed that you lately stated in Launceston that there was no Court appointed to be held under "The Small Debts Act" in Launceston with jurisdiction above £10 between the months of April and August in the present year. I am unable to accept this information as correct, inasmuch as a calendar of the sittings of the Supreme Court under "The Small Debts Act" throughout the Colony was duly published in the *Gazette*, and copies thereof forwarded to all the legal practitioners, and a sitting of the Court in Launceston under that Act is therein fixed for June 15 in the present year. I shall be glad, therefore, to receive from you any contradiction you may wish to make to the statement.

I have the honor to be,

Sir,

Your obedient Servant,

A. INGLIS CLARK.

GEO. COLLINS, *Esq., Solicitor, Launceston.*

*Patterson-street, Launceston, 7th May, 1888.*

SIR,

I AM in receipt of your letter dated the 5th instant. At a meeting of creditors in liquidation, held in my office, I stated that I could not make an application to set aside a deed as fraudulent until a Judge came up at the Civil Sittings in June, or until one came up by special appointment.

At the same meeting I stated that in consequence of there being no sitting of the Supreme Court in its £100 Jurisdiction in May I had been unable to issue summonses for debts on accounts, and that I had been compelled to issue Supreme Court writs on bills of exchange for comparatively small amounts, and added that there were two other months in which no sittings of the Court would take place during this year. Mr. P. O. Fysh, jun., was present, and at my request said he would represent this to the Premier.

Since receiving your letter I have seen Mr. P. O. Fysh, jun., who says the Premier must have misunderstood his letter as to there being no Court until August.

I may add that I consider a resident Judge or Commissioner in Launceston indispensable.

Yours obediently,

GEO. COLLINS.

*The Hon. the Attorney-General, Hobart.*

*Attorney-General's Office, 8th May, 1888.*

SIR,

I HAVE to acknowledge the receipt of your reply to my letter to you of the 5th instant, and thank you for the same; but I find that you have omitted to inform me, as requested, whether you had made any application to the Registrar to obtain an appointment from a Judge for the purpose mentioned by you, and if so, with what result. When the work of the Bankruptcy Court at Launceston was placed upon the Judges of the Supreme Court His Honor the Chief Justice informed me that he or one of his colleagues would be ready to proceed to Launceston at any time the presence of a Judge was required there in connection with Bankruptcy proceedings upon receiving intimation to that effect from the Registrar.

I have no reason to think that any of the Judges have yet failed to carry out that arrangement, and I am writing to the Registrar to-day to enquire whether he has ever failed to obtain an appointment from a Judge when one has been required for the work of the Bankruptcy Court at Launceston.

I have, &c.

A. INGLIS CLARK.

G. T. COLLINS, *Esq.*, *Solicitor, Launceston.*

*Patterson-street, Launceston, 9th May, 1888.*

SIR,

I AM in receipt of your letter of the 8th instant, and am sure you could not have carefully read the first paragraph of my letter to you of the 7th instant, which appears to me to be a complete answer to yours of the 5th.

If anyone has ever written or stated to you that I or anyone from my office has made an application to the Registrar for the purpose indicated by you I shall be glad if you will furnish me with the name of the person who gave you the information that I may contradict it; nay, more, I think I have now the right to ask you whether any such statement has ever been made, or if you have only imagined it?

In all cases the Judges have most readily come to Launceston when an application has been made for them to do so, as far as I know.

Yours obediently,

GEO. COLLINS.

*The Hon. the Attorney-General, Hobart.*

*Attorney-General's Office, 12th May, 1888.*

SIR,

I HAVE to acknowledge the receipt of your reply to my letter to yours of the 8th instant. No person has ever written or stated to me that you or any one from your office had at any time made an application to the Registrar for an appointment from a Judge and had failed to obtain it; but it appeared to me from some correspondence placed in my hands that the statement made by you at the late meeting of creditors held in your office, and mentioned by you in your letter to me of the 7th instant, had left the impression on the minds of some persons present that there was some delay or difficulty in obtaining the presence of a Judge in Launceston for bankruptcy work, and I was desirous of making an official inquiry upon the subject in order to have the facts on record as an answer to some of the absurd statements that have been made in the press and elsewhere as to the inconvenience, delay, and loss that have been occasioned in connection with bankruptcy proceedings in Launceston on account of there not being a Judge of the Supreme Court resident there. Hence my correspondence with you and the Registrar on the subject.

I have, &c.

A. INGLIS CLARK.

G. T. COLLINS, *Esq.*, *Launceston.*

*Attorney-General's Office, 8th May, 1888.*

SIR,

IT has been reported to me that a statement was recently made by a solicitor at a meeting of the creditors of a bankrupt in Launceston, that nothing could be done in the estate until a Judge arrived in Launceston; and as this statement seems to imply that some difficulty had arisen in obtaining an appointment from a Judge, I wish to know if you have at any time neglected to apply for an appointment in connection with bankruptcy proceedings when requested so to do by any solicitor in Launceston, or if, after having made an application, any difficulty or delay has at any time arisen in obtaining an appointment?

I have, &c.

A. INGLIS CLARK.

W. HUNT, *Esq., Registrar Court of Bankruptcy, Launceston.*

*Launceston, 9th May, 1888.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 8th instant, having reference to a statement reported to you as having been recently made by a solicitor at a meeting of the creditors of a bankrupt in Launceston, that nothing could be done in the estate until a Judge arrived in Launceston; and enquiring whether I have at any time neglected to apply for an appointment in connection with bankruptcy proceedings when requested to do so, or if, after having made an application, any difficulty or delay has at any time arisen in obtaining an appointment.

In reply, I have to inform you that no application for an appointment in bankruptcy, nor any enquiry respecting the probability of obtaining such, has been made to me for about six weeks.

I have never at any time neglected to send on at once any application filed for an appointment, and after a request has been so forwarded no difficulty or delay has at any time arisen in having a date for hearing fixed.

Such a statement as that referred to was probably designedly made, as in course of conversation with members of the legal profession at Launceston, I have repeatedly pointed out that whenever, as at present, a lengthened period elapsed between the dates fixed for holding Courts here, one of their Honors the Judges would, if necessary, upon application being filed, come up expressly from Hobart to dispose of any business in bankruptcy.

I have, &c.

WILL. HUNT, *Registrar Supreme Court in Bankruptcy.*

*The Hon. the Attorney-General, Hobart.*

*Attorney-General's Office, 10th May, 1888.*

SIR,

I AM in receipt of your reply to my letter to you of the 8th instant, and am perfectly satisfied with the contents thereof.

I had no reason to believe that the facts connected with the subject upon which I wrote to you were other than as you state them to be; but I desired to have your replies to my enquiries upon record, and I have to thank you for the full and explicit manner in which you have answered them.

I have, &c.

A. INGLIS CLARK.

W. HUNT, *Esq., Registrar Court of Bankruptcy, Launceston.*