

No. 10.

The ATTORNEY-GENERAL to the RESIDENT MAGISTRATE, Port Chalmers.

SIR,— Attorney-General's Office, Wellington, 28th February, 1865.
I have the honor to acknowledge the receipt of your letter of the date quoted in the margin, and am directed to thank you for the same. 7th Feb., 1865.

The Resident Magistrate, Port Chalmers.

I have, &c.,
R. G. FOUNTAIN,
For the Asst. Law Officer.

No. 11.

The SHERIFF, Canterbury, to the ATTORNEY-GENERAL.

SIR,— Sheriff's Office, Christchurch, Canterbury, February 17th, 1865.
I have the honor to acknowledge the receipt of your circular letter of the date and number quoted in the margin. No. 8.
20th Jan., 1865.

I feel myself incompetent to form an opinion on any part of the present Debtors and Creditors Act, except those which have special reference to the duties of Receiver. The first twenty Insolvent Estates in Canterbury under the present Act were held by me as Receiver. Of these, the assets of them only were sufficient to pay the expenses of taking actual possession required under the latter part of the Seventeenth Clause of the Act.

In the first of these cases the holding possession of goods to the amount of £442 6s. 9d. cost £34 5s. 6d.

In the second case the receiver could not take possession of the goods as another person had a lien over them which the Execution Creditor paid off, issued a writ, and sold.

In the third case, at the suggestion of the Solicitor the debtor was allowed to hold possession as bailiff till the sale, on account of the comparatively large expenses of holding possession otherwise. I should therefore suggest that the property in the goods should at once pass to the receiver without his being required to take actual possession. That he be impowered at once to sell and pay the money into Court to the credit of the particular estate.

The Hon. the Attorney General.

I have, &c.,
ALEXANDER BUCK,
Sheriff.

No. 12.

R. G. FOUNTAIN to the SHERIFF, Canterbury.

SIR,— Attorney-General's Office, Wellington, 24th February, 1865.
I have the honor to acknowledge the receipt of your letter of the date quoted in the margin, and am directed in reply to convey to you the thanks of the Attorney-General for the same. 17th Feb., 1865.

The Sheriff, Christchurch.

I have, &c.,
R. G. FOUNTAIN,
For the Assistant Law Officer.

No. 13.

Mr. SAUL CHARLES PHILIPS to the ATTORNEY-GENERAL.

HONORABLE SIR,— Wakefield Street, Auckland, N.Z., February 17th, 1865.
I intended to address a few lines to you respecting the Insolvent Act previous to your leaving Auckland, but supposing you had sufficient business on your hands I ventured to wait a better opportunity. You may please to recollect when I returned to you the present Act, I stated that it was impossible that the Act could work or act properly; time and the merchants of this City have proved that fact. This is no disparagement to the gentlemen who drafted the Bill, as it wants a peculiar knowledge of men to compose such an act. As proof, they have been for this last hundred years in London endeavouring to make a complete act so as to meet the intricacies of debtor and creditor, and have not succeeded. It wants a man who thoroughly understands mercantile and retail business, and who thoroughly understands the modes that debtors assume, and the chicanery then adopted by them. The present Act is faulty almost in every respect, and in one case really amounts to a denial of justice to the debtor. We will suppose Z an insolvent, is heard on his petition; the judge considers there has been fraud in procuring credit, dismisses the petition; a creditor summonses him before the Resident Magistrate; Z, the insolvent, is committed for trial, but out on bail; the Supreme Court sits, the man is placed before the same judge, who has already proclaimed that he thought that he had committed fraud. What does the insolvent's advocate say? He must request the judge to alter his former opinions, or, in addressing the jury, he must require them to divest themselves of what the judge might say, the judge having before in a measure convicted him. This ought not to be. In no part of the United Kingdom or any of her Majesty's territories is such a thing known as a Chief Justice, who is supposed to represent her Majesty, sitting in Insolvency. I should not have presumed to address you so early, but seeing you have addressed the Chamber of Commerce on the subject, I have to apologise, and hope you will not consider me intrusive. I will now presume to answer, to the best of my knowledge and experience, the questions you have transmitted, and venture to hope that