

Proceedings in partnership name

107. Any 2 or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm, but in such case the Court may, on application by any person interested, order the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner, and verified on oath, or otherwise as the Court may direct.

Search warrants

108. A search warrant issued by the Court for the discovery of any property of a debtor may be executed in the manner prescribed or in the same manner and subject to the same privileges in and subject to which a search warrant for property supposed to be stolen may be executed according to law.

Commitment to prison

109. Where the Court commits any person to prison, the commitment may be to such convenient prison as the Court thinks expedient and, if the gaoler of any prison refuses to receive any prisoner so committed, he is liable for every such refusal to a fine of \$19,200.

PART 8

SMALL BANKRUPTCIES

Summary administration in small cases

110. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court that the property of the debtor is not likely to exceed in value \$1,440, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications—

- (a) if the debtor is adjudged bankrupt, the official receiver shall be the trustee in bankruptcy;
- (b) there shall be no committee of inspection, but the official receiver may do with the permission of the prescribed authority all things which may be done by the trustee with the permission of the committee of inspection;
- (c) such other modifications may be made in the provisions of this Act as may be prescribed by general rules with the view of saving expense and simplifying procedure, but nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor;
- (d) notwithstanding paragraph (a), the creditors may at any time by special resolution resolve that some person other than the official receiver be appointed trustee in the bankruptcy, and thereupon the bankruptcy shall proceed as if an order for summary administration had not been made.