

CHAPTER 43.

INSOLVENCY.

THE INSOLVENCY RULES, 1901.

ARRANGEMENT OF RULES.

PRELIMINARY.

RULE.

1. Short title, commencement and application.
2. Interpretation.
3. Computation of time.

FORMS.

4. Use of forms in Appendix.

PART I.—COURT PROCEDURE.

Court and Chambers.

5. Matters to be heard in Court.
6. Adjournment from chambers to Court, and *vice versa*.

PROCEEDINGS.

7. Proceedings, how intituled.
8. Written or printed proceedings.
9. Records of the Court.
10. Notices to be in writing.
11. Process to be sealed.
12. Meetings summoned by Court.
13. Office copies.
14. Filing, gazetting, etc.

TRANSFER OF PROCEEDINGS.

15. Notice to creditors.

MOTIONS AND PRACTICE.

16. Applications to be by motion.
17. Notice of motion and *ex parte* applications.
18. Length of notice.
19. Evidence on motion.
20. Notice not served on all proper parties.
21. Adjournment.
22. Personal service.
23. Filing affidavits on showing cause.
24. Endorsement on affidavits.
25. Notice of motion to be filed.
26. Precedence of motion.

SECURITY IN COURT.

27. Security by bond.
28. Amount of bond.
29. Deposit in lieu of bond.
30. Money lodged in Court.

RULE.

31. Guarantee Society.
32. Notice of sureties.
33. Justification by sureties.
34. Execution of bond.
35. Notice of deposit.

AFFIDAVITS.

36. Costs if irrelevant or prolix.
37. Form.
38. Deponent's description.
39. Several deponents.
40. Scandalous matter.
41. Erasures, etc.
42. Blind or illiterate persons.
43. Formal defects.
44. Office copies.
45. Swearing affidavit.
46. Time for filing.
47. Proof of affidavits.

WITNESSES AND DEPOSITIONS.

48. (1) Citations.
(2) Service of citation.
49. Limit of witnesses' costs.
50. Costs of witness not examined.
51. Deposition, etc.
52. Shorthand notes, etc.
53. Form of commission.
54. Production of document.
55. Disobedience to order.
56. Conduct money.

DISCOVERY.

57. Discovery.

DISCOVERY OF DEBTOR'S PROPERTY.

58. Applications for discovery.

APPROPRIATION OF PAY, SALARY, PENSIONS, ETC.

59. Notice of application to insolvent.
60. Notice to Chief Secretary.
61. Notice of order.
62. Review of order.

WARRANTS, ARRESTS AND COMMITMENTS.

63. To whom warrants addressed.
64. Custody of debtor.
65. Applications to commit.
66. Notice and hearing of application.
67. Attachment against debtor or assignee.

SERVICE AND EXECUTION OF PROCESS.

68. Address of solicitor for service.
69. Address for service in other cases.
70. Hours for service.

RULE.

- 71. Duties of Registrar or marshal.
- 72. Service by post.
- 73. Enforcement of orders.

RULES RELATING TO THE BUSINESS OF THE COURT.

- 74. Sittings.
- 75. Weekly.
- 76. Full Court.
- 77. Registrar's Office.
- 78. Execution on orders.

COSTS.

- 79. Awarding costs.
- 80. Orders to be sealed, etc.
- 81. Taxation.
- 82. (1) Scale of costs and charges.
(2) Lower scale of costs of estates under \$1,000.
(3) Readjustment of costs.
- 83. Solicitor's costs in case of petition by debtor.
- 84. Costs paid otherwise than out of estate.
- 85. Bill of costs to be filed.
- 86. Certificate of employment.
- 87. Notice of appointment.
- 88. Application for costs.
- 89. Lodgment of bill.
- 90. Copy of bill.
- 91. Priority of costs and charges payable out of estate.
- 92. Disallowance of costs of unnecessary petition.
- 93. Apportionment of costs in case of partnership.
- 94. Costs out of joint or separate estates.

APPEALS.

- 95. Restrictions on appeal.
- 96. Time for appeal.
- 97. Security for costs of appeal.
- 98. Notice of appeal.
- 99. Procedure on appeals.

RESCISSON OF RECEIVING ORDER, AND AMENDMENT OF ADJUDICATION.

- 100. Application to rescind receiving orders, etc.

PART II.—PROCEEDINGS FROM ACT OF INSOLVENCY TO
DISCHARGE.*Declaration of inability to pay Debts.*

- 101. Form of declaration.

INSOLVENCY NOTICE.

- 102. Form of notice.
- 103. Issue of notice.
- 104. Endorsement of address, etc.
- 105. Application to set aside.
- 106. Duration of notice.
- 107. Service of notice.
- 108. Setting aside notice.

INSOLVENCY PETITION.

RULE.

- 109. Form of petition.
- 110. Attestation.
- 111. Deposit by petitioner.

CREDITOR'S PETITION

- 112. Security for costs.
- 113. Verification and copies.
- 114. Who to verify.
- 115. Joint petitioners.
- 116. Petition to be investigated.

SERVICE OF CREDITOR'S PETITION.

- 117. Personal service.
- 118. Substituted service.
- 119. Proof of service.
- 120. Service out of jurisdiction.
- 121. Death of debtor before service of petition.

HEARING OF PETITION.

- 122. Proceedings on petition.
- 123. Time of hearing.
- 124. Several respondents.
- 125. Debtor intending to show cause.
- 126. Non-appearance of debtor.
- 127. Appearance of debtor to show cause.
- 128. Non-appearance of creditor.
- 129. Personal attendance of creditor dispensed with.
- 130. Proceedings after trial of disputed question.
- 131. Application to dismiss.
- 132. Application for extension of time.
- 133. Order for extension of time.
- 134. Further adjournment.

INTERIM RECEIVER.

- 135. Interim receiver.
- 136. Deposit.
- 137. Further deposit if necessary.
- 138. Repayment of deposit.
- 139. Damages if petition dismissed.

RECEIVING ORDER.

- 140. Receiving order.
- 141. Receiving order on insolvency notice.
- 142. Stay of proceedings.
- 143. Advertisement.
- 144. Costs of petitioner.

PUBLIC EXAMINATION OF DEBTOR

- 145. Public examination of debtor.
- 146. Default by debtor in attending.
- 147. Adjournment *sine die*.
- 148. Proceedings after adjournment *sine die*.
- 149. Notice of proceeding after adjournment *sine die*.
- 150. Public examination of a debtor as a lunatic, etc

ADJUDICATION.

RULE.

- 151. Adjudication on application of debtor.
- 152. Adjudication on application of other parties.
- 153. Adjudication on failure of composition or scheme.
- 154. Adjudication on adjournment of examination *sine die*.
- 155. Form of notice.
- 156. Order annulling adjudication.

SERVICE OF PROCEEDINGS.

- 157. Service where debtor abroad.

COMPOSITION OR SCHEME.

- 158. Form where proposal submitted by debtor.
- 159. Application by Official Receiver or debtor for approval of Court.
- 160. Notice to Official Receiver.
- 161. Notice to creditors.
- 162. Official Receiver's report to be filed.
- 163. Hearing and appeal.
- 164. Costs of application by debtor.
- 165. Evidence and order.
- 166. Provision in composition or scheme for costs and charges.
- 167. Fee on application.
- 168. Correction of formal slips, etc.
- 169. Proceedings if scheme approved.
- 170. Cases in which Official Receiver is to be assignee.
- 171. Security by assignee under composition or scheme.
- 172. Non-payment of composition.
- 173. Vesting of property on annulment of composition.
- 174. Annulment of composition.
- 175. Dividends under composition or scheme.
- 176. Proof of debts in composition or scheme.
- 177. Application of rules as to composition, etc.

STATEMENT OF AFFAIRS.

- 178. How made out.
- 179. Extension of time.

PROOF OF DEBTS.

- 180. Form of proof.
- 181. Workmen's wages.
- 182. Production of bills of exchange, etc.
- 183. Time for lodging proof.
- 184. Transmission from Official Receiver to assignee.
- 185. Filing of proof on appeal.
- 186. Time within which proofs to be dealt with by Official Receiver.
- 187. Or by assignee.
- 188. Effect of notice of dividend.
- 189. Appeal from rejection of proof.
- 190. Costs of appeals from decisions as to proofs.

DIVIDENDS.

- 191. (1) Notice of intended dividend.
(3) Declaration of dividend.
- 192. Production of bills, notes, etc.
- 193. Dividend may be sent by post.

- | RULE. | DISCHARGE. |
|-------|---|
| 194. | Application. |
| 195. | Appeal. |
| 196. | Report of Official Receiver. |
| 197. | Evidence in answer to report. Opposition by creditor. |
| 198. | Costs of application. |
| 199. | Conditional orders. |
| 200. | Order. Delivery of order. |
| 201. | Gazetting order. |
| 202. | Execution on judgment in case of conditional discharge. |
| 203. | Accounts of after-acquired property. |
| 204. | Verification of statements of after-acquired property. |
| 205. | Application for modification of order. |

PROXIES AND VOTING LETTERS.

- | | |
|------|---------------------------------|
| 206. | Form and filing of proxies. |
| 207. | Signature of proxy. |
| 208. | Filling in when creditor blind. |
| 209. | Minors not to be proxies. |

MEETINGS OF CREDITORS.

- | | |
|------|--|
| 210. | Notice to debtor. |
| 211. | Notice of first meeting. |
| 212. | Form and length of notice. |
| 213. | Notice to Official Receiver of creditors' meeting. |
| 214. | Cost of calling meeting. |
| 215. | Copy of resolution to be filed. |
| 216. | Adjournment. |
| 217. | Quorum. |

PROCEEDINGS BY COMPANY OR CO-PARTNERSHIP.

- | | |
|------|-------------------------------------|
| 218. | Public officer or agent of company. |
|------|-------------------------------------|

PROCEEDINGS BY OR AGAINST A FIRM.

- | | |
|------|----------------------------------|
| 219. | Attestation of firm's signature. |
| 220. | Service on firm. |
| 221. | Debtor's petition by firm. |
| 222. | Receiving order against firm. |
| 223. | Statement of affairs. |
| 224. | Adjudication against partners. |

JOINT AND SEPARATE ESTATES.

- | | |
|------|---|
| 225. | First meeting. |
| 226. | Acceptance of composition, etc., by joint and separate creditors. |
| 227. | Voting on composition. |
| 228. | Adjudication. |
| 229. | Separate firms. |
| 230. | Apportionment of assignee's remuneration. |

LUNATICS.

- | | |
|------|-----------|
| 231. | Lunatics. |
|------|-----------|

ADMINISTRATION AND SALE OF PROPERTY.

- | | |
|------|-----------------------------------|
| 232. | Sales. |
| 233. | Perishable goods. |
| 234. | Auction. |
| 235. | Immovable property. |
| 236. | Not to be sold at under-value. |
| 237. | Sale of small immovable property. |

RULE.

- 238. Large sales.
- 239. Opposition.
- 240. Plantations.
- 241. Interim directions.
- 242. Notice to be given.
- 243. Parties to be heard.
- 244. Receivers.
- 245. Removal and vacancies.
- 246. Directions.
- 247. Preference.
- 248. Time and mode of sale.
- 249. Sale of produce.
- 250. Notice.
- 251. Produce bound in consignment.
- 252. Remuneration to receiver.
- 253. Interpretation.

PART III.—SPECIAL PROCEDURES.

Small Insolvencies.

- 254. Application for order.
- 255. Summary administration.

ADMINISTRATION OF ESTATE OF PERSON DYING INSOLVENT.

- 256. Form of petition.
- 257. Gazetting.
- 258. Service.
- 259. Administration order.
- 260. Duties of executor, etc.
- 261. Executor *de son tort*.
- 262. Rules as to administration of estate of deceased insolvent.

PART IV.—OFFICERS, ASSIGNEES, AUDIT, ETC.

Registrar's Books.

- 263. Books to be kept by Registrar.

ACCOUNTS AND AUDIT.

- 264. Record Book.
- 265. Cash Book.
- 266. Books to be submitted to committee of inspection.
- 267. Audit of Cash Book.
- 268. Passing of accounts.
- 269. Copy accounts to be filed.
- 270. Affidavit of no receipts.
- 271. Proceedings on resignation.
- 272. Joint and separate estates accounts.
- 273. Debtor's books.
- 274. Expenses of sales.
- 275. Allowance to debtor.

ASSIGNEES.

- 276. Form of certificate of appointment.
- 277. Notice of appointment.
- 278. Notification of objection to Court.
- 279. Removal of trustee.

RULE.

- 280. Removal for failing to keep up security
- 281. Removal by Official Receiver.
- 282. Notice of resignation.
- 283. (1) Rate of remuneration.
(3) Limit of remuneration.
- 284. Assignee carrying on business.
- 285. Notice of application for release.
- 286. Gazette of release.
- 287. Delivery of books on release of assignee.
- 288. Meeting to consider conduct of assignee.
- 289. Authority for account at local bank.
- 290. Application for directions.
- 291. Creditor may obtain copy of an assignee's account.
- 292. Statements of accounts to be furnished to creditors.
- 293. Dealings with estate.
- 294. Assignee not to purchase from his employer or partner without
Court's sanction.
- 295. Committee of inspection.
- 296. Sanction of payments to members of committee of inspection.
- 297. Discharge of costs, etc., before estate handed over to trustee.
- 298. Meetings of creditors to consider conduct of assignee.

DISCLAIMER OF LEASE.

- 299. Disclaimer of lease without leave.

OFFICIAL RECEIVER.

- 300. Duties as to debtor's statement of affairs.
- 301. Subsistence allowance to debtor.
- 302. Special report as to person employed to assist debtor.
- 303. Use of proxies by deputy.
- 304. Removal of special manager.
- 305. Mode of application.
- 306. Evidence on application by Official Receiver.
- 307. Application for directions.
- 308. No assets.
- 309. Accounting by Official Receiver.
- 310. Trading account of debtor.
- 311. Liability for costs, expenses and damages.

PAYMENT INTO AND OUT OF BANK.

- 312. Local bank.

SECURITY BY ASSIGNEE OR SPECIAL MANAGER.

- 313. Standing security to Official Receiver.

SPECIAL MANAGER.

- 314. Rate of payment.
- 315. Accounts.

UNCLAIMED FUNDS, ETC., UNDER SECTION 128.

- 316. Application for payment out by party entitled.

 RULE. GENERAL RULES AS TO ADMINISTRATION ORDERS.

- 317. Request for order.
- 318. Stay of proceedings.
- 319. Contents of request.
- 320. Notice of request.
- 321. Objection to debt set out by debtor.
- 322. Proceedings on hearing of request.
- 323. Proceedings when order made.
- 324. Objections under subsection (10) of section 106.
- 325. Objections after time.
- 326. Proof under subsection (11) of section 106.
- 327. Proceedings if claim not disputed.
- 328. Proceedings if claim disputed.
- 329. Conduct of order.
- 330. Judgment summons to enforce order.
- 331. Rescission of order.
- 332. Effect of rescission.
- 333. Suspension of order.
- 334. Second request.
- 335. Suspension of order pending committal.
- 336. Calculation of arrears.
- 337. Payment of debts *pari passu*.

PART V.—MISCELLANEOUS.

MISCELLANEOUS MATTER.

- 338. Falsification of documents.
- 339. No lien on debtor's books.
- 340. Non-compliance with rules.
- 341. Abridgment or enlargement of time.
- 342. Saving for existing laws, etc.

PART VI.—APPLICATIONS UNDER THE DEBTORS ORDINANCE.

- 343. Summons under Debtors Ordinance.
- 344. Service of judgment summons.
- 345. Judgment summons where judgment against a firm.
- 346. Adjournment.
- 347. Witnesses may be summoned.
- 348. Insolvent not to be committed.
- 349. No commitment where adjudication takes place after order of commitment.
- 350. Discharge of insolvent judgment debtor.
- 351. Order of commitment.
- 352. Payment on arrest.
- 353. Payment in prison.
- 354. Discharge of prisoner on request of judgment creditor.
- 355. Certificate of payment.
- 356. Costs on default of appearance of judgment creditor.
- 357. Costs of abortive execution not to be included in judgment summons.
- 358. Receipt of part of debt after warrant has issued.

 APPENDIX OF FORMS.

 SCHEDULE OF FEES.

CHAPTER 43.

INSOLVENCY.

THE INSOLVENCY RULES, 1901

made by the Governor and Court of Policy on the 5th September, 1901, to be construed and have effect as if they had been made in accordance with the provisions of the Ordinance (section 109), and amended on the 19th July, 1933.

Rules 5th
Sept., 1901.
19th July,
1933.

PRELIMINARY.

1. These rules may be cited as the Insolvency Rules, 1901, and shall come into operation on the 1st October, 1901, and shall, as far as practicable, apply to all matters arising, and to all proceedings taken, in any matters under the Ordinance on and after the said day. In any insolvency proceedings pending at the commencement of these rules the assignee shall account for all his proceedings and transactions subsequent to such commencement in accordance with the Ordinance and these rules.

Short title,
commence-
ment and
application.

2. In these rules, unless the context or subject-matter otherwise requires—

Interpreta-
tion.

(a) “the Ordinance” means the Insolvency Ordinance;

“the Court” includes a judge when exercising the powers of the Court pursuant to the Ordinance or these rules;

“creditor” includes a corporation and a firm of creditors in partnership;

“debtor” includes a firm of debtors in partnership and includes any debtor proceeded against under the Ordinance, whether adjudged insolvent or not;

“name” of a person means both the christian name, or the initial letter or contraction of the name, and the surname of such person or that name by which such person is usually known;

“publish” means publish in the Gazette and one other newspaper published in the Colony;

“scheme” means a scheme of arrangement pursuant to the Ordinance;

“sealed” means sealed with the seal of the Court or Official Receiver;

“solicitor” includes barrister-at-law.

“assignee” includes the assignee appointed under a composition or scheme of arrangement, under which an assignee is appointed to administer a debtor’s property or manage his business; and also includes the Official Receiver when acting as or when being assignee.

Expressions referring to writing shall be construed as including references to printing, typewriting, lithography, photography, and other modes of representing or reproducing words in visible form, or to any combination of modes or representing or reproducing words in visible form.

(b) words importing the plural number include the singular, and words importing the singular number include the plural, and words importing the masculine gender include the feminine;

(c) the provision of section 2 of the Ordinance shall apply to these rules, and any other terms or expressions defined by the Ordinance shall, in these rules, have the meanings thereby assigned to them.

Computation
of time.

3. (1) The provisions of section 121 of the Ordinance shall apply to these rules.

(2) Where by the Ordinance or these rules the time limited for doing any act or thing is less than six days, Sunday, Christmas Day, Good Friday, Monday and Tuesday in Easter week, and any other day on which the office of the Registrar of the Court is wholly closed, shall be excluded in computing such time.

(3) For the purposes of these rules and of section 121 of the Ordinance, “a day on which the Court does not sit” shall mean a day on which the office of the Registrar of the Court is closed.

FORMS.

Use of forms
in Appendix.

4. (1) The forms in the Appendix, where applicable, and where they are not applicable, forms of the like character, with such variations as circumstances may require, shall be used. Where such forms are applicable any costs occasioned by the use of any other or more prolix forms shall be borne by or disallowed to the party using the same, unless the Court shall otherwise direct:

Provided that the Governor in Council may from time to time alter any forms which relate to matters of an administrative, and not of a judicial, character, or substitute new forms in lieu thereof.

(2) Where the Governor in Council alters any form or substitutes any new form in lieu of a form prescribed by these rules, such altered or substituted form shall be published in the Gazette.

PART I.—COURT PROCEDURE.

Court and Chambers.

5. The following matters and applications shall be heard and determined in open court, namely— Matters to be heard in Court.

(a) the public examination of debtors;

(b) applications to approve a composition or scheme of arrangement;

(c) applications for orders of discharge or certificates of removal of disqualifications;

(d) appeals from Official Receiver or assignee to the Court;

(e) applications under sections 35, 61 and 62 of the Ordinance;

(f) applications to set aside or avoid any settlement, conveyance, transfer, security or payment, or to declare for or against the title of the assignee to any property adversely claimed;

(g) applications for the committal of any person to prison for contempt;

(h) appeals against the rejection of a proof, or applications to expunge or reduce a proof, where the amount in dispute exceeds \$100;

(i) applications for the trial of issues of fact, and the trial of such issues;

(j) applications by an assignee for directions;

(k) applications to commit under the Debtor's Ordinance. Cap. 42.

Any other matter or application may be heard and determined in chambers.

6. Subject to the provisions of the Ordinance and these rules, any matter or application may, at any time, if the judge thinks fit, be adjourned from chambers to court or from court to chambers; and if all the contending parties require any matter or application to be adjourned from chambers into court it shall be so adjourned. Adjournment from chambers to Court, and vice versa.

PROCEEDINGS.

7. (1) Every proceeding in Court under the Ordinance shall be dated, and shall be intituled " In Insolvency ", and with the name of the Court, and of the matter to which it relates. Numbers and dates may be denoted by figures. Proceedings, how intituled.

(2) All applications and orders shall be intituled *ex parte* the applicant.

(3) The first proceeding in every matter shall have a distinctive number assigned to it by the Registrar, and all subsequent proceedings in the same matter shall bear the same number.

(4) When the matter is transferred from one county to another it shall receive a new distinctive number.

Form 1.

(5) The Form No. 1 in the Appendix shall be used, with such variations or additions as circumstances may require.

Written or printed proceedings.

8. All proceedings in the Court shall be written in black or blue upon thick white foolscap paper of good quality with an inner margin of not less than two inches, and an outer margin of about half an inch, and a space of not less than half an inch shall be left between each line, but no objection shall be allowed to any proof, affidavit, or proxy on account of its being written on other paper.

Records of the Court.

9. All proceedings in insolvency in the Court shall remain of record in the Court, so as to form a complete record of each matter, and they shall not be removed for any purpose, except for the use of the officers of the Court or by special direction of a judge or the Registrar, but they may at all reasonable times be inspected by the assignee, the debtor, and any creditor who has proved, or any person on their behalf, on payment of the prescribed fee.

Notices to be in writing.

10. All notices required by the Ordinance or these rules shall be in writing unless these rules otherwise provide or the Court shall in any particular case otherwise order.

Process to be sealed.

11. All summonses, petitions, notices, orders, warrants, and other process issued by the Court in proceedings in insolvency shall be sealed.

Meetings summoned by Court.

12. Where the Court orders a general meeting of creditors to be summoned under rule 5 of the first schedule to the Ordinance, it shall be summoned as the Court directs, and in default of any direction the Registrar shall transmit a sealed copy of the order to the Official Receiver or assignee, as the case may be, who shall, not less than seven days before such meeting, publish a copy thereof.

Office copies.

13. All office copies of petitions, proceedings, affidavits books, papers, and writings remaining in the Registrar's Office

required by the Official Receiver, any assignee, any debtor, or by any creditor or by the solicitor of any such person, shall be provided by the Registrar on payment of the prescribed fees and shall, except as to figures, be fairly written at length, and be sealed and delivered out without any unnecessary delay, and in the order in which they shall have been bespoken.

14. (1) The Registrar shall, whenever the Gazette contains any advertisement relating to any matter under the Ordinance in Court, file with the proceedings in the matter a memorandum referring to and giving the date of such advertisement.

Filing,
gazotting,
etc.

(2) In the case of an advertisement in a local paper, the Registrar shall in like manner file a memorandum referring to and giving the date of such advertisement.

(3) The memorandum by the Registrar shall be *prima facie* evidence that the advertisement in question was duly inserted in the issue of the Gazette or paper to which the memorandum refers.

TRANSFER OF PROCEEDINGS.

15. Where the judge certifies that in his opinion proceedings would be more advantageously conducted in some other county, the Registrar shall transmit a copy of such certified opinion to the Official Receiver and the assignee, if any, and the proceedings shall thereupon be transferred.

Notice to
creditors.
Form 22.

MOTIONS AND PRACTICE.

16. Every application to the Court (unless otherwise provided by these rules, or the Court shall in any particular case otherwise direct) shall be made by motion supported by affidavit.

Applications
to be by
motion.

17. Where any party other than the applicant is affected by the motion, no order shall be made unless upon the consent of such party duly shown to the Court, or upon proof that notice of the intended motion and a copy of the affidavit in support thereof, have been duly served upon such party:

Notice of
motion and
ex parte
applications.

Provided that the Court, if satisfied that the delay by proceeding in the ordinary way would or might entail serious mischief, may make any order *ex parte* upon such terms as to costs and otherwise, and subject to such undertaking, if any, as the Court may think just; and any party affected by such order may move to set it aside.

Length of
notice.

18. Unless the Court gives leave to the contrary, notice of motion shall be served on any party to be affected thereby, if resident in Georgetown, not less than four days, and if resident elsewhere, not less than eight days, before the day named in the notice for hearing the motion. An application for leave to serve short notice of motion shall be made *ex parte*.

Evidence on
motion.

19. Every motion shall be supported by an affidavit, but the mover may at the hearing adduce oral evidence in support thereof. Every person opposing a motion may use affidavits in opposition to the motion or may adduce oral evidence. Where the applicant intends to adduce oral evidence he shall state in his notice of motion his intention to do so, and the facts he intends so to establish. Where the party opposing the motion intends to adduce oral evidence he shall give notice to the applicant of his intention to do so, not later than the day before the day appointed for the hearing and shall in such notice state the facts he intends to prove. He shall also file a copy of such notice with the Registrar not later than the day before the day appointed for the day of hearing. The Court may on such terms as it thinks fit permit evidence to be given on any motion although the proper notice has not been given. Where the respondent intends to use affidavits in opposition to the motion he shall file such affidavits with the Registrar and deliver copies of such affidavits to the applicant not less than one day before the day appointed for the hearing, but the Court may on such terms as it thinks fit permit either of the parties to use affidavits which may not have been filed or of which copies have not been served.

Notice not
served on all
proper
parties.

20. If on the hearing of any motion or application the Court shall be of opinion that any person to whom notice has not been given ought to have had such notice, the Court may either dismiss the motion or application, or adjourn the hearing thereof in order that such notice may be given upon such terms, if any, as the Court may think fit to impose.

Adjourn-
ment.

21. The hearing of any motion or application may from time to time be adjourned upon such terms (if any), as the Court shall think fit.

Personal
service.

22. In cases in which personal service of any notice of motion, or of any order of the Court is required, the same shall be effected in the case of a notice of motion, by delivering to the party or parties to be served, and each of them a copy of the notice of motion, and in the case of an order, by delivering to

the party or parties to be served, and each of them, a sealed copy of the order.

23. Every affidavit to be used in supporting or opposing any opposed motion, shall be filed with the Registrar not later than the day before the day appointed for the hearing.

Filing affidavits on showing cause.

24. The Registrar, upon any affidavit being left with him to be filed, shall endorse the same with the day of the month and the year when the same was so left, and forthwith file the same with the proceedings to which the same relates, and any affidavit left with the Registrar to be filed, shall on no account be delivered out to any person, except by order of the Court.

Endorsement on affidavits.

25. A party intending to move shall one clear day previous to the sitting of the Court deliver to the Registrar a copy of his notice of motion. There shall be endorsed on such copy the name of the applicant's solicitor and counsel (if any), and also (if known) the name of the respondent's solicitor and counsel (if any).

Notice of motion to be filed.

26. Except in cases of emergency, or for any other cause deemed sufficient by the Court, all motions shall be made and heard in the order in which they are set down at the sitting of the Court.

Precedence of motion.

SECURITY IN COURT.

27. Except where these rules otherwise provide, where a person is required to give security, such security shall be in the form of a bond, with one or more surety or sureties to the person proposed to be secured.

Security by bond.

28. The bond shall be taken in a penal sum which shall be not less than the sum for which security is to be given, and probable costs, unless the opposite party consents to its being taken for a less sum.

Amount of bond.

29. Where a person is required to give security he may, in lieu thereof, lodge in Court a sum equal to the sum in question in respect of which security is to be given and the probable costs of the trial of the question by an act of deposit to be approved of by the Registrar and to be signed by such person, his solicitor, or agent, setting forth the conditions on which the money is deposited.

Deposit in lieu of bond.

Money lodged
in Court.

30. The rules for the time being in force in the Supreme Court relating to payment into and out of Court of money lodged in Court by way of security for costs shall apply to money lodged in Court under these rules.

Guarantee
Society.

31. The security of a guarantee association or society approved by the Court or the opposite party may be given in lieu of a bond or a deposit.

Notice of
sureties.

Form 20.

32. In all cases where a person proposes to give a bond by way of security, he shall serve, by post or otherwise, on the opposite party and on the Registrar at the Court, notice of the proposed sureties, which shall be in the Form No. 20 in the Appendix, and the Registrar shall forthwith give notice to both parties of the time and place at which he proposes that the bond shall be executed, and shall state in the notice that, should the proposed obligee have any valid objection to make to the sureties, or either of them, it must be made at that time.

Justification
by sureties.

Form 21.

33. Where any objections are filed as to their sufficiency the sureties shall make an affidavit of their sufficiency (which shall be in the Form No. 21 in the Appendix) and such sureties shall attend the Court to be cross-examined if required.

Execution
of bond.

34. The bond shall be executed and attested in the presence of the Registrar.

Notice of
deposit.

35. Where a person makes a deposit of money in lieu of giving a bond, he shall forthwith give notice to the person to whom the security is to be given of such deposit having been made.

AFFIDAVITS.

Costs if
irrelevant
or prolix.

36. The costs of every affidavit which shall unnecessarily set forth matters of hearsay, or argumentative matter, or copies of or extracts from documents, shall be paid by the party filing the same.

Form.

37. Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct portion of the subject. No costs shall be allowed for any affidavit or part of an affidavit substantially departing from this rule.

38. Every affidavit shall state the description and true place of abode of the deponent. Deponent's description.

39. In every affidavit made by two or more deponents the names of the several persons making the affidavit shall be inserted in the jurat, except that if the affidavit of all the deponents is taken at one time by the same officer it shall be sufficient to state that it was sworn by both (or all) of the "above-named" deponents. Several deponents.

40. The Court may order to be struck out from any affidavit any matter which is scandalous, and may order the costs of any application to strike out such matter to be paid as between solicitor and client. Scandalous matter.

41. No affidavit having in the jurat or body thereof any interlineation, alteration, or erasure shall without leave of the Court be read or made use of in any matter depending in Court unless the interlineation or alteration (other than by erasure) is authenticated by the initials of the officer or person taking the affidavit nor in the case of an erasure unless the words or figures appearing at the time of taking the affidavit to be written on the erasure are rewritten and signed or initialled in the margin of the affidavit by the officer or person taking it. Erasures, etc.

42. Where an affidavit is sworn by any person who appears to the person taking the affidavit to be illiterate or blind, the person taking the affidavit shall certify in the jurat that the affidavit was read in his presence to the deponent, that the deponent seemed perfectly to understand it, and that the deponent made his signature in the presence of such person. No such affidavit shall be used in evidence in the absence of this certificate, unless the Court is otherwise satisfied that the affidavit was read over to and appeared to be perfectly understood by the deponent. Blind or illiterate persons.

43. The Court may receive any affidavit sworn for the purpose of being used in any matter notwithstanding any defect by misdescription of parties or otherwise in the title or jurat, or any other irregularity in the form thereof, and may direct a memorandum to be made on the document that it has been so received. Formal defects.

44. An office copy of an affidavit may in all cases be used, the original affidavit having been previously filed and the copy duly authenticated with the seal of the Court. Office copies.

Swearing
affidavits.

45. No affidavit (other than a proof of debt) shall be sufficient if sworn before the solicitor acting for the party on whose behalf the affidavit is to be used, or before any agent, clerk or partner of such solicitor, or before the party himself.

Time for
filing.

46. (1) Where a special time is limited for filing affidavits, no affidavit filed after that time shall be used, unless by leave of the Court.

(2) Except by leave of the Court no order made *ex parte* in Court founded on any affidavit shall be of any force unless the affidavit on which the application was made was actually made before the order was applied for, and produced or filed at the time of making the motion.

Proof of
affidavits.

47. The Court shall take judicial notice of the seal or signature of any person authorised by or under the Ordinance to take affidavits or to certify to such authority.

WITNESSES AND DEPOSITIONS.

Citations.

48. (1) A citation for the attendance of a witness shall on the payment of the prescribed fees be issued by the Registrar at the instance of the Official Receiver, an assignee, a creditor, a debtor, or any applicant or respondent in any matter, with or without a clause requiring the production of books, deeds, papers, documents, and writings, in his possession or control.

Service of
citation.

(2) A copy of the citation shall be served in the customary manner within a reasonable time before the return thereof.

Limit of
witnesses'
costs.

49. The Court may in any matter limit the number of witnesses to be allowed on taxation of costs, and their allowance for attendance shall in no case exceed the highest rate of the allowances mentioned in the scale of costs.

Costs of
witness not
examined.

50. The costs of witnesses, whether they have been examined or not, may, in the discretion of the Court, be allowed.

Deposition,
etc.

51. The Court may, in any matter where it shall appear necessary for the purposes of justice, make an order for the examination upon oath before the Court or any officer of the Court, or any other person and at any place, of any witness or person, and may empower any party to any such matter to give such deposition in evidence therein on such terms (if any) as the Court may direct.

52. If the Court shall in any case, and at any stage in the proceedings, be of opinion that it would be desirable that a person (other than the person before whom the examination is taken) should be appointed to take down the evidence of the debtor, or of any witness examined at any public sitting or private meeting under the Ordinance, or examined in any proceeding under the Ordinance, in shorthand or otherwise, it shall be competent for the Court to make such an appointment; and every person so appointed shall be paid a sum not exceeding ten dollars a day, and where the Court appoints a shorthand writer a sum not exceeding sixteen cents per folio of seventy-two words for any transcript of the evidence that may be required, and such sums shall be paid by the party at whose instance the appointment was made, or out of the estate, as may be directed by the Court.

Shorthand notes, etc. Forms 31 and 32.

53. An order for a commission to examine witnesses and the writ of commission shall follow the forms for the time being in use in the Supreme Court, with such variations as circumstances may require.

Form of commission.

54. The Court may in any matter at any stage of the proceedings order the attendance of any person for the purpose of producing any writings or other documents named in the order which the Court may think fit to be produced.

Production of document.

55. Any person wilfully disobeying any order or citation requiring his attendance for the purpose of being examined or producing any document which the Court may think fit to be produced shall be deemed guilty of contempt of Court, and may be dealt with accordingly.

Disobedience to order.

56. Any witness (other than the debtor) required to attend for the purpose of being examined, or of producing any document, shall be entitled to the like allowances as upon attendance at a trial in Court, under the Rules of Court, 1900.

Conduct money.

DISCOVERY.

57. Any party to any proceeding in Court may, with the leave of the Court, administer interrogatories to, or obtain discovery of documents from, any other party to such proceeding. Proceedings under this rule shall be regulated as nearly as may be by the rules of the Supreme Court for the time being in force in relation to discovery and inspection. An application for leave under this rule may be made *ex parte*.

Discovery.

DISCOVERY OF DEBTOR'S PROPERTY.

Applications
for discovery.

58. Every application to the Court under section 28 of the Ordinance shall be in writing, and shall state shortly the grounds upon which the application is made; and where the application is not made on behalf of the Official Receiver or assignee, it shall be verified by affidavit. The application may be made as regards several persons at the same time. The summons shall be in the Form No. 130 in the Appendix with such variations and additions as the circumstances may require.

Form 130.

APPROPRIATION OF PAY, SALARY, PENSIONS, ETC.

Notice of
application
to insolvent.

59. When the assignee intends to apply to the Court for an appropriation order under section 50 of the Ordinance, he shall give notice of his intention to the insolvent, and also of the time and place fixed for hearing the application, and that the insolvent is at liberty to show cause against such order being made.

Form 116.

The notice shall be in the Form No. 116 in the Appendix, with such variations as circumstances may require.

Notice to
Chief
Secretary.

60. When the application is made under subsection (1) of section 50 of the Ordinance, a copy of the proposed order shall be sent by the Registrar to the Chief Secretary, and the application shall stand adjourned until the written statement of the Chief Secretary is obtained as required by the Ordinance.

Notice of
order.

61. Where an order is made under subsection (2) of section 50 of the Ordinance, the Registrar shall give to the assignee a sealed copy of the order, who shall communicate the same to the chief of the department or other person under whom the pay, half-pay, salary, income, emolument, pension or compensation is enjoyed.

Review of
order.

62. Where an order has been made for the payment by an insolvent, or by his employer for the time being, of a portion of his income or salary, the insolvent may, upon his ceasing to receive a salary or income of the amount he received when the order was made, apply to the Court to rescind the order, or to reduce the amount ordered to be paid by him to the assignee.

WARRANTS, ARRESTS AND COMMITMENTS.

To whom
warrants
addressed.
Forms 127,
128, 141 and
142.

63. A warrant of seizure or a search warrant or any other warrant issued under the provisions of the Ordinance, shall be addressed to the Registrar or such officer as the Court directs.

64. Where a debtor is arrested under a warrant issued under section 26 of the Ordinance, he shall be given into the custody of the keeper of the prison mentioned in the warrant, who shall produce such debtor before the Court as it may from time to time direct, and shall safely keep him until such time as the Court shall otherwise order, and any books, papers, moneys, goods and chattels in the possession of the debtor, which may be seized shall forthwith be lodged with the Official Receiver or assignee as the case may be.

Custody of debtor, Forms 129, 143 and 144.

65. An application to the Court to commit any person who shall disobey any process or order or direction of the Court or commit any other contempt shall be supported by affidavit, to be filed in Court.

Applications to commit. Forms 131, 132, 136 and 137.

66. Subject to the provisions of the Ordinance and these rules, upon the filing of such application, the Registrar shall fix a time and place for the Court to hear the application, and shall issue a notice to be served by the marshall on the person sought to be attached personally three days at the least before the day of hearing the application, unless the Court shall, by order upon good cause shown, shorten the length of notice to be given or direct service of the notice to be made by advertisement or in some other manner, in which case it shall be served in the manner so directed.

Notice and hearing of application. Forms 134, 136 and 138.

67. Where an order of committal is made against a debtor or against an assignee for disobeying any order of the Court or of the Official Receiver to do some particular act or thing the Court may direct that the order of committal shall not be issued, provided the debtor or assignee, as the case may be, complies with the previous order in a specified time.

Attachment against debtor or assignee. Forms 135, 139 and 140.

SERVICE AND EXECUTION OF PROCESS.

68. Every solicitor suing out or serving any petition, notice, summons, order, or other document, shall endorse thereon his name or firm and place of business, which shall be called his address for service. All notices, orders, documents, and other written communications which do not require personal service shall be deemed to be sufficiently served on such solicitor if left for him at his address for service.

Address of solicitor for service.

69. Every person suing out or serving any process on his own behalf shall endorse thereon his name and address for service

Address for service in other cases.

which shall be his address for service and shall be within one mile of a Registrar's Office. All notices, orders, documents, and other written communications which do not require personal service shall be deemed sufficiently served, if served at such address or left for him at his address for service or if no such address be endorsed if left for him at the Registrar's Office.

Hours for
service.

70. Service of notices, orders, or other proceedings shall be effected before the hour of six in the afternoon, except on Saturdays, when it shall be effected before the hour of two in the afternoon. Service effected after six in the afternoon on any weekday, except Saturday, shall for the purpose of computing any period of time subsequent to such service be deemed to have been effected on the following day. Service effected after two in the afternoon on Saturday shall for the like purpose be deemed to have been effected on the following Monday.

Duties of
Registrar or
marshal.

71. It shall be the duty of the Registrar or marshal to serve such orders, summonses, petitions, and notices as the Court may require him to serve; to execute warrants and other process; to attend any sittings of the Court (except sittings in chambers); and to do and perform all such things as may be required of him by the Court.

Service by
post.

72. Where notice of any order or other proceeding in Court may be served by post it shall be sent by registered letter.

Enforcement
of orders.

73. Every order of the Court may be enforced as if it were a judgment of the Court to the same effect.

RULES RELATING TO THE BUSINESS OF THE COURT.

Sittings.

74. The Chief Justice shall regulate the sittings and vacations of the Court.

Weekly.

75. The Court shall sit for the disposal of business as often as occasion may require and in Georgetown at least one day in each week, if there is any business to dispose of.

Full Court.

76. The Full Court shall sit for the disposal of business at least once in each month of the year, if there is any business to dispose of.

77. The Registrar's Office on Saturdays shall be closed for business at 12 o'clock noon.

Registrar's Office.

Rules 19th July, 1933.

Execution on orders.

78. Writs of execution shall issue from the Registrar's Office, and all proceedings thereon and in relation thereto shall be regulated as nearly as may be by the Rules of the Supreme Court for the time being in force in relation to execution.

Costs.

79. (1) The Court in awarding costs may direct that the costs of any matter or application shall be taxed and paid as between party and party or as between solicitor and client, or that full costs, charges, and expenses shall be allowed, or the Court may fix a sum to be paid in lieu of taxed costs.

Awarding costs.

(2) In the absence of any express direction costs of an opposed motion shall follow the event, and shall be taxed as between party and party.

(3) Where an action is brought against the Official Receiver or an assignee as representing the estate of the debtor or where the Official Receiver or assignee is made a party to a cause or matter, on the application of any other party thereto, he shall not be personally liable for costs unless the Court otherwise directs.

80. Every order for payment of money and costs, or either of them, shall be sealed, and be signed by the Registrar, and shall be forthwith filed with the proceedings.

Orders to be sealed, etc.

81. The costs directed by any order to be paid shall be taxed by the Registrar on production of a certified copy of such order.

Taxation.

82. (1) The scale of costs set forth in the Appendix shall, subject to these rules, apply to the taxation and allowance of costs and charges in all proceedings under the Ordinance and these rules.

Scale of costs and charges.

(2) Where the estimated assets of the debtor do not exceed the sum of one thousand dollars, a lower scale of solicitor's costs shall be allowed, namely, three-fifths of the charges ordinarily allowed in all proceedings under the Ordinance in which costs are payable out of the estate, disbursements being added, and if in error any charges have been allowed or paid on

Lower scale of costs of estates under \$1,000.

the higher scale, and the gross proceeds of the assets shall be ascertained not to exceed one thousand dollars the excess shall be disallowed, and, if paid, shall be repaid to the assignee.

Readjustment
of costs.

(3) Where the assets of a debtor have been estimated as likely or not likely to exceed the sum of one thousand dollars and the gross proceeds of the assets are, after taxation and payment of the costs, ascertained to be less than the amount at which they have been certified, the bill of costs shall, on the application of the assignee, be re-taxed, and the amount disallowed on such re-taxation shall, if paid, be refunded to the assignee. No fee shall be chargeable on such re-taxation.

Solicitor's
costs in case
of petition by
debtor.

83. The solicitor in the matter of an insolvency petition presented by the debtor against himself shall, in his bill of costs, give credit for such sum, or security (if any) as he may have received from the debtor, by way of deposit on account of the costs and expenses to be incurred in and about the filing and prosecution of such petition.

Costs paid
otherwise
than out of
estate.

84. When a bill of costs is taxed under any special order of the Court, and it appears by such order that the costs are to be paid otherwise than out of the estate of the insolvent, the taxing officer shall specially note upon the order by whom, or the manner in which, such costs are to be paid.

Bill of costs
to be filed.

85. Upon the taxation of any bill of costs, charges, or expenses being completed, the Registrar shall forthwith file such bill with the proceedings in the matter, and shall thereupon issue to the person presenting such bill for taxation his certificate of taxation, which may be in Form No. 124 in the Appendix.

Form 124.

Certificate of
employment.

86. Before taxing the bill or charges of any solicitor, manager, accountant, auctioneer, broker or other person employed by the Official Receiver or an assignee, the taxing officer shall require a certificate in writing signed by the Official Receiver or assignee, as the case may be, to be produced to him, setting forth whether, any and if so what, special terms of remuneration have been agreed to, and in the case of the bill of costs of a solicitor a copy of the resolution or proper authority sanctioning the employment.

Notice of
appointment.

87. Every person whose bill or charges is or are to be taxed shall in all cases give not less than two days' notice of the appointment to tax the same to the Official Receiver and to the assignee (if any).

88. Where any party to, or person affected by, any proceeding desires to make an application for an order that he be allowed his costs, or any part of them, incident to such proceeding, and such application is not made at the time of the proceeding—

Application
for costs.

(1) Such party or person shall serve notice of his intended application on the Official Receiver and, if an assignee has been appointed, on the assignee.

(2) The Official Receiver and assignee may appear on such application and object thereto.

(3) No cost of or incident to such application shall be allowed to the applicant, unless the Court is satisfied the application could not have been made at the time of the proceeding.

89. The bill or charges, if incurred prior to the appointment of an assignee shall be lodged with the Official Receiver, and if incurred after the appointment of an assignee, shall be lodged with the assignee, two clear days before the application for the appointment to tax the same is made. The Official Receiver or the assignee, as the case may be, shall forthwith, on receiving notice of taxation, lodge such bill or charges with the proper taxing officer.

Lodgment of
bill.

90. Every person whose bill or charges is or are to be taxed shall, on application either of the Official Receiver or the assignee, furnish a copy of his bill or charges so to be taxed, on payment at the rate of 8 cents per folio, which payment may be charged to the estate. The Official Receiver shall call the attention of the assignee to any items which, in his opinion, ought to be disallowed or reduced.

Copy of bill.
Form 123.

91. Subject to the provisions of sections 43 and 44 of the Ordinance, the assets in any instance remaining after payment of the cost of the expenses properly incurred in realizing the same or in carrying on the plantation or business from which the same are obtained and all fees and commissions payable to the Official Receiver, shall, subject to any order of the Court, be liable to the following payments, which shall be paid in the following order of priority, namely—

Priority of
costs and
charges
payable out
of estate.

First: The actual expenses incurred by the Official Receiver in protecting the property or assets of the debtor, or any part thereof, and any expenses or outlay incurred by him or by his authority in carrying on the business of the debtor;

- Next: any other costs, charges and expenses properly incurred or authorised by the Official Receiver, including the cost of a shorthand writer's notes where such writer is appointed in accordance with these rules;
- „ the deposit or deposits lodged by the petitioning creditor pursuant to these rules;
 - „ the deposit or deposits lodged on any application for the appointment of an interim receiver;
 - „ the remuneration of the special manager (if any);
 - „ the taxed costs of the petitioner;
 - „ the taxed costs of any creditor appearing at the public examination if the Court considers that any information material to matters which required investigation has been elicited by such creditor;
 - „ the remuneration and charges of the person (if any) appointed to assist the debtor in the preparation of his statement of affairs;
 - „ any allowance made to the debtor by the Official Receiver;
 - „ taxed charges of any shorthand writer appointed by the Court;
 - „ the assignee's necessary disbursements other than actual expenses of realization heretofore provided for;
 - „ the costs of any person properly employed by the assignee with the sanction of the Committee of Inspection;
 - „ any allowance made to the debtor by the assignee with the sanction of the Committee of Inspection;
 - „ the remuneration of the assignee;
 - „ the actual out of pocket expenses necessarily incurred by the Committee of Inspection subject to the approval of the Court.

Disallowance
of costs of
unnecessary
petition.

92. In any case in which, after an insolvency petition has been presented by a creditor against a debtor, and before the hearing of such petition, the debtor files a petition, and a receiving order is made on the petition of the debtor, unless in the opinion of the Court the estate has benefited thereby, or there are special circumstances which make it just that such costs should be allowed, no costs shall be allowed to the debtor or his solicitor out of the estate.

93. In the case of an insolvency petition against a partnership, the costs payable out of the estates incurred up to and inclusive of the receiving order shall be apportioned between the joint and separate estates in such proportions as the Official Receiver may in his discretion determine.

Apportionment of costs in case of partnership.

94. Where the joint estate of any co-debtors is insufficient to defray any costs or charges properly incurred prior to the appointment of the assignee, the Court on the application of the Official Receiver or assignee may direct the payment of such costs or charges out of the separate estates of such co-debtors, or one or more of them, in such proportions as in its discretion the Court may think fit. The Court may also, on the like application as in its discretion it may think fit, direct the assignee to pay any costs or charges properly incurred, prior to the appointment of the assignee, for any separate estate out of the joint estate or out of any other separate estate, and any part of the costs or charges of the joint estate incurred prior to the appointment of the assignee which affects any separate estate out of that separate estate.

Costs out of joint or separate estates.

(2) Where the joint estate of any co-debtors is insufficient to defray any costs or charges properly incurred after the appointment of the assignee, the assignee, with such consent as is hereinafter mentioned, may pay such costs or charges out of the separate estates of such co-debtors, or one or more of them. The assignee, with the said consent, may also pay any costs or charges properly incurred for any separate estate, after his appointment, out of the joint estate, and any part of the costs or charges of the joint estate incurred after his appointment which affects any separate estate out of that separate estate. No payment under this rule shall be made out of a separate estate or joint estate by an assignee without the consent of the Committee of Inspection of the estate out of which the payment is intended to be made, or, if such committee withhold or refuse their consent, without an order of the Court.

APPEALS.

95. (1) Except by leave of the Court there shall be no appeal to the Full Court from any order made by consent, or as to costs only.

Restrictions on appeal.

(2) No appeal to the Full Court shall be brought from any order relating to property when it is apparent from the proceedings that the money or money's worth involved does not exceed two hundred and fifty dollars, unless by leave of the Court.

(3) No appeal shall be brought in respect of the omission by the Court appealed from to exercise any discretionary power, unless the Court shall in its judgment, or on application made at the hearing, have expressly refused to exercise such power, in which case the refusal may be made a ground of appeal.

Time for appeal.

96. Subject to the powers of the Full Court to extend the time under special circumstances, no appeal to the Full Court from any order of the Court shall be made after the expiration of twenty-one days. The said period shall be calculated from the time at which the order is signed, entered, or otherwise perfected, or in the case of the refusal of an application, from the date of such refusal.

Security for costs of appeal.

97. At or before the time of making an appeal from the Court, the party intending to appeal shall lodge in the Registrar's Office the sum of fifty dollars to satisfy, in so far as the same may extend, any costs that the appellant may be ordered to pay :

Provided that the Full Court may in any special case increase or diminish the amount of such security or dispense therewith.

Notice of appeal.

98. Upon receiving notice of an appeal, the Registrar shall mark thereon the date when received, and forthwith file the same with the proceedings.

Procedure on appeals.

99. Subject to the foregoing rules appeals to the Full Court shall be made in the manner and form as laid down in the rules of the Supreme Court for the time being in force in relation to appeals and shall be carried on in accordance with the procedure laid down in such rules, or in the absence of such rules shall be decided summarily and as a motion.

RESCISSION OF RECEIVING ORDER, AND AMENDMENT OF ADJUDICATION.

Application to rescind receiving orders, etc.

100. An application to the Court to rescind a receiving order or to stay proceedings thereunder, or to annul an adjudication, shall not be heard except upon proof that notice of the intended application, and a copy of the affidavits in support thereof have been duly served upon the Official Receiver. Unless the Court gives leave to the contrary, notice of any such application shall be served on the Official Receiver not less than seven days before the day named in the notice of hearing the application. Pending the hearing of the application the Court may make an interim order staying such of the proceedings as it thinks fit.

PART II.—PROCEEDINGS FROM ACT OF INSOLVENCY
TO DISCHARGE.

Declaration of Inability to pay Debts.

101. A declaration by a debtor of his inability to pay his debts shall be dated, signed, and witnessed, and shall be in the Form No. 2 in the Appendix, with such variations, as circumstances may require. The witness shall be a solicitor, or justice of the peace, or the Official Receiver, or the Registrar.

Form of
declaration.
Form 2.

INSOLVENCY NOTICE.

102. An insolvency notice shall be in the Form No. 5 in the Appendix, with such variations as circumstances may require.

Form of
notice.
Form 5.

103. A creditor, desirous that an insolvency notice may be issued, shall produce to the Registrar a certified copy of the judgment on which the notice is founded, and file the notice, together with a request for issue, which shall be in the Form No. 4 in the Appendix, with such variations as circumstances may require. The creditor shall at the same time lodge with the Registrar two copies of the insolvency notice to be sealed and issued for service.

Issue of
notice.
Form 4.

104. (1) Every notice shall be endorsed with the name and place of business of the solicitor actually suing out the same, or if no solicitor be employed, with a memorandum that it is sued out by the creditor in person.

Endorsement
of address,
etc.

(2) There shall also be endorsed on every insolvency notice an intimation to the debtor that if he has a counter-claim, set-off, or cross-demand which equals or exceeds the amount of the judgment debt, and which he could not have set up in the action in which the judgment was obtained he must within the time specified in the notice file an affidavit to that effect with the Registrar.

Form 7.

(3) In the case of a notice served in the Colony the time shall be three days. In the case of a notice served elsewhere the Registrar when issuing the notice shall fix the time.

105. The filing of such affidavit shall operate as an application to set aside the insolvency notice, and thereupon the Registrar shall fix a day for hearing the application, and not less than three days before the day so fixed shall give notice thereof both to the debtor and the creditor, or to their respective solicitors if known. If the application cannot be heard until

Application
to set aside.

after the expiration of the time specified in the notice as the day on which the act of insolvency will be complete, the Registrar shall extend the time, and no act of insolvency shall be deemed to have been committed under the notice until the application has been heard and determined.

Duration of notice.

106. Subject to the power of the Court to extend the time, an insolvency notice to be served in the Colony shall be served within one month from the issue thereof.

Service of notice.
Form 6.

107. An insolvency notice shall be served, and service thereof shall be proved in the like manner as is by these rules prescribed for the service of a creditor's petition.

Setting aside notice.
Form 8.

108. When the Court makes an order setting aside the insolvency notice it may at the same time declare that no act of insolvency has been committed by the debtor under such notice.

INSOLVENCY PETITION.

Form of petition.
Form 3.
Form 9.

109. Every petition shall be fairly written, and no alterations, interlineations, or erasures shall be made without the leave of the Registrar except so far as may be necessary to adapt a printed form to the circumstances of the particular case. A debtor's petition shall be in the Form No. 3, and a creditor's petition shall be in the Form No. 9 in the Appendix, with such variations as circumstances may require.

Attestation.

110. Every insolvency petition shall be attested by a solicitor, or by a justice of the peace, or by the Official Receiver, or the Registrar. If it be attested out of the Colony the witness must be a judge, or magistrate, or a British consul or vice-consul, or a notary public.

Deposit by petitioner.

111. (1) Upon the presentation of a petition either by the debtor or by a creditor the petitioner shall deposit with the Official Receiver the sum of forty-nine dollars, and such further sum (if any) as the Court may, from time to time direct, to cover the fees and expenses to be incurred by the Official Receiver which sum shall be deemed to include the fee payable for the insolvency petition. No petition shall be received unless the receipt of the Official Receiver for the deposit payable on the presentation of the petition is produced to the Registrar.

(2) The Official Receiver shall account for the money so deposited to the creditor or the debtor's estate, as the case

may be, and any sum so paid by a petitioning creditor shall be repaid to him (except and so far as such deposit may be required by reason of insufficiency of assets for the payment of the fees of and expenses incurred by the Official Receiver) out of the proceeds of the estate in the priority prescribed by these rules.

CREDITOR'S PETITION.

112. A petitioning creditor who is resident abroad, or whose estate is vested in a trustee or assignee under any law relating to bankruptcy or insolvency, or against whom a petition is pending under the Ordinance, or who has made default in payment of any costs ordered by any court to be paid by him to the debtor, may be ordered to give security for costs to the debtor.

Security for costs.

113. Every creditor's petition shall be verified by affidavit, and when it is filed there shall be lodged with it two or more copies to be sealed and issued to the petitioner.

Verification and copies. Forms 11 and 12.

114. When the petitioning creditor cannot himself verify all the statements contained in his petition, he shall file in support of the petition the affidavit of some person who can depose to them.

Who to verify.

115. Where a petition is presented by two or more creditors jointly, it shall not be necessary that each creditor shall depose to the truth of all the statements which are within his own knowledge; but it shall be sufficient that each statement in the petition is deposed to by someone within whose knowledge it is.

Joint petitioners.

116. After the presentation of a creditor's petition, and before sealing the copies of the petition for service, the statements in the petition shall be investigated by the Registrar, and where the statement of the act of insolvency in the petition cannot be verified by affidavit of some person within whose knowledge it is true, the same may be verified by an affidavit affirming the same to be true to the best of the deponent's knowledge and belief.

Petition to be investigated.

SERVICE OF CREDITOR'S PETITION.

117. A creditor's petition shall be personally served by delivering to the debtor a sealed copy of the filed petition.

Personal service.

Substituted
service.
Forms 15
and 16.

118. A petition shall be served upon the debtor by a marshal or by the creditor or his solicitor, or by some person in their employ; provided that if personal service cannot be effected, the Court may extend the time for hearing the petition, or if the Court is satisfied by affidavit or other evidence on oath that the debtor is keeping out of the way to avoid such service, or service of any other legal process, or that for any other cause prompt personal service cannot be effected, it may order substituted service to be made by delivery of the petition to some adult inmate at his usual or last known residence or place of business, or by registered letter, or in such other manner as the Court may direct, and that such petition shall then be deemed to have been duly served on the debtor.

Proof of
service.
Form 14.

119. Service of a petition shall be proved by the return of the marshal or by affidavit, with a sealed copy of the petition attached, which shall be filed in Court forthwith after the service.

Service out
of juris-
diction.
Forms 15
and 16.

120. Where a debtor petitioned against is not in the Colony, the Court may order service to be made within such time and in such manner and form as it shall think fit.

Death of
debtor before
service of
petition.

121. If a debtor against whom an insolvency petition has been filed dies before service thereof, the Court may order service to be effected on the executor or other representative of the debtor, or on such other persons as the Court may think fit.

HEARING OF PETITION.

Proceedings
on petition.

122. (1) Where a petition is filed by a debtor, the Court shall forthwith make a receiving order thereon.

(2) A creditor's petition shall not be heard until the expiration of eight days from the service thereof:

Provided that where the act of insolvency alleged is that the debtor has filed a declaration of inability to pay his debts, or where it is proved to the satisfaction of the Court that the debtor has absconded, or in any other case for good cause shown, the Court may, on such terms, if any, as it may think fit to impose, hear the petition at such earlier date as it may deem expedient.

Time of
hearing.

123. The Registrar shall appoint the time and place at which the petition will be heard, and notice thereof shall be written on the petition and sealed copies, and where the petition has not been served, the Registrar may from time to time alter the first day so appointed and appoint another day and hour.

124. Where there are more respondents than one to a petition the rules as to service shall be observed with respect to each respondent, but where all the respondents have not been served, the petition may be heard separately or collectively as to the respondents or such of the respondents as has or have been served, and separately or collectively as to the respondents not then served according as service upon them is effected.

Several respondents—

125. Where a debtor intends to show cause against a petition he shall file a notice with the Registrar specifying the statements in the petition which he intends to deny or dispute, and deliver or transmit by post to the petitioning creditor or his solicitor, if known, a copy of the notice three days before the day on which the petition is to be heard. The filing or service of this notice shall only affect the question of costs, and the debtor may at the hearing of the petition dispute any fact although no such notice may have been filed or served.

Debtor intending to show cause.
Form 17.

126. If the debtor does not appear at the hearing, the Court may make a receiving order on such proof of the statements in the petition as it shall think sufficient.

Non-appearance of debtor.

127. On the appearance of the debtor to show cause against the petition, the petitioning creditor's debt, and act of insolvency, or such of those matters as the debtor shall have given notice that he intends to dispute, shall be proved, and if any new evidence of those matters, or any of them, shall be given, or any witness or witnesses to such matter shall not be present for cross-examination, and further time shall be required to show cause, the Court shall, if it thinks the application reasonable, grant such further time as it may think fit.

Appearance of debtor to show cause.
Form 23.

128. If any creditor neglects to appear on his petition no subsequent petition against the same debtor or debtors, or any of them, either alone or jointly with any other person, shall be presented by the same creditor in respect of the same act of insolvency without the leave of the Court.

Non-appearance of creditor.

129. The personal attendance of the petitioning creditor and of the witness or witnesses to prove the debt and act of insolvency, or other material statements, upon the hearing of the petition, may, if the Court shall think fit, be dispensed with.

Personal attendance of creditor dispensed with.

130. Where proceedings on a petition have been stayed for the trial of the question of the validity of the petitioning creditor's debt, and such question has been decided in favour of the validity

Proceedings after trial of disputed question.

of the debt, the petitioning creditor may apply to the Registrar to fix a day on which further proceedings on the petition may be had, and the Registrar on being satisfied that such decision has been obtained shall give notice to the petitioner by post of the time and place fixed for the hearing of the petition, and a like notice to the debtor at the address given in his notice to dispute, or to their respective solicitors if known.

Application
to dismiss.

131. Where proceedings on a petition have been stayed for the trial of the question of the validity of the petitioning creditor's debt, and such question has been decided against the validity of the debt, the debtor may apply to the Registrar to fix a day on which he may apply to the Court for the dismissal of the petition with costs, and the Registrar on being satisfied that such decision has been obtained shall give notice to both the petitioner and debtor (or to their respective solicitors, if known) by post of the time and place fixed for the hearing of the application.

Application
for extension
of time.

132. An application for extension of time for hearing a petition shall be in writing, but need not be supported by affidavit, unless in any case the Court shall otherwise require.

Order for
extension of
time.
Form 23.

133. On an application for an extension of time for the hearing of a petition, no order shall be made for an extension beyond fourteen days from the day fixed for the hearing of the petition unless the Court is satisfied that such extension of time will not be prejudicial to the general body of creditors. Any costs occasioned by such application shall not be allowed out of the estate unless so ordered by the Court.

Further
adjournment.
Forms 23 and
24.

134. After the expiration of one month from the day appointed for the first hearing of a petition (provided such petition shall have been duly served) no further adjournment of the hearing merely by consent of the parties shall be allowed, except for the reasons set forth in rule 127, or for such other sufficient reasons to be stated in the order for adjournment as the Court shall think fit, but in every such case, unless an order for adjournment is made, the Court shall either make a receiving order or dismiss the petition.

INTERIM RECEIVER.

Interim
receiver.
Form 13.

135. After the presentation of a petition, upon the application of a creditor, or of the debtor himself, and upon proof by affidavit of sufficient grounds for the appointment of the

Official Receiver as interim receiver of the property of the debtor, or any part thereof, the Court may, if it think fit, upon such terms as may seem just, make such appointment, and may authorise such Receiver to sell any perishable property of the debtor, subject to such terms and conditions as may seem just.

136. Before any such order is issued the person who has made the application therefor shall deposit with the Official Receiver the sum of twenty-five dollars towards the prescribed fees and commissions for the Official Receiver and such further sum as the Court shall direct for the expenses which may be incurred by him. Deposit.

137. If the sum of twenty-five dollars and such further sum so to be deposited for the expenses which may be incurred by the Official Receiver, shall prove to be insufficient, the person on whose application the order has been made shall from time to time deposit with the Official Receiver such additional sum as the Court may, on the application of the Official Receiver, from time to time direct; and such sum shall be deposited within twenty-four hours after the making of the order therefor. If such additional sum shall not be so deposited, the order appointing the interim receiver may be discharged by the Court. Further deposit if necessary.

138. If an order appointing an interim receiver is followed by a receiving order the deposits made by the creditor, on whose application such interim receiver was appointed, shall be repaid to him (except and so far as such deposits may be required by reason of insufficiency of assets for the payment of the fees chargeable and the expenses incurred by the interim receiver) out of the proceeds of the estate in the order of priority prescribed by these rules. Repayment of deposit.

139. Where, after an order has been made appointing an interim receiver, the petition is dismissed, the Court shall, upon application to be made within twenty-one days from the date of the dismissal thereof, adjudicate, with respect to any damages or claim thereto arising out of the appointment, and shall make such order as the Court thinks fit, and such decision or order shall be final and conclusive between the parties unless the order be appealed from. Damages if petition dismissed.

RECEIVING ORDER.

140. (1) A receiving order shall be in one of the Forms Nos. 27, 28 and 29 in the Appendix, with such variations as circumstances may require. Receiving order. Forms 27, 28 and 29.

(2) Where a receiving order is made on a creditor's petition there shall be stated in the receiving order the nature and date, or dates, of the act, or acts of insolvency upon which the order has been made. Every order shall contain at the foot thereof a notice requiring the debtor to attend on the Official Receiver forthwith on the service thereof at the place mentioned therein.

(3) When a receiving order is made, and the debtor is in the Colony, the Court shall at the same time fix a day for the public examination of the debtor. If the debtor is out of the Colony the Court may defer fixing a day for such examination and require a special application to fix a day to be made.

(4) The Registrar shall cause a copy of the receiving order sealed with the seal of the Court to be forthwith served on the debtor.

Receiving order on insolvency notice. Forms 27 to 29.

141. A receiving order shall not be made against a debtor on a petition in which the act of insolvency alleged is non-compliance with an insolvency notice within the appointed time, where such debtor shall have applied to set aside such notice, until after the hearing of the application, or where the notice has been set aside, or during a stay of the proceedings thereon; but in such case the petition shall be adjourned or dismissed as the Court may think fit.

Stay of proceedings.

142. There may be included in a receiving order, an order staying any action or proceeding against the debtor or staying proceedings generally.

Advertisement.

143. (1) Where a receiving order or an order for the appointment of the Official Receiver as interim receiver of the debtor's property is made, the Registrar shall forthwith give notice thereof to the Official Receiver.

(2) The Official Receiver shall forthwith publish the notice.

Form 30.

(3) The notice may be in the form No. 30 in the Appendix.

Costs of petitioner.

144. (1) All proceedings under the Ordinance down to and including the making of a receiving order shall be at the cost of the party prosecuting the same, but when a receiving order is made, the costs of the petitioning creditor (including the costs of the insolvency notice (if any) sued out by him) shall be taxed and payable out of the proceeds of the estate, in the order of priority prescribed by these rules.

(2) Where the proceeds of the estate are not sufficient for the payment of any costs necessarily incurred by the Official

Receiver (in excess of the deposit) between the making of a receiving order and the conclusion of the first meeting of creditors, the Court may order such costs to be paid by the party prosecuting the proceedings.

PUBLIC EXAMINATION OF DEBTOR.

145. Where any order is made appointing the time and place for holding the public examination of the debtor the Official Receiver shall serve a copy thereof on the debtor, and shall forthwith publish for the information of creditors notice of such order and of the time and place appointed thereby.

Public examination of debtor.
Form 148 (1).

146. If the debtor fails to attend the public examination at the time and place appointed by any order for holding or proceeding with the same, and no good cause is shown by him for such failure, it shall be lawful for the Court, upon its being proved to the satisfaction of the Court that the order requiring the debtor to attend the public examination was duly served, and without any further notice to the debtor, to issue a warrant for his arrest as provided by section 26 (1) (d) of the Ordinance, or to make such other order as the Court shall think just.

Default by debtor in attending.

147. Where the Court is of opinion that a debtor is failing to disclose his affairs, or where the debtor has failed to attend the public examination or any adjournment thereof, or where the debtor has not complied with any order of the Court in relation to his accounts, conduct, dealings, and property, and no good cause is shown by him for such failure, the Court may adjourn the public examination *sine die*, and may make such further or other order as the Court shall think fit.

Adjournment *sine die*.

148. Where an examination has been adjourned *sine die*, and the debtor desires to have a day appointed for proceeding with his public examination, the expense of advertising notice of the day to be appointed for proceeding with such examination shall, unless the Official Receiver or assignee, as the case may be, consents to the costs being paid out of the estate, be at the cost of the debtor, who shall, before any day is appointed for proceeding with the public examination, deposit with the Official Receiver such sum as the Official Receiver shall think sufficient to defray the expense aforesaid. The balance of the deposit, after defraying the expense aforesaid, shall be returned to the debtor.

Proceedings after adjournment *sine die*.

Notice of proceeding after adjournment *sine die*.

149. In any case in which a public examination has been adjourned *sine die*, and the Court afterwards makes an order for proceeding with such public examination, notice to creditors of the time and place appointed for proceeding with such public examination shall be inserted in the Gazette and in the local paper in which the notice of the first holding of the public examination was inserted, seven days before the day appointed.

Public examination of a debtor as a lunatic, etc.

150. (1) An application for an order dispensing with the public examination of a debtor, or directing that the debtor be examined in some manner or at some place other than is usual on the ground that the debtor is a lunatic, or suffers from mental or physical affliction or disability rendering him unfit to attend a public examination, may be made by the Official Receiver, or by any person who has been appointed by any Court or judge having jurisdiction so to do to manage the affairs of or represent the debtor, or by any relative or friend of the debtor who may appear to the Court to be a proper person to make the application.

(2) Where the application is made by the Official Receiver it may be made *ex parte*, and the evidence in support of the application may be given by a report of the Official Receiver to the Court, the contents of which report shall be received as *prima facie* evidence of the matters therein stated.

(3) Where the application is made by some person other than the Official Receiver, it shall be made by motion of which notice shall be given to the Official Receiver and assignee (if any) and shall be supported by an affidavit of a duly registered medical practitioner as to the physical and mental condition of the debtor.

(4) Where the order is made on the application of the Official Receiver, the expense of holding the examination shall be deemed to be an expense incurred by the Official Receiver within the meaning of rule 91. Where the application is made by any other person, he shall, before any order is made on the application, deposit with the Official Receiver such sum as the Official Receiver shall certify to be necessary for the expenses of the examination.

(5) The order to be made on the application shall be in the Form No. 34 or the Form No. 35 in the Appendix as the case may be, with such variations as circumstances may require.

ADJUDICATION.

151. At the time of making a receiving order, or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him insolvent. Such application may be made orally and without notice.

Adjudication on application of debtor.

152. When a receiving order has been made, and no creditors attend at the time and place appointed for the first meeting, or an adjournment thereof, or if sufficient creditors do not attend there to form a quorum or pass a special resolution, or where the Official Receiver satisfies the Court that the debtor has absconded, or that the debtor does not intend to propose a composition or scheme, or in any of the other cases mentioned in the Ordinance, the Court may, either on the application of the creditor or of the Official Receiver, forthwith adjudge the debtor insolvent.

Adjudication on application of other parties.
Forms 43, 44 and 45.

153. Where a composition or scheme is not accepted by the creditors at the first meeting or at one adjournment thereof within the time specified by the Ordinance, the Court may, on the application of the Official Receiver, or of any person interested, adjudge the debtor insolvent.

Adjudication on failure of composition or scheme.

154. Where the public examination of a debtor is adjourned *sine die* and the debtor has not previously been adjudged insolvent the Court may forthwith, and without any notice to the debtor, adjudge him insolvent.

Adjudication on adjournment of examination *sine die*.

155. (1) An order of adjudication shall be in such of the Forms Nos. 46 and 47 in the Appendix with such variations as circumstances may require.

Form of notice.
Forms 46 and 47.

(2) When a debtor is adjudged insolvent, the Registrar shall forthwith give notice thereof to the Official Receiver, who shall forthwith publish a notice of the adjudication in the like manner as is provided in the case of a receiving order.

Form 148 (2).

(3) The notice may be in the Form No. 48 in the Appendix.

Form 48.

156. (1) An order annulling an adjudication may be in the Form No. 50 in the Appendix, with such variations as circumstances may require.

Order annulling adjudication.
Form 50.

(2) When an adjudication is annulled the Registrar shall forthwith give notice thereof to the Official Receiver who shall forthwith publish a notice of the annulment.

Form 148 (4).

(3) The order of the Court annulling an adjudication shall not relieve an assignee from the liability imposed on assignees to account to the Court for all transactions of such assignee in connection with the estate.

SERVICE OF PROCEEDINGS.

Service where
debtor
abroad.

157. Where a debtor against whom a receiving order has been made is not in the Colony, the Court may order service on the debtor of the receiving order, order of adjudication, order to attend the public examination or any adjournment thereof, or of any other order made against, or summons issued for the attendance of, the debtor, to be made within such time and in such manner and form as it shall think fit.

COMPOSITION OR SCHEME.

Form where
proposal sub-
mitted by
debtor.
Forms 72 and
75 to 79.

158. Where a debtor intends to submit a proposal for a composition or scheme, the forms of proposal, notice and report Nos. 72, 75, 76, 77, 78 and 79 in the Appendix, with such variations as circumstances may require, shall be used by the Official Receiver for the purpose of the meeting of creditors for consideration of the proposal.

Application
by Official
Receiver or
debtor for
approval of
Court.
Form 85.

159. Where the creditors have accepted a composition or scheme, and the public examination of the debtor has been concluded, the Official Receiver or the debtor may forthwith make an application to the Court for the approval of such composition or scheme. The Official Receiver shall not by making such application be deemed necessarily to approve of the composition or scheme.

Notice to
Official
Receiver.
Form 89.

160. Any person other than the Official Receiver who applies to the Court to approve of a composition or scheme shall, not less than seven days before the day appointed for hearing of the application, send notice of the application to the Official Receiver.

Notice to
creditors.
Form 86.

161. Whenever an application is made to the Court to approve of a composition or scheme, the Official Receiver shall, not less than three days before the day appointed for hearing the application, send notice of the application to every creditor who has proved his debt.

Official
Receiver's
report to be
filed.

162. In every case of an application to the Court to approve of a composition or scheme the report of the Official Receiver shall be filed not less than four days before the time fixed for hearing the application.

163. On the hearing of any application to the Court to approve of a composition or scheme, the Court shall, in addition to considering the report of the Official Receiver, hear the Official Receiver and the assignee (if any) thereon, and an appeal shall lie at the instance of the Official Receiver or assignee (if any) from any order of the Court made upon such application.

Hearing and appeal.

164. No costs incurred by a debtor, of or incidental to an application to approve of a composition or scheme, shall be allowed out of the estate if the Court refuses to approve the composition or scheme.

Costs of application by debtor.

165. (1) The Court before approving a composition or scheme shall, in addition to investigating the other matters as required by the Ordinance, require proof that the provisions of subsections (1) and (2) of section 19 of the Ordinance have been complied with. An order approving a composition or scheme shall be in the Form No. 61 in the Appendix, with such variations as circumstances may require.

Evidence and order.

Form 61.

(2) The Official Receiver shall forthwith gazette every order made on an application to approve of a composition or scheme.

Form 148 (5).

166. Where a composition or scheme has been duly accepted by the creditors, such composition or scheme shall not be approved by the Court, unless the Court is satisfied, on the report of the Official Receiver, that provision is made for payment of all proper costs, charges and expenses of and incidental to the proceedings and all fees and percentages payable to the Official Receiver under the scale of fees and percentages in force for the time being.

Provision in composition or scheme for costs and charges.

167. The fee prescribed to be charged for and in respect of an application to the Court to approve of a composition or scheme may be allowed and paid out of the estate of the debtor in any case in which there are sufficient funds in the hands of the Official Receiver or assignee, as the case may be, available for the purpose.

Fee on application.

168. At the time a composition or scheme is approved of, the Court may correct or supply any accidental or formal slip, error or omission therein, but no alteration in the substance of the composition or scheme shall be made.

Correction of formal slips, etc.

Proceedings
if scheme
approved.

169. When a composition or scheme is approved of the Official Receiver shall, on payment of all proper costs, charges and expenses of and incidental to the proceedings and all fees and percentages payable to the Official Receiver, forthwith put the debtor (or, as the case may be, the assignee under the composition or scheme or the other person or persons to whom under the composition or scheme the property of the debtor is to be assigned) into possession of the debtor's property: The Court shall also discharge the receiving order.

Cases in
which Official
Receiver is
to be
assignee.

170. In every case of a composition or scheme in which an assignee is not appointed, or, if appointed, declines to act, or becomes incapable of acting, or is removed, the Official Receiver shall, unless and until another assignee is appointed by the creditors, be the assignee for the purpose of receiving and distributing the composition or for the purpose of administering the debtor's property, and carrying out the terms of the composition or scheme, as the case may be.

Security by
assignee
under com-
position or
scheme.
Form 96.

171. Where under a composition or scheme an assignee is appointed, he shall, after the composition or scheme has been approved by the Court, give security to the satisfaction of the Official Receiver in like manner as if he were an assignee in insolvency. If an assignee fails to give security within the time required he may be removed by the Official Receiver.

Non-payment
of composi-
tion.

172. Where a composition or scheme has been approved and default is made in any payment thereunder, either by the debtor or the assignee (if any), no action to enforce such payment shall lie, but the remedy of any person aggrieved shall be by application to the Court.

Vesting of
property on
annulment of
composition.

173. Where a composition or scheme is annulled, the property of the debtor shall, unless the Court otherwise directs, forthwith vest in the Official Receiver without any special order being made or necessary.

Annulment
of composi-
tion.

174. Where a composition or scheme is annulled the assignee under the composition or scheme shall account to the assignee in the insolvency for any money or property of the debtor which has come to his hands and pay or deliver over to the said assignee any money or property which has not been duly administered.

Dividends
under com-
position or
scheme.

175. Where under any composition or scheme provision is made for the payment of any moneys to creditors entitled

thereto, and any claim, in respect of which a proof has been lodged, is disputed, the Court may, if it thinks fit, direct that the amount which would be payable upon such claim, if established, shall be secured in such manner as the Court shall direct, until the determination of the claim so disputed; and on the determination thereof, the sum so secured shall be paid as the Court may direct.

176. Every person claiming to be a creditor under any composition or scheme, who has not proved his debt before the approval of such composition or scheme, shall lodge his proof with the assignee thereunder, if any, or, if there is no such assignee, with the Official Receiver, who shall admit or reject the same. And no creditor shall be entitled to enforce payment of any part of the sums payable under a composition or scheme unless and until he has proved his debt and his proof has been admitted.

Proof of debts in composition or scheme.

177. All rules relating to compositions or schemes shall apply to compositions or schemes under section 19 of the Ordinance and so far as applicable also to compositions or schemes under section 24 of the Ordinance.

Application of rules as to composition, etc.

STATEMENT OF AFFAIRS.

178. Every debtor shall be furnished by the Official Receiver with instructions for the preparation of his statement of affairs. The statement of affairs (which shall be made out in duplicate, and one copy of which shall be verified) shall be in the Form No. 39 in the Appendix, with such variations or additions as circumstances may require.

How made out. Form 39.

The Official Receiver shall file in Court the verified statement of affairs submitted to him by the debtor.

179. Where any debtor requires any extension of the time for the submitting by him of his statement of affairs, he shall apply to the Official Receiver, who may, if he thinks fit, give a written certificate extending such time, which certificate shall be filed, and shall render an application to the Court under section 17 of the Ordinance unnecessary.

Extension of time.

PROOF OF DEBTS.

180. A creditor's proof shall be in the Form No. 66 or 67 in the Appendix, with such variations as circumstances may require.

Form of proof. Forms 66 and 67.

Workmen's
wages.

181. In any case in which it shall appear from the debtor's statement of affairs that there are numerous claims for wages by workmen and others employed by the debtor, it shall be sufficient if one proof for all such claims is made either by the debtor or his foreman or some other person on behalf of all such creditors. Such proof shall be in the Form No. 68 in the Appendix and shall have annexed thereto, as forming part thereof, a schedule setting forth the names of the workmen and others and the amounts severally due to them. Any proof made in compliance with this rule shall have the same effect as if separate proofs had been made by each of the said workmen and others, but only one fee in respect thereof shall be paid as an ordinary proof.

Form 68.

Production
of bills of
exchange, etc.

182. Where a creditor seeks to prove in respect of a bill of exchange, promissory note or other negotiable instrument or security on which the debtor is liable, such bill of exchange, note, instrument or security must, subject to any special order of the Court to the contrary, be produced to the Official Receiver, chairman of a meeting or assignee, as the case may be, before the proof can be admitted either for voting or for dividend.

Time for
lodging proof.

183. (1) A proof intended to be used at the first meeting shall be lodged with the Official Receiver not later than four o'clock of the afternoon of the day before the day appointed for such meeting.

(2) A proof intended to be used at an adjournment of a first meeting (if not lodged in time for the first meeting) must be lodged not later than four o'clock of the afternoon of the day before the day fixed for holding the adjourned meeting.

Transmission
from Official
Receiver to
assignee.

184. When an assignee is appointed in any matter, all proofs of debts that have been received by the Official Receiver shall be handed over to the assignee, but the Official Receiver shall first make a list of such proofs, and take a receipt thereon from the assignee for such proofs.

Filing of
proof on
appeal.

185. The Official Receiver, or, as the case may be, the assignee, shall within three days after receiving notice from a creditor of his intention to appeal against a decision rejecting a proof, file such proof with the Registrar, with a memorandum thereon of his disallowance thereof. After the appeal has been heard by the Court, the proof, unless wholly disallowed, shall be given back to the Official Receiver or assignee, as the case may be.

186. Subject to the power of the Court to extend the time, the Official Receiver, as assignee, not later than fourteen days from the latest date specified in the notice of his intention to declare a dividend, as the time within which such proofs must be lodged, shall, in writing, either admit or reject wholly or in part every proof lodged with him or require further evidence in support thereof.

Time within which proofs to be dealt with by Official Receiver. Form 69.

187. Subject to the power of the Court to extend the time, the assignee, other than the Official Receiver, within twenty-eight days after receiving a proof which has not previously been dealt with by the Official Receiver, shall, in writing, either admit or reject it wholly or in part, or require further evidence in support thereof:

Or by assignee. Form 69.

Provided that where the assignee has given notice of his intention to declare a dividend he shall within seven days after the date mentioned in such notice as the latest date up to which proofs must be lodged, examine and in writing admit or reject every proof which has not been already admitted or rejected, and give notice of his decision rejecting a proof wholly or in part to the creditor affected thereby.

188. Where a creditor's proof has been admitted the notice of dividend shall be sufficient notification to such creditor of such admission.

Effect of notice of dividend.

189. Subject to the power of the Court to extend the time, no application to reverse or vary the decision of the Official Receiver or assignee in rejecting a proof shall be entertained after the expiration of twenty-one days from the date of notice of the decision complained of.

Appeal from rejection of proof.

190. The Official Receiver shall in no case be personally liable for costs in relation to an appeal from his decision rejecting any proof wholly or in part.

Costs of appeals from decisions as to proofs.

DIVIDENDS.

191. (1) Not more than two months and not less than twenty-one days before declaring a dividend, the Official Receiver or assignee shall give notice of his intention to do so by publishing a notice thereof. Such notice shall specify the latest date up to which proofs must be lodged, which shall not be less than fourteen days from the date of such notice.

Notice of intended dividend.

(2) Where any creditor after the date mentioned in the notice of intention to declare a dividend, as the latest date upon

which proof may be lodged, appeals against the decision of the Official Receiver or assignee rejecting a proof, such appeal shall, subject to the power of the Court to extend the time in special cases, be commenced, and notice thereof given to the Official Receiver or assignee within seven days from the date of the notice of the decision against which the appeal is made, and the Official Receiver or assignee shall in such case make provision for the dividend upon such proof, and the probable costs of such appeal in the event of the proof being admitted. Where no appeal has been commenced within the time specified in this rule, the assignee shall exclude all proofs which have been rejected from participation in the dividend.

Declaration
of dividend.

(3) Immediately after the expiration of the time fixed by this rule for appealing against the decision of the assignee he shall proceed to declare a dividend, and shall publish a notice thereof.

Forms 103,
104 and 107.

(4) The notices shall be in the Forms Nos. 103, 104 and 107 in the Appendix, with such variations as circumstances may require.

(5) If it becomes necessary in the opinion of the assignee and the committee of inspection to postpone the declaration of the dividend beyond the prescribed limit of two months, the assignee shall publish fresh notice of his intention to declare a dividend, and the same procedure shall follow the fresh notice as would have followed the original notice.

Production
of bills,
notes, etc.
Cap. 338.

192. Subject to the provisions of section 71 of the Bills of Exchange Ordinance, and subject to the power of the Court in any case on special grounds to order production to be dispensed with, every bill of exchange, promissory note, or other negotiable instrument or security, upon which proofs have been made, shall be exhibited to the assignee before payment of dividend thereon, and the amount of dividend paid shall be endorsed on the instrument.

Dividend
may be sent
by post.

193. The amount of the dividend may, at the request and risk of the creditor, be transmitted to him by post.

DISCHARGE.

Application.

194. (1) An insolvent intending to apply for his discharge under section 29 of the Ordinance shall file his application with the Registrar who shall, not less than twenty-eight days before the day appointed for the hearing of the application, give notice of the time and place of hearing the application to the Official Receiver and assignee, and publish a notice of the time

Form 51.

and place appointed for the hearing twenty-one days before the day appointed. Such notice shall be in the Form No. 52 in the Appendix. Form 52.

(2) Notice of the day for hearing the debtor's application shall be sent by post by the Official Receiver to each creditor who has proved or his attorney to the address given in his proof not less than fourteen days before the day so appointed. The prescribed fee for such notice shall be paid by the debtor. Form 148 (3)

(3) The prescribed fees in respect of an application for discharge shall be paid by the applicant.

195. An appeal to the Full Court shall lie at the instance of the assignee, if any, from any order of the Court made upon an application for discharge. Appeal.

196. In every case of an application by an insolvent for his discharge, the report of the Official Receiver shall be filed not less than seven days before the time fixed for hearing the application. Report of
Official
Receiver.

197. Where an insolvent intends to dispute any statement with regard to his conduct and affairs contained in the Official Receiver's report, he shall, not less than two days before the hearing of the application for discharge, give notice in writing to the Official Receiver, specifying the statements in the report which he proposes at the hearing to dispute. Any creditor who intends to oppose the discharge of an insolvent on grounds other than those mentioned in the Official Receiver's report, shall give notice of the intended opposition stating the grounds thereof to the Official Receiver not less than two days before the hearing of the application. Evidence in
answer to
report.

Opposition
by creditor.

198. An insolvent shall not be entitled to have any of the costs of or incidental to his application for his discharge allowed to him out of his estate. Costs of
application.

199. (1) Where the Court grants an order of discharge conditionally upon the insolvent consenting to judgment being entered against him by the Official Receiver or assignee for the balance or any part of the balance of the debts provable under the insolvency which is not satisfied at the date of his discharge, the order of discharge shall not be signed, completed or delivered out until the insolvent has given the required consent in the Form No. 58 in the Appendix. Conditional
orders.

Form 58.

(2) On such consent being filed the Court shall give judgment in terms of such consent.

(3) If the insolvent does not give the required consent within one month from the making of the conditional order the Court may, on the application of the Official Receiver or assignee, revoke the order or make such other order as the Court may think fit.

Order.
Delivery of
order.

200. The order of the Court made on an application for discharge shall be dated the day on which it is made, and shall take effect on and from the day of its date; but such order shall not be delivered out or gazetted until after the expiration of the time allowed for appeal, or, if an appeal be entered, until after the decision of the Full Court thereon. The order shall be in one of the Forms Nos. 53, 54, 55, 56 and 57 in the Appendix as the case may require.

Forms 53
to 57.

Gazetting
order.

201. When the time for appeal has expired, or as the case may be, when the appeal has been decided by the Full Court, the Registrar shall forthwith publish the order in the Gazette.

Form 146.

The notice may be in Form No. 146 in the Appendix, with such variations as circumstances may require.

Execution on
judgment in
case of
conditional
discharge.

202. An application by the Official Receiver or assignee for leave to issue execution on a judgment given pursuant to a conditional order of discharge shall be in writing, and shall state shortly the grounds on which the application is made. When the application is lodged, the Registrar shall fix a day for the hearing.

The party applying shall give notice of the application to the debtor not less than eight days before the day appointed for the hearing, and shall at the same time furnish him with a copy of the application.

Accounts of
after-acquired
property.

203. Where an insolvent is discharged subject to the condition that judgment shall be entered against him, or subject to any other condition as to his future earnings or after-acquired property, it shall be his duty, until such judgment or condition is satisfied, from time to time to give the Official Receiver such information as he may require in respect to his earnings and after-acquired property and income and not less than once a year to file in Court a statement showing the particulars of any property or income he may have acquired subsequent to his discharge.

204. Any statement of after-acquired property or income filed by an insolvent whose discharge has been granted subject to conditions shall be verified by affidavit, and the Official Receiver or assignee, may require the insolvent to attend before the Court to be examined on oath with reference to the statements contained in such affidavit or as to his earnings, income, after-acquired property or dealings. Where an insolvent neglects to file such affidavit or to attend the Court for examination when required so to do or properly to answer all such questions as the Court may put or allow to be put to him, the Court may, on the application of the Official Receiver or assignee, rescind the order of discharge. The affidavit shall be in the Form No. 59 in the Appendix, with such variations as circumstances may require.

Verification of statements of after-acquired property.

Form 59.

205. Where after the expiration of two years from the date of any order made upon an insolvent's application for a discharge, the insolvent applies to the Court to modify the terms of the order on the ground that there is no reasonable probability of his being in a position to comply with the terms of such order, he shall give fourteen days' notice of the day fixed for the hearing of the application to the Official Receiver and to all his creditors.

Application for modification of order.

PROXIES AND VOTING LETTERS.

206. (1) A general proxy shall be in Form No. 70, a special proxy shall be in Form No. 71, and a voting letter under section 19 subsection (4) of the Ordinance shall be in Form No. 72 in the Appendix, with such variations as circumstances may require.

Form and filing of proxies. Forms 70, 71 and 72.

(2) A proxy shall be lodged with the Official Receiver or assignee not later than four o'clock on the day before the meeting or adjourned meeting at which it is to be used.

(3) As soon as a proxy or voting letter has been used it shall be filed with the proceedings in the matter.

207. A proxy given by a creditor shall be signed by such creditor or his duly constituted attorney only.

Signature of proxy.

208. The proxy of a creditor blind or incapable of writing may be accepted if such creditor has attached his signature or mark thereto in the presence of a witness who shall add to his signature his description and residence, and, provided that all

Filing in when creditor blind.

insertions in the proxy are in the handwriting of the witness and such witness shall have certified at the foot of the proxy that all such insertions have been made by him at the request of the creditor and in his presence before he attached his signature or mark.

Minors not
to be proxies.

209. No person shall be appointed a general or special proxy who is a minor.

MEETINGS OF CREDITORS.

Notice to
debtor.

210. (1) The Official Receiver shall give three days' notice to the debtor of the time and place appointed for the first meeting of creditors. The notice, which shall be in Form No. 81 in the Appendix, may be either delivered to him personally or sent to him by prepaid post letter, as may be convenient.

Form 81.

It shall nevertheless be the duty of the debtor to attend such first meeting, although the notice is not sent to or does not reach him.

(2) A notice to attend subsequent meetings may be in the like form, with such variations as circumstances may require.

Notice of
first meeting.
Forms 73 to
76.

211. The Official Receiver shall fix the day for the first meeting, and shall forthwith publish notice thereof. The notice shall be in one of the Forms Nos. 73, 74, 75 and 76 in the Appendix, with such variations as circumstances may require.

Form and
length of
notice.
Form 88.

212. The notices of subsequent meetings to be published by the Official Receiver or assignee may be in the Form No. 88 in the Appendix, with such variations as circumstances may require. Where no special time is prescribed the notices shall be published not less than three days before the day appointed for the meeting.

Notice to
Official
Receiver
of creditors'
meeting.

213. Where an assignee summons a meeting of creditors, he shall send to the Official Receiver a copy of the notice convening the meeting.

Cost of
calling
meeting.

214. The costs of summoning a meeting of creditors at their request shall be paid by the persons at whose instance it is summoned, to be repaid to them out of the estate if the creditors or the Court shall so direct.

Copy of
resolution to
be filed.

215. The assignee shall send to the Registrar, and when the Official Receiver is not assignee to the Official Receiver, a copy, certified by him, of every resolution of a meeting of creditors.

216. Where a meeting of creditors is adjourned the adjourned meeting shall be held at the same place as the original place of meeting, unless in the resolution for adjournment another place is specified. Adjournment.

217. In calculation a quorum of creditors present at a meeting, those persons only who are entitled to vote at the meeting shall be reckoned. Quorum.
Form 83.

PROCEEDINGS BY COMPANY OR CO-PARTNERSHIP.

218. An insolvency petition against, or insolvency notice to, any debtor to any company or co-partnership duly authorised to sue and be sued in the name of a public officer or agent of such company or co-partnership, may be presented by or sued out by such public officer or agent as the nominal petitioner for and on behalf of such company or co-partnership, on such public officer or agent filing an affidavit stating that he is such public officer or agent, and that he is authorised to present or sue out such petition or notice. Public
officer or
agent of
company.

PROCEEDINGS BY OR AGAINST A FIRM.

219. Where any notice, declaration, petition or other document requiring attestation is signed by a firm of creditors or debtors in the firms name, the partner signing for the firm shall add also his own signature, e.g., "Brown & Co., by James Green, a partner in the said firm." Attestation
of firm's
signature.

220. Any notice or petition for which personal service is necessary shall be deemed to be duly served on all the members of a firm if it is served at the principal place of business of the firm in the Colony, on any one of the partners, or upon any person having at the time of service the control or management of the partnership business there. Service on
firm.

221. Where a firm of debtors file a declaration of inability to pay their debts or insolvency petition, the same shall contain the names in full of the individual partners, and if such declaration or petition is signed in the firm's name, the declaration or petition shall be accompanied by an affidavit made by one at least of the partners, setting forth the names of the partners and showing that they all concur in the filing of the declaration or petition. Debtor's
petition by
firm.

Receiving
order against
firm.

222. A receiving order made against a firm shall operate as if it were a receiving order made against each of the persons who at the date of the order is a partner in that firm.

Statement of
affairs.

223. In cases of partnerships the debtors shall submit a statement of their partnership affairs, and each debtor shall submit a statement of his separate affairs.

Adjudication
against
partners.

224. No order of adjudication shall be made against a firm in the firm's name, but it shall be made against the partners individually.

JOINT AND SEPARATE ESTATES.

First
meeting.

225. Where a receiving order is made against a firm, the joint and separate creditors shall collectively be convened to the first meeting of creditors.

Acceptance
of com-
position, etc.,
by joint and
separate
creditors.

226. The joint creditors, and each set of separate creditors, may severally accept compositions or schemes of arrangement. So far as circumstances will allow, a proposal accepted by joint creditors may be approved in the prescribed manner notwithstanding that the proposals or proposal of some or one of the debtors made to their or his separate creditors may not be accepted.

Voting on
composition.

227. Where proposals for compositions or schemes are made by a firm, and by the partners therein individually, the proposal made to the joint creditors, shall be considered and voted upon by them apart from every set of separate creditors; and the proposal made to each separate set of creditors shall be considered and voted upon by such separate set of creditors apart from all other creditors. Such proposals may vary in character and amount. Where a composition or scheme is approved, the receiving order shall be discharged only so far as it relates to the estate, the creditors of which have confirmed the composition or scheme.

Adjudication.

228. On the adjudication in insolvency of a partnership the assignee appointed by the joint creditors, or the Official Receiver being assignee as the case may be, under section 22 (5) or section 76 (3) of the Ordinance shall be the assignee of the separate estates. Each set of separate creditors may appoint its own committee of inspection; but if any set of separate creditors do not appoint a separate committee, the committee (if any) appointed by the joint creditors shall be deemed to have been appointed also by such separate creditors.

229. If any two or more of the members of a partnership constitute a separate and independent firm, the creditors of such last-mentioned firm shall be deemed to be a separate set of creditors, and to be on the same footing as the separate creditors of any individual member of the firm. And where any surplus shall arise upon the administration of the assets of such separate or independent firm, the same shall be carried over to the separate estates of the partners in such separate and independent firm according to their respective rights therein.

Separate firms.

230. Where joint and separate estates are being administered the remuneration of the assignee in respect of the administration of the joint estate may be fixed by the creditors, or (if duly authorised) by the committee of inspection of such joint estate, and the remuneration of the assignee in respect of the administration of any separate estate may be fixed by the creditors, or (if duly authorised) by the committee of inspection of such separate estate.

Apportionment of assignee's remuneration.

LUNATICS.

231. (1) Where it appears to the Court that any debtor or creditor or other person who may be affected by any proceeding under the Ordinance or rules is a lunatic (hereinafter called the lunatic), the Court may appoint such person as it may think fit to appear for, represent, or act for, and in the name of the lunatic, either generally, or in and for the purpose of any particular application or proceeding, or the exercise of any particular rights or powers which under the Ordinance and rules the lunatic might have exercised if he had been of sound mind. The appointment may be made by the Court either on an application made as hereinafter mentioned, or, if the Court thinks fit to do so, without any previous application.

Lunatics.

(2) An application to the Court to make an appointment under this rule may be made by any person who has been appointed by any Court having jurisdiction so to do, to manage the affairs or property of, or to represent, the lunatic, or by any relative or friend of the lunatic who may appear to the Court to be a proper person to make the application or by the Official Receiver.

(3) The application may be made *ex parte* and without notice, but in any case in which the Court shall think it desirable, the Court may require such notice of the application as it shall deem necessary to be given to the Official Receiver or assignee (if

any), or to the petitioning creditor, or to the person alleged to be a lunatic, or to any other person, and for that purpose may adjourn the hearing of the application.

(4) Where the application is made by some person other than the Official Receiver, it shall be supported by an affidavit of a duly registered medical practitioner as to the physical and mental condition of the lunatic. Where the application is made by the Official Receiver, it must be supported by a report of the Official Receiver, the contents of which shall be received as *prima facie* evidence of the facts therein stated.

(5) When a person has been appointed under this rule, any notice under the Ordinance and rules served on, or given to, such person shall have the same effect as if the notice had been served on or given to the lunatic.

ADMINISTRATION AND SALE OF PROPERTY.

Sales.

232. No property except where it is otherwise provided belonging to the estate of a debtor sold under the provisions of the Ordinance shall be sold except by public sale or public tender after notice published for three successive Saturdays.

Perishable goods.

233. Perishable goods including animals may be sold after notice published in a newspaper for four days and inserted in the Gazette at least one day before the day of sale.

Auction.

234. The official Receiver in whatsoever capacity acting or any of his clerks authorised by him may sell any property of an estate under his administration by public auction. If an assignee other than the Official Receiver desires to sell by public auction he must do so through a licensed auctioneer.

Immovable property.

235. Immovable property shall be appraised by one or more competent person or persons before being sold. The appraisal shall be verified by affidavit. The value so ascertained is hereafter referred to as the appraised value.

Not to be sold at under-value.

236. Except as otherwise provided no immovable property belonging to an estate administered under the Ordinance shall be sold for less than three-fourths of the appraised value unless with leave of the Court. If three-fourths of the appraised value cannot be obtained on the day of sale, application shall be made to the Court for directions, and the Court shall thereupon give such directions as the circumstances may require.

237. Immovable property of which the appraised value does not exceed \$500 may be sold for the highest price that can be obtained without applying to the Court for directions. Sale of small immovable property.

238. Where it is proposed to include in one sale property estimated to be worth \$5,000, or upwards, such property shall be appraised and the sale shall be subject to the same rules as the sale of immovable property. Large sales.

239. No opposition shall be entered to the transport of immovable property by the Official Receiver or assignee acting under the Ordinance. Opposition.

240. Where a plantation in cultivation forms part of the estate of a debtor the Official Receiver shall forthwith report the fact to the Court and state the following particulars so far as they can at the time be ascertained that is to say— Plantations.

(1) what amount if any is due to the Crown or Colony or the Immigration Fund;

(2) whether or not there are any mortgages on the plantation and if so the amounts secured by such mortgages, the names of the mortgagees, and whether they are resident or represented in the Colony;

(3) the amount required to be expended weekly for salaries, wages and supplies to maintain the plantation;

(4) whether or not there is likely to be a loss on working the plantation for the next three months and if so the probable amount;

(5) any other particulars that it may be desirable to bring to the notice of the Court in forming a judgment as to what immediate action should be taken.

241. The Court on receiving such report shall thereupon give such directions as the circumstances may require for the immediate maintenance of the plantation, and Interim directions.

(1) may authorise the Official Receiver, or assignee if any, forthwith to raise such amount to be specified as may be sufficient to pay all overdue wages which are preferent and as may be sufficient to maintain and carry on the plantation until further order of the Court for a period not exceeding in any case the next two months; and

(2) may order such reports to be furnished and such notices to be served as the circumstances may require.

Notice to be given.

242. The Court on receiving such report shall appoint a day within a period not exceeding twenty days from the date of receiving such report for hearing all persons interested as to the maintenance or sale of the plantation. Notice of the day appointed shall be published for at least seven days, and the Official Receiver shall, seven days before the day appointed, send by post a copy of the notice addressed to the Financial Secretary and to each mortgagee if resident in the Colony or his representatives if he be represented in the Colony, and if the debtor be in the Colony shall in like manner send a notice to the debtor.

Parties to be heard.

243. The Court on the day appointed shall hear all persons interested who desire to be heard, and after such hearing and after such adjournments as may be necessary and after receiving such further reports as the Court may order, shall give such directions as regards the maintenance and manner and time of sale of the plantation as the circumstances may require.

Receivers.

244. The Court, on and after the day so appointed shall appoint a receiver who shall, subject to these rules, manage and administer the plantation until sold and may require him to give security or may dispense with security:

Provided always that where there is a first mortgage the first mortgagee or his agent shall be appointed a receiver. Where there are several mortgages and the first mortgagee or his agent is unwilling to act, the first of the subsequent mortgagees or their agents in the order of the priority of the mortgages who is willing to act shall be entitled to be appointed if he so desire.

Removal and vacancies.

245. The Court may at any time remove any receiver for improper conduct or negligence or other good cause and may appoint a receiver in the place of any receiver who may die, leave the Colony, be removed or be unable to act.

Directions.

246. The Court after the day appointed for hearing the parties interested may from time to time give such directions as regards the maintenance or working of the plantation as the circumstances may require, and may authorise the Official Receiver or the receiver to raise such specified sums as may be necessary.

Preference.

247. All sums authorised by the Court to be raised on a plantation shall be a preferent claim on the proceeds realised

by the sale thereof after the expenses of the sale, and debts due to the Crown, the Colony, and the Immigration Fund have been paid in full.

248. When determining the time of sale of a plantation the Court shall have reference to the interests and rights of persons whether resident within or without the Colony who may be interested in the plantation, and the Court may direct that the notice of the sale of the plantation shall be advertised in such places and in such manner as the Court may deem expedient.

Time and mode of sale.

The Court shall also have reference to the probability of obtaining a fair price at the time fixed for the sale, and whether there be any probability of the plantation being worked so as to produce a profit.

249. The produce of a plantation unless bound by mortgage in consignment shall be sold by the receiver and the Court shall from time to time direct whether such produce shall be sold in the Colony or shipped for sale elsewhere.

Sale of produce.

250. The produce of a plantation sold in the Colony may be sold after notice published for five days.

Notice.

251. When the produce of a plantation is bound by mortgage in consignment the produce shall be consigned or go to the person to whom it is so bound, and the Court shall so far as may be practicable give effect to the covenants in the mortgage, provided the mortgagees make arrangements to the satisfaction of the Court for forthwith paying for the maintenance of the plantation, the net proceeds realised by the sales of such produce after deducting expenses and commissions so far as it shall be necessary to apply such net proceeds in maintaining the plantation and paying the creditors who are preferent to the mortgagee. In default of the mortgagee making arrangements for this purpose which are satisfactory to the Court, or in case the mortgagee having made any such arrangement refuses or neglects to carry it out the Court may make such order as to the sale of the produce as the circumstances may require.

Produce bound in consignment.

252. The receiver shall receive such remuneration as may be awarded by the Court.

Remuneration to receiver.

253. The terms "plantation in cultivation" and "plantation" in these rules mean a plantation on which there are 40 acres in cultivation or on which any immigrant is indentured.

Interpretation.

PART III.—SPECIAL PROCEDURES.

*Small Insolvencies.*Application
for order.

Form 37.

254. An application by the Official Receiver that the estate of a debtor may be ordered to be administered in a summary manner shall be in Form No. 37 in the Appendix, with such variations as circumstances may require.

Summary
administra-
tion.
Form 38.

255. Where an estate is ordered to be administered in a summary manner, under section 105 of the Ordinance, the provisions of the Ordinance and of these rules shall, subject to any special direction of the Court, be modified as follows, namely—

(1) There shall be no advertisement in any other paper than the Gazette.

(2) The title of every document in the proceedings subsequent to the making of an order for summary administration shall have inserted thereon the words "Summary case".

(3) If no proposal for a composition or scheme is lodged with the Official Receiver within the time specified for that purpose in section 19 of the Ordinance, or within such time thereafter as the Official Receiver may fix, or if the Official Receiver satisfies the Court that the debtor has absconded, or that the debtor does not intend to propose a composition or scheme, or that the composition or scheme proposed is not reasonable or calculated to benefit the general body of creditors, the Court may forthwith adjudge the debtor insolvent. A report by the Official Receiver under this paragraph shall be *prima facie* evidence of the facts stated therein.

(4) If during or at the conclusion of the public examination of the debtor it appears to the Court that a composition or scheme ought not to be sanctioned by reason of the conduct of the debtor, the Court may forthwith adjudge the debtor insolvent.

(5) Except for the purpose of confirming a composition or scheme there shall be only one meeting of creditors. The meeting may, where it seems expedient, be held on the day appointed for the public examination of the debtor. If a quorum of creditors be not present it shall not be necessary to adjourn the meeting and no further meeting need be held.

(6) The estate shall be realised with all reasonable despatch and, where practicable, distributed in a single dividend when realised. The time mentioned in section 55 (2) of the Ordinance shall be extended to six months.

(7) In lieu of the copy of the accounts to be filed with the Court as prescribed by section 80 (4) of the Ordinance, a statement showing the position of the estate analagous, as nearly as may be, to that prescribed by Form No. 106 in the Appendix shall be filed. Form 106.

(8) The costs or charges of any person employed by the Official Receiver other than of a solicitor may be paid and allowed without taxation, provided that the Court may require such costs or charges to be taxed by the taxing officer.

ADMINISTRATION OF ESTATE OF PERSON DYING INSOLVENT.

256. (1) A creditor's petition under section 108 of the Ordinance shall be in the Form No. 10 in the Appendix with such variations as circumstances may require, and shall be verified by affidavit. Form of
petition.
Form 10.

An Executor's petition may be, *mutatis mutandis*, in the same form.

(2) Every petitioner shall before filing his petition deposit with the Official Receiver the sum of ten dollars to cover any fees in respect thereof.

257. Where an administration order under section 108 of the Ordinance is made, such order shall be gazetted and advertised in the same manner in all respects as an order of adjudication is gazetted and advertised. Gazetting.

258. (1) The petition shall, unless the Court otherwise directs, be served on each executor who has acted under the will, or as the case may be on each person who has administered. The Court may also, if the Court thinks fit, order the petition to be served on any other person. Service.

(2) Service shall be proved in the same way as is provided in the case of an ordinary creditor's petition and the petition shall be heard in the like manner.

259. An administration order under section 108 of the Ordinance shall be in the Form No. 36 in the Appendix, with such variations as circumstances may require. Administra-
tion order.—
Form 36.

260. Where an administration order under section 108 of the Ordinance has been made it shall be the duty of the heir, executor or other person who has been administering the estate of the deceased debtor to lodge with the Official Receiver forthwith (in duplicate) an account of the dealings with, and Duties of
executor, etc.

administration of (if any), the deceased's estate by such heir, executor or other person as aforesaid, and such heir, executor or other person as aforesaid shall also furnish forthwith in duplicate a list of the creditors and a statement of the assets and liabilities, and such other particulars of the affairs of the deceased as may be required by the Official Receiver. Every account, list and statement to be made under this rule shall be made and verified by affidavit.

The expense of preparing, making, verifying and lodging any account, list, and statement under this rule shall, after being taxed, be allowed out of the estate.

Executor *de son tort*.

261. In any case in which an administration order under section 108 of the Ordinance has been made, and it appears to the Court, on the report of the Official Receiver, that no heir or executor exists, the account, list, and statement mentioned in the last preceding rule shall be made, verified and lodged by such person as in the opinion of the Court, upon such report may have taken upon himself the administration of, or may otherwise have intermeddled with, the property of the deceased, or any part thereof.

Rules as to administration of estate of deceased insolvent.

262. In proceedings under an order for the administration of the estate of a person dying insolvent, where a meeting of creditors is summoned for the appointment of an assignee,

(1) the provisions of the first schedule to the Ordinance, relating to the mode of summoning a meeting of creditors, and to the persons entitled to vote at a meeting;

(2) the provisions of the rules, which refer to creditors, meetings of creditors, assignees, and committees of inspection; and

(3) where the property is not likely to exceed in value the sum of one thousand dollars, the provisions of section 105 of the Ordinance;

shall, so far as applicable, apply as if the proceedings were under a receiving order and order of adjudication.

PART IV.—OFFICERS, ASSIGNEES, AUDIT, ETC.

Registrar's Books.

Books to be kept by Registrar. Forms 146 and 147.

263. The Registrar shall keep books according to the forms in the Appendix, and the particulars given under the different heads in such books shall be entered forthwith after the proceedings shall be had.

ACCOUNTS AND AUDIT.

264. The Official Receiver, until an assignee is appointed, and thereafter the assignee, shall keep a book to be called the "Record Book", in which he shall record all minutes, all proceedings had, and resolutions passed at any meeting of creditors, or of the committee of inspection, and all such matters as may be necessary to give a correct view of the administration of the estate, but he shall not be bound to insert in the record any document of a confidential nature, (such as the opinion of counsel on any matter affecting the interest of the creditors), nor need he exhibit such document to any person other than a member of the committee of inspection.

Record Book.

265. (1) The Official Receiver, until an assignee is appointed, and thereafter the assignee, shall keep a book to be called the "Cash Book" in which he shall (subject to the provisions of these rules as to trading accounts) enter from day to day the receipts and payments made by him.

Cash Book.

(2) The Official Receiver may keep one general cash book for all Insolvency matters in which he is or is acting as assignee, and shall also keep an account current showing the account of each estate of which he is or is acting as assignee in which account the several receipts and payments shall be entered in separate columns under appropriate heads so as to show an abstract of the receipts and payments in connection with each head, or such account may be kept in such other form as the Governor may prescribe.

266. The assignee shall submit the Record Book and Cash Book, together with any other requisite books and vouchers, to the committee of inspection (if any) when required, and not less than once every three months.

Books to be submitted to committee of inspection.

267. The committee of inspection shall not less than once every three months audit the Cash Book and certify therein under their hands the day on which the said book was audited. The certificate shall be in the Form No. 109 in the Appendix, with such variations as circumstances may require. If the Official Receiver is not the assignee and no committee of inspection has been appointed, the Official Receiver shall discharge the functions of a committee of inspection under this and the last preceding rules.

Audit of Cash Book. Form 109.

268. (1) Every assignee shall, at the expiration of six months from the date of the receiving order, and at the expiration of

Passing of accounts.

every succeeding six months thereafter until his release, transmit to the Registrar a duplicate copy of the Cash Book for such period together with the necessary vouchers and copies of the certificates of audit and his accounts for the preceding period as required by section 80 of the Ordinance. He shall also forward with the first accounts a summary of the debtor's statement of affairs showing thereon in red ink, the amounts realised, and explaining the cause of the non-realisation of such assets as may be unrealised.

(2) When the estate has been fully realised and distributed, or if the adjudication is annulled, the assignee shall forthwith send in his accounts to the Registrar although the six months may not have expired.

(3) The accounts sent in by the assignee shall be certified and verified by him according to the Form No. 110 in the Appendix.

Form 110.

Copy
accounts to
be filed.

269. When the assignee's account has been passed, the Registrar shall certify that the account has been duly passed, and shall file the duplicate copy of the same with the proceedings in the insolvency.

Affidavit of
no receipts.

270. Where an assignee has not since the date of his appointment or since the last audit of his accounts, as the case may be, received or paid any sum of money on account of the debtor's estate, he shall, at the period when he is required to transmit his estate account to the Registrar, forward to the Registrar an affidavit of no receipts or payments.

Proceedings
on resignation.

271. Upon an assignee resigning, or being released or removed from his office, he shall deliver over to the Official Receiver or, as the case may be, to the new assignee, all books kept by him, and all other books, documents, papers, and accounts in his possession relating to the office of assignee.

Joint and
separate
estates
accounts.

272. Where a receiving order has been made against debtors in partnership, distinct accounts shall be kept of the joint estate and of the separate estate or estates, and no transfer of a surplus from a separate estate to the joint estate on the ground that there are no creditors under such separate estate shall be made until notice of the intention to make such transfer has been gazetted and published in one newspaper.

Form 102.

Debtor's
books.

273. The Court may, on the application of the Official Receiver, direct in what manner the debtor's books of account, and other documents given up by him, or any of them, may be disposed of.

274. Where property forming part of a debtor's estate is sold by the trustee through an auctioneer or other agent, the gross proceeds of the sale shall be paid over by such auctioneer or agent and the charges and expenses connected with the sale shall afterwards be paid to such auctioneer or agent on the same being allowed by the taxing officer. Every trustee, by whom such auctioneer or agent is employed, shall be accountable for the proceeds of every such sale.

Expenses of sales.

275. In any case in which, under the provisions of section 63 of the Ordinance, a trustee makes an allowance to an insolvent out of his property, such allowance, unless the creditors by special resolution determine otherwise, shall be in money, and the amount allowed shall be duly entered in the trustee's accounts.

Allowance to debtor.

ASSIGNEES.

276. A certificate by the Official Receiver, certifying the appointment of an assignee, shall be in the Form No. 95 in the Appendix, with such variations as circumstances may require.

Form of certificate of appointment. Form 95.

277. When the appointment of an assignee is certified notice of his appointment shall forthwith be published by the Official Receiver. The assignee shall send a certificate to the Registrar to be filed. All expense of complying with this rule shall be borne by the assignee and may be charged by him to the estate.

Notice of appointment.

278. (1) Where the Official Receiver objects to the appointment of an assignee, or does not approve of the security proposed to be given by him, and is required by a majority in value of the creditors to notify the non-approval or objection to the Court, the requisition shall be in Form No. 94 in the Appendix, with such variations as circumstances may require. On receipt of such requisition the Official Receiver shall forthwith transmit a copy thereof to the Registrar, who shall fix a time for the hearing of the matter. At the hearing the person whose appointment or proposed security is objected to, and every creditor and the Official Receiver shall be entitled to be heard.

Notification of objection to Court.

Form 94.

(2) The Official Receiver may also with the copy of the requisition communicate to the Court the grounds of his non-approval or objection. Any report so made by the Official Receiver shall be *prima facie* evidence of the statements therein contained.

Removal of trustee.

279. It shall be a sufficient reason for refusing to certify the appointment of a person as assignee that in any other proceedings under the Ordinance such person has either been removed under section 75 (2) of the Ordinance from the office of assignee or has failed or neglected, without good cause shown by him, to render his accounts for audit for two months after the date by which the same should have been rendered.

Removal for failing to keep up security.

280. Where an assignee or special manager has given security in the prescribed manner but fails to keep up such security the Official Receiver may, if he thinks fit, remove him from his office.

Removal by Official Receiver.

281. Where an assignee is removed by the Official Receiver, notice of the order removing him shall at once be transmitted by the Official Receiver to the Registrar who shall file the notice with the proceedings in the matter.

The Official Receiver shall also cause a notice of the order to be published.

Notice of resignation. Form 93.

282. An assignee intending to resign his office shall call a meeting of creditors to consider whether his resignation shall be accepted or not, and shall give not less than seven days' notice of the meeting to the Official Receiver.

Rate of remuneration.

283. (1) The creditors, or as the case may be, the committee of inspection in voting the remuneration of the assignee, shall distinguish between the commission or percentage payable on the amount realised and the commission or percentage payable on the amount distributed in dividends.

(2) The rate of commission or percentage on the amount realised shall not exceed the rate on the amount distributed.

Limit of remuneration.

(3) Except as provided by the Ordinance or rules no assignee shall be entitled to receive out of the estate any remuneration for services rendered to the estate except the remuneration to which under the Ordinance and rules he is entitled as assignee.

Assignee carrying on business. Forms 112 and 113.

284. (1) Where the assignee carries on the business of the debtor, he shall keep a distinct account of the trading, and shall incorporate in the Cash Book the total weekly amount of the receipts and payments on such trading account.

Form 114.

(2) The trading account shall from time to time and not less than once in every month be verified by affidavit, and the

assignee shall thereupon submit such account to the committee of inspection (if any) or such member thereof as may be appointed by the committee for that purpose, who shall examine and certify the same.

285. An assignee before making application to the Court for his release, shall give notice of the application in the Form No. 121 in the Appendix to all the creditors of the debtor who have proved their debts and to the debtor and shall send with such notice a summary of his receipts and payments as assignee in the Form No. 106 of the Appendix:

Notice of application for release. Form 121. Form 106.

Provided that when such application is made upon the assignee ceasing to act by reason of a composition having been approved under section 24 of the Ordinance such notice and summary shall be sent to the debtor only.

286. Where the Court has granted to an assignee his release a notice of the order granting such release shall be gazetted. The assignee shall be required to pay the requisite fees which may be charged to the estate.

Gazette of release.

287. The release of an assignee shall not take effect unless and until he has delivered over to the Official Receiver all the books, papers, documents and accounts which by these rules he is required to deliver over on his release.

Delivery of books on release of assignee.

288. Where one-fourth in value of the creditors desire that a general meeting of the creditors may be summoned to consider the propriety of removing the assignee such meeting may be summoned by a member of the committee of inspection, or by the Official Receiver, on the deposit of a sum sufficient to defray the expenses of summoning such meeting.

Meeting to consider conduct of assignee.

289. Application by a committee of inspection for authority to the assignee to make his payments into and out of a bank shall be in the Form No. 119 in the Appendix, and the authority shall be in the Form 120 in the Appendix with such variations as circumstances may require.

Authority for account at local bank. Forms 119 and 120.

290. Where an assignee desires to apply to the Court for directions in any matter he may file an application in the Form No. 97 in the Appendix. The Court shall then hear the application or fix a day for hearing it and direct the assignee to apply by motion.

Application for directions. Forms 97 and 98.

Creditor may obtain copy of an assignee's account.

291. Any creditor who has proved his debt may apply to the assignee for a copy of the accounts (or any part thereof) relating to the estate, as shown by the Cash Book up to date and on paying for the same at the rate of 25 cents per page he shall be entitled to have such copy accordingly.

Statements of accounts to be furnished to creditors. Form 115.

292. Where in pursuance of section 81 (2) of the Ordinance the Official Receiver or assignee is required to transmit to creditors a statement of the accounts such statement shall be in the Form No. 115 in the Appendix with such variations as circumstances may require; and the cost of furnishing and transmitting such statement shall be calculated at the rate of 25 cents for each page of such statement.

Dealings with estate.

293. Neither the assignee nor any member of the committee of inspection of an estate shall, while acting as assignee or members of such committee, except by leave of the Court, either directly or indirectly, by himself or any partner, clerk, agent or servant, become purchaser of any part of the estate. Any such purchase made contrary to the provisions of this rule, may be set aside by the Court, on the application of the Official Receiver or any creditor.

Assignee not to purchase from his employer or partner without Court's sanction.

294. (1) Where the assignee carries on the business of the debtor, he shall not, without the express sanction of the Court, purchase goods for the carrying on of such business from himself, his employer (if any), or from any person whose connection with the assignee is of such a nature as would result in the assignee obtaining any portion of profit (if any) arising out of the transaction.

(2) In any case in which the sanction of the Court is obtained under this rule or the next rule the cost of obtaining such sanction shall be borne by the person in whose interest such sanction is obtained, and shall not be payable out of the debtor's estate.

Committee of inspection

295. No member of a committee of inspection of an estate shall, except under and with the sanction of the Court, directly or indirectly by himself, or any employer, partner, clerk, agent or servant, be entitled to derive any profit from any transaction arising out of the insolvency, or to receive out of the estate any payment for services rendered by him in connection with the administration of the estate, or for any goods supplied by him to the assignee for or on account of the estate. If it appears on the examination and passing of the assignee's account that any profit or payment has been made contrary to the provisions

of this rule such payment shall be disallowed and such profit surcharged against the assignee as a receipt on account of the estate.

296. Where the sanction of the Court under the last preceding rule to a payment to a member of a committee of inspection for services rendered by him in connection with the administration of the estate is obtained, the order of the Court shall specify the nature of the services, and shall only be given where the service performed is of a special nature. No payment shall, under any circumstances, be allowed to a member of a committee for service rendered by him in the discharge of the duties attaching to his office as a member of such committee.

Sanction of payments to members of committee of inspection.

297. (1) Where a debtor is adjudged insolvent, and an assignee is appointed, the Official Receiver shall forthwith put the assignee into possession of all property of the insolvent of which the Official Receiver may be possessed; provided that such assignee shall have, before the estate is handed over to him by the Official Receiver, discharged any balance due to the Official Receiver on account of fees, costs, and charges properly incurred by him and payable under the Ordinance, and on account of all advances properly made by him in respect of the estate, together with interest on such advances at the rate of six dollars *per centum per annum*, and shall have discharged or undertaken to discharge all guarantees which have been properly given by the Official Receiver for the benefit of the estate; and the assignee shall pay all fees, costs, and charges of the Official Receiver which may not have been discharged by the assignee before being put into possession of the property of the insolvent, and whether incurred before or after he has been put into such possession.

Discharge of costs, etc., before estate handed over to trustee.

(2) The Official Receiver shall be deemed to have a lien upon the estate until such balance shall have been paid, and such guarantees and other liabilities shall have been discharged.

(3) It shall be the duty of the Official Receiver, if so requested by the assignee, to communicate to the assignee all such information respecting the insolvent and his estate and affairs as may be necessary or conducive to the due discharge of the duties of the assignee.

298. Where the Official Receiver is of opinion that any act done by an assignee or any resolution passed by a committee of inspection should be brought to the notice of the creditors for the purpose of being reviewed or otherwise, he may summon

Meetings of creditors to consider conduct of assignee.

a meeting of creditors accordingly to consider the same and the expenses of summoning such meeting shall be paid by the assignee out of any available assets under his control.

DISCLAIMER OF LEASE.

Disclaimer
of lease
without
leave.

299. (1) A lease may be disclaimed without the leave of the Court in any of the following cases, namely—

(i) Where the insolvent has not sublet the demised premises or any part thereof or created any charge on the lease; and

(a) the rent reserved is less than one hundred dollars *per annum*; or

(b) the estate is administered under the provisions of section 105 of the Ordinance; or

(c) the assignee serves the lessor with notice of his intention to disclaim, and the lessor does not within seven days after the receipt of such notice give notice to the assignee requiring the matter to be brought before the Court.

(ii) Where the insolvent has sublet the demised premises or created a charge upon the lease and the assignee serves the lessor and the sub-lessee or mortgagee with notice of his intention to disclaim, and neither the lessor nor the sub-lessee or mortgagee or any of them within 14 days after the receipt of such notice require or requires the matter to be brought before the Court.

Form 101.

(2) The notices shall be in the Forms Nos. 99 and 100 in the Appendix with such variations as circumstances may require.

(3) Except as provided by this rule the disclaimer of a lease without the leave of the Court shall be void.

(4) Where an assignee disclaims a lease he shall forthwith file the disclaimer with the proceedings in Court, and the disclaimer shall contain particulars of the lease disclaimed and a statement of the persons to whom notice of disclaimer has been given. Until the disclaimer is filed by the assignee, the disclaimer shall be inoperative.

Forms 99
and 100.

(5) Where in pursuance of a notice by the assignee of his intention to disclaim a lease, the lessor, sub-lessee or mortgagee requires the assignee to apply to the Court for leave to disclaim, the costs of the lessor, sub-lessee or mortgagee shall not be allowed out of the estate of the insolvent except in cases in which the Court is satisfied that such application was necessary in order to do justice between the parties.

(6) A disclaimer made without leave of the Court under this rule shall not be void or otherwise affected on the ground only that the notice required by this rule has not been given to some person who claims to be interested in the demised property.

(7) Where any person claims to be interested in any part of the property of the insolvent burdened with onerous covenants, he shall, at the request of the Official Receiver or assignee furnish a statement of the interest so claimed by him.

OFFICIAL RECEIVER.

300. (1) As soon as the Official Receiver receives notice that he has been appointed to the receivership of an estate, he shall furnish the debtor with a copy of instructions for the preparation of his statement of affairs.

Duties as to
debtor's
statement
of affairs.

The instructions may be in Form No. 39 in the Appendix, with variations or additions as circumstances may require.

Form 39.

(2) The Official Receiver or some person deputed by him shall also forthwith hold a personal interview with the debtor for the purpose of investigating his affairs and determining whether the estate should be administered under section 105 of the Ordinance.

(3) It shall be the duty of the debtor to attend at such time and place as the Official Receiver may appoint.

(4) The debtor shall fill up and deliver to the Official Receiver the answers to the questions set out in Form No. 40 in the Appendix.

Form 40.

301. The Official Receiver while in the possession of the property of a debtor may make him such allowance out of his property for the support of himself and his family as may seem just. In fixing the amount of such allowance the assistance rendered by the debtor in the management of his business or affairs may be taken into account.

Subsistence
allowance to
debtor.

302. Whenever, under the powers given by section 68 of the Ordinance, the Official Receiver employs any person to assist the debtor in the preparation of his statement of affairs, he shall forthwith report the matter by letter to the Court, justifying his action therein and specifying the remuneration to be allowed to such person.

Special
report as to
person
employed to
assist debtor.

303. Where the Official Receiver who holds any proxy or proxies cannot conveniently attend any meeting of creditors, at which such proxy or proxies might be used, he may depute

Use of
proxies by
deputy.

some person under his control, to attend such meeting and use such proxies on his behalf and in such manner as he may direct.

Removal of
special
manager.

304. When the Official Receiver appoints a special manager he may at any time remove him if his employment seems unnecessary or unprofitable to the estate, and he shall remove him, if so required, by a special resolution of the creditors.

Mode of
application.

305. Applications by the Official Receiver may be made personally and without notice or other formality, but the Court may in any case order that an application be renewed in a formal manner and that such notice thereof be given to any person likely to be affected thereby as the Court may direct.

Evidence on
application
by Official
Receiver.

306. Where for the purposes of any application to the Court by the Official Receiver for directions, or to adjudge a debtor insolvent, or for leave to disclaim a lease, or for an extension of time to apply for leave to disclaim a lease, or for an order to take criminal proceedings against an insolvent or to commit an insolvent, it is necessary that evidence be given by him in support of such application such evidence may be given by a report of the Official Receiver to the Court, and need not be given by affidavit, and any such report of the Official Receiver shall be received by the Court as *prima facie* evidence of the matters reported upon.

Application
for directions.

307. In any case of doubt or difficulty or in any matter not provided for by the Ordinance or these rules relating to any proceeding in the Court the Official Receiver may apply to the Court for directions.

No assets.

308. Where a debtor, against whom a receiving order has been made, has no available assets the Official Receiver shall not be required to incur any expense in relation to his estate, unless the Court so direct or some creditor gives sufficient security for the payment of such expense.

Accounting
by Official
Receiver.

309. (1) Where a composition or scheme is sanctioned by the Court the Official Receiver shall account to the debtor or as the case may be to the assignee under the composition or scheme.

(2) Where a debtor is adjudged insolvent, and an assignee is appointed, the Official Receiver shall account to the assignee in the insolvency.

(3) If the debtor, or, as the case may be, the assignee is dissatisfied with the account or any part thereof, he may report the matter to the Court who shall make such order (if any) thereon as it may deem expedient.

310. The debtor shall, on the request of the Official Receiver, furnish him with trading and profit and loss accounts and a cash and goods account for such period not exceeding two years prior to the date of the receiving order as the Official Receiver shall specify:

Trading
account of
debtor.

Provided that the debtor shall, if ordered by the Court so to do, furnish such accounts as the Court may order for any longer period. If the debtor fails to comply with the requirements of this rule the Official Receiver shall report such failure to the Court and the Court shall take such action on such report as the Court shall think just.

311. The following provisions shall apply to every case in which proceedings are taken either by action, motion or in any other manner, against the Official Receiver in respect of anything done or default made by him, when acting, or in the *bona fide* and reasonable belief that he is acting, in pursuance of the Ordinance, or in execution of the powers given to him by the Ordinance—

Liability
for costs,
expenses and
damages.

(1) The costs, damages and expenses which the Official Receiver may have to pay or to which he may be put under such proceedings, shall be paid out of the estate of the debtor.

(2) If such proceedings are commenced before the appointment of an assignee by the creditors, or before the approval of a composition or scheme, the Official Receiver may, before putting the assignee appointed by the creditors or, in the case of a composition, the debtor himself into possession of the debtor's property retain the whole or some part of the debtor's estate to meet the damages, costs or expenses which the Official Receiver may have to pay or bear in consequence of the said proceedings. If such proceedings are commenced after the appointment of an assignee by the creditors or after approval of a composition or scheme the Official Receiver shall forthwith give notice to the assignee or other person in whom the estate of the debtor may be vested (including where necessary the debtor himself) and the estate of the debtor shall, as from the date of such notice, be deemed to be charged with the payment of the said damages, costs and expenses.

PAYMENTS INTO AND OUT OF BANK.

Local bank.

312. Where the assignee is authorised to have an account at a bank, he shall forthwith pay all moneys received by him to the credit of the estate:

Provided always the proceeds of sale of any plantation sold by an assignee shall be paid into the Insolvency Estates Account. All payments out shall be made by cheque payable to order, and every cheque shall have marked or written on the face of it the name of the estate, and shall be signed by the assignee, and countersigned by such one or more person or persons as the creditors or the committee of inspection may appoint.

SECURITY BY ASSIGNEE OR SPECIAL MANAGER.

Standing security to Official Receiver.

313. In the case of an assignee or special manager the following rules as to the security shall be observed, namely—

(1) The security shall be given to the Official Receiver or such person or persons and in such manner as he may from time to time direct.

(2) It shall not be necessary that security shall be given in each separate matter; but security may be given either specially in a particular matter or generally to be available for any matter in which the person giving security may be appointed either as assignee or special manager.

(3) The Official Receiver shall fix the amount and nature of such security, and may from time to time as he thinks fit either increase or diminish the amount of special or general security which any person has given.

SPECIAL MANAGER.

Rate of payment.

314. Where a special manager is appointed and his remuneration is not fixed by the creditors, he shall be paid according to such scale as may from time to time be fixed by the Official Receiver.

Accounts.

315. Every special manager shall account to the Official Receiver, and such special manager's accounts shall be verified by affidavit in the prescribed form, and, when approved by the Official Receiver, the totals of the receipts and payments shall be added to the Official Receiver's accounts.

Form 90.

UNCLAIMED FUNDS, ETC., UNDER SECTION 128.

Application for payment out by party entitled.

316. An application under section 128 of the Ordinance, for payment out of the Insolvent Estates Account of any sum to which any person claims to be entitled shall be made by petition

and shall be supported by the affidavit of the claimant, and such further evidence as the Governor in Council may require.

GENERAL RULES AS TO ADMINISTRATION ORDERS.

317. A debtor desiring to obtain an administration order under section 106 of the Ordinance shall file with the Registrar a request in writing according to the Form No. 149 in the Appendix hereto.

Request for order.

Form 149.

When the debtor is illiterate and unable to fill up such request the Administrator General shall fill up the same from the information given by such debtor.

318. On the filing of such request no creditor to whom the applicant is indebted in respect of any debt, and to whom notice of the filing of such request is given, shall proceed with any action or execution against the property or person of such applicant except with the leave of the Court and on such terms as the Court may impose:

Stay of proceedings.

Provided, however, that if the order is not made the creditor shall have the right to proceed.

319. (1) The debtor shall state in his request whether he proposes to pay his creditors in full, or whether he proposes to pay a composition. In the latter case he shall further state the amount in the dollar he proposes to pay, and in either case the amount of the monthly or other instalments by which he proposes to pay.

Contents of request.

(2) The debtor shall set out in a list attached to his request the names, addresses and descriptions of all his creditors, including all secured creditors, and all creditors having power to distrain for rent, rates and taxes.

(3) The debtor shall attach to his request and statement an affidavit deposing that, to the best of his knowledge, information and belief, the names of all his creditors, and the true amounts of the debts due from him to them, are set out in the list attached to the request, and that the statements made by him in his request and statement are true.

320. Upon a request being filed the Registrar shall as soon as may be send a copy to the Official Receiver who shall thereupon send by post a notice according to the Form No. 151 in the Appendix hereto to all the creditors mentioned in the list of the day and hour when the debtor's application will be heard; such notice shall be sent by post five clear days before the day appointed for hearing the application.

Notice of request.

Form 151.

Form 150.

The Official Receiver shall also in like manner send notice to the debtor according to the Form No. 150 in the Appendix.

Objection
to debt set
out by
debtor.

321. Any creditor to whom the notice of the request has been sent, and who desires to object to any debt stated by the debtor shall send written notice thereof by post or otherwise to the Registrar as well as to the Official Receiver and to the debtor and creditor whose claim is objected to three clear days before the date fixed for the hearing of the request, and therein he shall state the grounds of his objection. Such notice may be sent by post. The Court may, if it sees fit, proceed to hear the objection although such notice has not been given.

Proceedings
on hearing of
request.

322. Upon the request coming on for hearing the course of proceedings shall be as follows—

(1) The debtor shall attend in person unless the Court otherwise directs.

(2) Any creditor, whether he has received a notice of the request or not, may attend the hearing thereof and prove his claim, and object to any debt.

(3) All claims set out in the list attached to the request shall be taken to be proved unless objected to by a creditor, or disallowed by the Court.

(4) All creditors whose debts are objected to either by the debtor or any other creditor shall prove their debts in like manner as upon the hearing of an ordinary issue, provided that the Court may in its discretion direct the proof of any debt to be adjourned upon any terms that it may think fit, and may thereupon either adjourn the further consideration of the application or proceed to determine the same, in which latter case such debt, if and when proved, shall be added to the schedule of proved debts.

(5) The debtor shall answer all questions put and allowed by the Court.

(6) Any creditor who has proved, and by leave of the Court any creditor the proof of whose debt has been adjourned, and with the like leave any other person on their behalf, shall be entitled to be heard and to adduce evidence.

(7) Where the debtor proposes to pay a composition no administration order other than for payment in full shall be made where the composition is dissented from by a majority in number and value of the creditors who have no power to distrain and who do not hold security.

(8) The dissent of the creditors may be given orally at the hearing or by written notice to the Registrar in Form No. 151 in the Appendix. Form 151.

(9) Where it appears that the conduct of the debtor has been such that, if the debtor were applying for the sanction of a composition or scheme under section 19 of the Ordinance the Court might refuse its sanction, the Court may refuse to make an administration order.

(10) No administration order shall be made under which payments shall be extended over a period of more than four years from the date of the order.

323. The administration order shall be in the Form No. 152 in the Appendix. Notice of the order shall be in Form No. 153 in the Appendix and shall be published by the Registrar. Proceedings
when order
made.
Forms 152
and 153.

324. Any creditor entitled to object under subsection (10) of section 106 of the Ordinance to any debt scheduled must give notice in writing to the Registrar of his objection and of the grounds thereof, and the Registrar shall thereupon name a day when such objection may be heard. An application to allow such objection shall be heard by the Court *ex parte* in the first instance, and the Court may dismiss such application, or it may direct the same to be renewed upon notice being given to such persons and upon such terms as to security for costs and otherwise as the Court may think fit. Objections
under sub-
section (10)
of section 106.

325. After an administration order has been made no creditor to whom notice of hearing of the request has been duly sent under rule 320 shall be entitled to object to any debt scheduled, or to the manner in which payment is directed to be made by the order, unless he proves to the satisfaction of the Court that such notice did not reach him and that he has not received reasonable notice of the proceedings in any other manner. Objections
after time.

No creditor shall be entitled to make any such objection after the expiration of two calendar months from the date of the order.

326. Any creditor desirous to prove a debt under subsection (11) of section 106 of the Ordinance shall send in his claim in writing to the Registrar, who shall thereupon send notice to the debtor of the same, according to the Form No. 157 in the Appendix. Proof under
subsection
(11) of
section 106.
Form 157.

Proceedings
if claim not
disputed.
Form 158.

327. If the debtor does not appear and dispute the claim within the period allowed by the notice, the claim shall be deemed to be proved, and shall be added to the schedule to the order accordingly, and notice of the addition shall be sent to both the creditor and to the person, if any, having the conduct of the order.

Proceedings
if claim dis-
puted.
Form 157.

328. If the debtor objects to the claim and gives notice of his objection in the Form No. 157 in the Appendix, the Registrar shall appoint a day for the hearing of the objection, and give notice of the time for hearing to both parties.

Conduct of
order.

329. If the Court thinks fit, or is so requested by the majority of the creditors present at the hearing of the request who may have proved, the Court may appoint any person to have the conduct of the order, and may at any time afterwards remove him.

It shall be the duty of any person so appointed to take all proper proceedings for enforcing the terms of the order, but in case of his neglect to proceed or of urgency any creditor may take such proceedings. The person having the conduct of the order shall pay the Official Receiver the prescribed fee in respect of the order out of the first moneys coming into his hands.

Judgment
summons to
enforce
order.
Cap. 42.
Forms 155
and 156.

330. A judgment summons to enforce an order shall be issued on payment of the prescribed fee and be served personally five clear days before the return day thereof, and all proceedings thereon shall be taken in like manner as if it were a judgment summons issued to enforce the Debtors Ordinance, except that the debtor must prove that he has not had the means to pay the sum in respect of which he has made default; and if thereupon the Court is satisfied that he has not had the means to pay the sum in respect of which he has made default, the Court may direct that the order of administration shall be deemed to have been suspended during the period covered by such default.

Rescission of
order.

331. Where an administration order has at any time heretofore been or shall hereafter be made, such order may at any time be set aside or rescinded by the Court in any of the following cases, namely—

(1) Where two or more of the instalments ordered to be paid are in arrear.

(2) Where the debtor has wilfully inserted in the list attached to his request the wrong name or address of any of his creditors or has wilfully omitted therefrom the name of any creditor.

(3) Where the debtor subsequent to the date of the order has obtained credit to the extent of \$10 or upwards without informing the creditor he has an administration order.

(4) Where the order has been obtained by fraud or misrepresentation.

(5) Where a receiving order has since the date of the administration order been made against the debtor.

332. (1) Where an order is set aside or rescinded under the last preceding rule, it shall be without prejudice to anything already done or suffered under the order. Effect of rescission.

(2) Any money paid into Court under the order may be dealt with as if the order had not been set aside or rescinded.

(3) Notice shall be published by the Registrar that the order has been set aside or rescinded.

333. Where it appears that the debtor is unable to pay any instalment, by reason of illness or other unavoidable misfortune, the Court may from time to time suspend the operation of the order for a term not exceeding three months, or make a new order for payment by instalments. Suspension of order.

334. Where the debtor has filed a request for an administration order, and the Court has refused to make the order, or when an order has been rescinded, the debtor shall not be allowed to file another request without first obtaining the leave of the Court. Second request.

335. When an order of committal is made upon the hearing of any judgment summons, and the execution of such order is suspended for a specified time to enable the debtor to pay the amount in respect of the non-payment of which such order was made, the order of the administration for payment shall be also suspended during such time. Suspension of order pending committal.

336. In calculating the amount in arrear under an order of administration any instalments accruing due during the period for which such order has been suspended shall not be reckoned in such amount. Calculation of arrears.

337. All persons scheduled as creditors under subsection (11) of section 106 of the Ordinance before the order of administra- Payment of debts *pari passu*.

tion is superseded under sub-section (12) of the said section shall rank *pari passu inter se*, subject to the priority given by subsection (11) to those creditors who are scheduled as having been creditors before the date of the order of administration, but no payment made to any such creditor by way of dividend or otherwise shall be disturbed by reason of any subsequent proof by any other creditor under subsection (11).

PART V.—MISCELLANEOUS.

Miscellaneous Matters.

Falsification
of documents.

338. Any person who knowingly falsifies or fraudulently alters any document in or incidental to any proceeding under the Ordinance or these rules shall be deemed to be guilty of contempt of Court, and shall be liable to be punished accordingly.

The penalty imposed by this rule shall be in addition to, and not in substitution for any other penalty, punishment, or proceeding to which such person may be liable.

No lien on
debtor's
books.

339. No person shall, as against the Official Receiver or assignee be entitled to withhold possession of the books of accounts belonging to the debtor or to set up any lien thereon.

Non-com-
pliance with
rules.

340. Non-compliance with any of these rules, or with any rule or practice for the time being in force, shall not render any proceeding void, unless the Court shall so direct, but such proceeding may be set aside, either wholly or in part, as irregular, or amended or otherwise dealt with in such manner and upon such terms as the Court may think fit.

Abridgment
or enlarge-
ment of time.

341. The Court may, under special circumstances and for good cause shown, extend, or abridge the time appointed by these rules or fixed by any order of the Court for doing any act or taking proceedings.

Saving for
existing laws,
etc.

342. When no other provision is made by the Ordinance or these rules the present law, procedure, and practice shall, in so far as applicable, remain in force. And save as provided by these rules or any rules amending them the Supreme Court Rules shall not apply to any proceedings in insolvency.

PART VI.—APPLICATIONS UNDER THE DEBTORS ORDINANCE.

Summons
under
Debtors
Ordinance.
Cap. 42.

343. All applications to commit to prison shall be made by summons (in these rules referred to as a judgment summons) before the Court which shall specify the date of the judgment or order, for non-payment of which the application is made

together with the amount due. The summons shall require the judgment debtor to appear and be examined on oath and shall be according to the Form No. 160 in the Appendix. The person issuing the summons shall prepare two or more copies of the summons one or more of which shall be sealed and issued for service.

Form 160.

344. (1) A judgment summons shall be served in the like manner as is by these rules prescribed for the service of a creditor's petition. The service shall be made at least four days before the day of hearing.

Service of
judgment
summons.

(2) The disobedience to any such judgment summons shall be deemed a contempt of Court and shall be punishable accordingly.

345. Where a judgment or order is against a firm or against a person who is carrying on business in any name other than his own, in such other name and the person entitled to enforce the judgment or order desires to do so by judgment summons against any person whom he alleges to be a partner in or the sole member of such firm or against the person whom he alleges to be carrying on business in such other name as aforesaid, he shall file an affidavit together with a copy thereof in the Form No. 162 in the Appendix and thereupon a judgment summons shall issue in the Form No. 161 in the Appendix directed to such person alleged to be such partner or sole member or to be carrying on business in such other name as aforesaid, and there shall be annexed to such judgment summons and served therewith a copy of the said affidavit sealed with the seal of the Court. And if such person alleged to be such partner or sole member or to be carrying on business in any other name as aforesaid shall not appear on the return day of such business in such judgment summons he shall be deemed to admit that he is a partner in or the sole member of such firm or that he does carry on business in such other name as aforesaid and to admit his liability to pay the amount due and payable under such judgment or order. But if such person shall appear and deny that he is a partner in or sole member of such firm or that he carries on business in such other name as aforesaid the judge may decide the fact on the evidence then before him or may direct an issue to be tried to determine the same.

Judgment
summons
where
judgment
against a
firm—

Form 162.

Form 161.

346. The hearing of a judgment summons may be adjourned from time to time.

Adjournment.

Witnesses
may be
summoned.

347. Witnesses may be summoned to prove the means of the judgment debtor in the same manner as is provided in the Rules of the Supreme Court, 1900.

Insolvent
not to be
committed.

348. Where a judgment debtor shall upon the return day of a judgment satisfy the judge that a receiving order has been made against him or that he has been adjudged insolvent and that the debt was provable in the insolvency or that an order has been made for the administration of his estate under section 106 of the Ordinance no order of commitment shall be made except in accordance with the provisions of the last mentioned section.

No commit-
ment where
adjudication
takes place
after order of
commitment.

349. Where, after the making of an order of commitment against a judgment debtor, a receiving order has been made against him or he has been adjudged an insolvent and the debt is provable in the insolvency or an order for the administration of his estate has been made under section 106 of the Ordinance the Registrar shall forthwith give notice thereof to the judgment creditor, and such order of commitment shall not issue but if issued and not executed it shall be recalled.

Discharge of
insolvent
judgment
debtor.
Form 164.

350. Where a judgment debtor has been arrested, in any such case as mentioned in the last preceding rule, the Registrar shall give a certificate for his discharge in the Form No. 164 in the Appendix, and upon receipt thereof by the person having the debtor in charge and thereupon the judgment debtor shall be discharged out of custody and the Registrar shall forthwith give notice to the judgment creditor of such discharge.

Order of
commitment.
Cap. 42.
Form 163.

351. An order of commitment made under the Debtors Ordinance shall be according to the Form No. 163 in the Appendix and shall bear date on the day on which the order for commitment was made but such order shall not be enforced after the expiration of one year from the date thereof unless at any time before or after the expiration of such year the judge shall otherwise order. The fact of the making of such latter order shall be endorsed on the order of commitment, according to the form in the Appendix.

Payment on
arrest.

352. When an order of commitment for non-payment of money is issued the defendant may, at any time before his body is delivered into the custody of the gaoler, pay to the marshal the amount endorsed on the order as that on the payment of which he may be discharged, and on receiving such amount the marshal shall discharge the defendant and shall within

twenty-four hours after receiving such amount pay over the same to the Registrar.

353. The sum endorsed on the order of commitment as that upon payment of which the prisoner may be discharged, may be paid into Court, or to the gaoler in whose custody the prisoner is. Where the payment is made to the Registrar, he shall sign and seal a certificate thereof, and upon receiving such certificate the gaoler in whose custody the prisoner shall then be, shall forthwith discharge such prisoner. And where the payment is made to the gaoler, he shall, upon payment to him of such amount together with costs sufficient to pay for transmitting such amount forthwith by post office order or otherwise to the Court, sign a certificate of such payment, and discharge the prisoner and such costs of transmission shall be part of the prescribed costs.

Payment in prison.

354. Upon the judgment creditor lodging with the Registrar a request in writing, according to the Form No. 166 in the Appendix, that the judgment debtor, if in prison, may be discharged from custody, the Registrar shall issue a notice according to the Form No. 167 in the Appendix, and transmit the same to the gaoler in whose custody the judgment debtor is, and the gaoler shall, on receipt of such notice, forthwith discharge the prisoner.

Discharge of prisoner on request of judgment creditor. Forms 166 and 167.

355. A certificate of payment by a prisoner shall be according to the Form No. 165 in the Appendix.

Certificate of payment. Form 165.

356. If a judgment debtor appears on the return day, but the judgment creditor fails to appear, the judge may award costs to the judgment debtor.

Costs on default of appearance of judgment creditor.

357. Costs incurred in endeavouring to enforce a judgment or order by way of execution against the goods, and not recovered under such execution, shall not be included in the amount due under such judgment or order for the purposes of a judgment summons, nor shall money paid into Court otherwise than under execution against goods be attributed to payment of such costs.

Costs on abortive execution not to be included in judgment summons.

358. If the judgment creditor or any person on his behalf receive any part of the debt instalment or costs in respect of which the order of committal has been made after the warrant of committal has issued such warrant shall not be executed by the marshal except by leave of the Court, which leave may be obtained by an *ex parte* application to the Court.

Receipt of part of debt after warrant has issued.

APPENDIX OF FORMS.

NOTE.—The notes appended to these Forms are not part of the Forms themselves, but are for the guidance of parties using the forms. In all forms requiring verification, the deponent may, at his option, substitute a statutory declaration for an oath.

Rule 7.

FORM No. 1.
GENERAL TITLE.

BRITISH GUIANA.
In the Supreme Court.
In Insolvency.
Re (James Brown).

No.....of 19.....

(*Ex parte* here insert "the Debtor," or "*J.S.*, a creditor," or the "Official Receiver," or the "Assignee.")

Rule 101.

No. 2.
DECLARATION OF INABILITY TO PAY.
(Title.)

I, *A.B.* (name and description of debtor), residing at (and carrying on business at)....., hereby declare that I am unable to pay my debts.

I believe my estate will realise more (or less as the case may be) than the sum of \$1,500.

Dated this.....day of.....19.....

(*Signature*) *A.B.*

Signed by the debtor in my presence.

Signature of Witness.....

Address.....

Description.....

Filed the.....day of.....19.....

NOTE.—Where the debtor resides at a place other than his place of business both addresses should be inserted.

Rule 109.

No. 3.
DEBTOR'S PETITION.
(Title.)

I, (name, address, and description of debtor) residing at (or carrying on business at).....and being unable to pay my debts, hereby petition the Court that a receiving order be made in respect of my estate (and that I be adjudged Insolvent).

I believe my estate will realise more (or less as the case may be) than the sum of \$1,500.

(*Signed*).....

Dated this.....day of.....19.....

Signed by the debtor in my presence.

Signature of Witness.....

Address.....

Description.....

Filed the.....day of.....19.....

NOTE.—Where the debtor resides at a place other than his place of business both addresses should be inserted.

No. 4.

Rule 103.

REQUEST FOR ISSUE OF INSOLVENCY NOTICE.

In the Supreme Court.
In Insolvency.

1. I, *C.D.*, of....., hereby request that an Insolvency Notice be issued by this Court against (here insert name, address, and description of judgment debtor).

2. The said *A.B.* resides at (or carries on business at) in this Colony, or has immovable property in this Colony (or as the case may be).

3. I produce an office copy (hereto annexed) of a final judgment against the said *A.B.* obtained by (me) in the.....Court on this.....day of.....19.....

4. Execution on said judgment has not been stayed.

Dated this.....day of.....19.....

(Signed) *C.D.*, judgment creditor, or
E.F., solicitor for the
judgment creditor.

NOTE.—Where the debtor resides at a place other than his place of business both addresses should be inserted.

No. 5.

Rule 102.

INSOLVENCY NOTICE.

(Title.)

To *A.B.* (or *A.B.* & Co.) of.....

Take notice that within (seven) days after service of this notice on you excluding the day of service, you must pay to *C.D.*, of..... the sum of \$.....claimed by him as being the amount due on a final judgment obtained by him against you in the.....Court, dated the.....day of.....19.....; whereon execution has not been stayed or you must secure or compound for the said sum to (his) satisfaction or the satisfaction of the Court, or you must satisfy the Court that you have a counter-claim, set-off, or cross-demand against *C.D.*, which equals or exceeds the sum claimed by him, and which you could not set up in the action in which the judgment was obtained.

By the Court,

(Signed).....

Registrar.

Dated this.....day of.....19.....

ENDORSEMENT ON NOTICE.

You are specially to note—

That the consequences of not complying with the requisitions of this notice are that you will have committed an act of insolvency, on which insolvency proceedings may be taken against you.

If, however, you have a counter-claim, set-off, or cross-demand which equals or exceeds the amount claimed by *C.D.* in respect of the judgment, and which you could not set up in the action in which the judgment was obtained you must within.....days apply to the Court to set aside this notice, by filing with the Registrar an affidavit to the above effect.

Name and address of the solicitor suing out the notice or

This notice is sued out by (*C.D.*) in person.

Rule 107.

No. 6.

AFFIDAVIT OF SERVICE OF INSOLVENCY NOTICE.

(Title.)

In the matter of an insolvency notice, issued.....

I, *L.M.*, of....., make oath and say—

1. That I did, on the.....day of.....19....., serve the above-mentioned *A.B.* with a copy of the above-mentioned notice, duly sealed with the seal of the Court by delivering the same personally to the said *A.B.* at (place) before the hour of.....in the.....noon.

2. A sealed copy of the said notice marked A is hereunto annexed.

Sworn at, etc.

(Signed) *L.M.*

NOTE.—If the service is effected on one partner on behalf of his firm, the affidavit must after the word “at” contain the words “being the principal place of business of the said.....”

Rule 104 (2).

No. 7.

AFFIDAVIT ON APPLICATION TO SET ASIDE INSOLVENCY NOTICE.

(Title.)

I, *A.B.* of.....make oath and say—

1. That I was, on the.....day of.....19....., served with the insolvency notice hereunto annexed (or, describe the notice).

That I have satisfied the judgment debt claimed by *C.D.* by (state nature of satisfaction).

or,

2. That I have a counter-claim (or set-off or cross-demand) for \$.....being equal to (or exceeding) the claim of the said *C.D.* in respect of (here state grounds of counter-claim).

3. That I could not have set up the said counter-claim (or as the case may be) in the action in which the said judgment was obtained against me.

Sworn, etc.

Rule 108.

No. 8.

ORDER SETTING ASIDE INSOLVENCY NOTICE.

(Title.)

In the matter of an Insolvency Notice issued—

Upon the application of *A.B.* to set aside this notice, and upon reading the affidavit of *A.B.* and upon hearing *C.D.* (if present), it is ordered that this notice be set aside, and that *C.D.* (or as the case may be) pay to *A.B.* the sum of \$.....for costs (or, the costs of this matter).

By the Court,

(Signed).....

Registrar.

Dated this.....day of.....19.....

Or,

(Title.)

In the matter of an Insolvency Notice issued—

Upon the application of *A.B.* to set aside this notice, and upon reading.....and hearing....., and upon

the said *A.B.* having entered into a bond in the penal sum of the (amount of the alleged debt and probable costs or such other sum as the Court may direct), with such two sufficient sureties as the Court (or *C.D.*) has approved (or having deposited in Court the sum of \$.....), as security for the amount claimed by the notice, the condition of the bond (or deposit) being (here insert condition), it is ordered, etc.

By the Court,

(Signed).....

Registrar.

Dated this day of 19.....

No. 9.

Rule 109.

CREDITOR'S PETITION.

(Title.)

I, *C.D.*, of.....(or we, *C.D.*, of....., and *E.F.*, of.....) hereby petition the Court that a receiving order be made in respect of the estate of (here insert name, address and description of debtor) and say—

1. That the said *A.B.* resides is domiciled in this Colony, or has immovable property in this Colony, or within a year before the presentation of this petition has ordinarily resided (or had a dwelling house or place of business in the Colony).

2. That the said *A.B.* is truly and justly indebted to me (or us in the aggregate) in the sum of \$.....(set out amount of debt or debts, and the consideration).

3. That I (or we) do not, nor does any person on my (or our) behalf hold any security on the said debtor's estate, or on any part thereof, for the payment of the said sum.

Or,

That I hold security for the payment of (or part of) the said sum (but that I will give up such security for the benefit of the creditors of *A.B.* in the event of his being adjudged insolvent (or and I estimate the value of such security at the sum of \$.....).

Or,

That I, *C.D.*, one of your petitioners, hold security for the payment of, etc.

That I, *E.F.*, another of your petitioners, hold security for the payment of, etc.

4. That *A.B.*, within three months before the date of the presentation of this petition has committed the following act or (acts) of insolvency, namely (here set out separately the acts of Insolvency).

5. That the estate of the said *A.B.* will probably realise a sum more (or less as the case may be) than \$1,500.

Dated this day of 19.....

(Signed) *C.D.*
E.F.

Signed by the petitioner in my presence—

Signature of witness.....

Address

Description.

NOTE.—If there be more than one petitioner, and they do not sign together, the signature of each must be separately attested, e.g., "Signed by the petitioner, E.F. in my presence." If the petition be signed by a firm, the partner signing should also add his own signature, e.g., "A. S. & Co. by J.S., a partner in the said firm." If the debtor resides at any place other than the place where he carries on business both addresses should be inserted.

ENDORSEMENT.

This petition having been presented to the Court on the..... day of.....19....., it is ordered that this petition shall be heard at.....on the.....day of.....19....., at.....o'clock in the.....noon.

And you, the said A.B., are to take notice that if you intend to dispute the truth of any of the statements contained in the petition you must file with the Registrar of the Court a notice showing the grounds upon which you intend to dispute the same, and send by post a copy of the notice to the petitioner (one) day before the date fixed for the hearing.

Rule 256.

No. 10.

CREDITOR'S PETITION FOR ADMINISTRATION OF ESTATE OF DECEASED DEBTOR UNDER SECTION 108.

(Title.)

I, C.D., of.....(or we, C.D., of....., and E.F., of.....), hereby petition the Court that an order be made for the administration in insolvency of the estate of the late (here insert name and description of deceased debtor), who died on the.....day of.....19....., and say—

- 1. That the said A.B. at the time of his decease resided (or carried on business) at.....
2. That the estate of the said A.B. is justly and truly indebted to me (or us in the aggregate) in the sum of \$.....(set out amount of debt or debts and the consideration).
3. That (I) do not nor does any person on (my) behalf hold any security on the said deceased debtor's estate, or on any part thereof, etc. (or, as in Form No. 9, Creditor's Petition).

Or,

That the will of the said A.B. (or, as the case may be) was on the.....day of.....19....., deposited by J.S., of....., and G.H., of....., who consent to this petition.

Or,

That the estate of the said A.B. is (according to my information and belief) insufficient to pay his debts.

(Signed) C.D.
E.F.

Dated this.....day of.....19.....

Signed by the petitioner in my presence—

Signature of Witness.....

Address

Description

ENDORSEMENT.

This petition having been presented to the Court on the.....
 day of.....19....., it is ordered that this petition shall be heard
 at.....on the.....day of.....
 19....., at.....o'clock in the.....noon.

If you, the said *J.S.* or *G.H.*, intend to dispute the matter of any of the
 statements contained in the petition, you must file with the Registrar a notice
 showing the grounds upon which you intend to dispute the same.

No. 11.

Rule 113.

AFFIDAVIT OF TRUTH OF STATEMENTS IN PETITION.

(Title.)

I, the petitioner named in the petition hereunto annexed, make oath
 (if the petitioner declare or affirm, alter the form accordingly) and say—

1. That the several statements in the said petition are within my own
 knowledge true.

Sworn at, etc.

(Signed) *C.D.*

NOTE.—If the petitioner cannot depose that the truth of all the several statements
 in the petition is within his own knowledge he must set forth the statements the truth
 of which he can depose to, and file a further affidavit by some person or persons who
 can depose to the truth of the remaining statements. If no such affidavit as to the act
 of insolvency can be obtained, the statement may be verified by an affidavit proving it
 to the best of the deponent's knowledge and belief.

No. 12.

Rule 113.

AFFIDAVIT OF TRUTH OF STATEMENTS IN JOINT PETITION.

(Title.)

We, *C.D.*, *E.F.*, *G.H.*, etc., the petitioners named in the petition here-
 unto annexed, severally make oath and say—

And first I, the said *C.D.*, for myself say—

1. That *A.B.* is justly and truly indebted to me in the sum of.....
 dollars as stated in the said before-mentioned petition.

2. That the said *A.B.* committed the act (or acts) of Insolvency stated
 to have been committed by him in the said before-mentioned petition.

3. That *A.B.* resides (or carries on business) at.....

And I, the said *E.F.*, for myself say—

4. That *A.B.* is justly and truly indebted to me in the sum of.....
 dollars, as stated in the said before-mentioned petition.

And I, the said *G.H.*, for myself say—

5. That *A.B.* is, etc.

(Signed) *C.D.*
E.F.
G.H.

Sworn by the deponents *C.D.*, *E.F.*, and *G.H.*, etc.
 (See note to last Form.)

Rule 135.

No. 13.

APPLICATION FOR INTERIM RECEIVER.

(Title.)

I, C.D., of....., do, on the grounds set forth in the annexed affidavit, apply to the Court to appoint the Official Receiver as interim receiver of the property of the said A.B., and (here insert any special directions to the receiver that may be desired).

Dated this.....day of.....19.....

(Signed) C.D.

ORDER THEREON.

Upon reading this application and the affidavit therein referred to, and hearing.....it is ordered that upon a deposit of \$.....being lodged by the applicant with the Official Receiver, he be thereupon constituted interim receiver of the property of the said A.B., and (here insert directions, if any).

By the Court,

(Signed)..... Registrar.

Dated this.....day of.....19.....

Rule 119.

No. 14.

AFFIDAVIT OF SERVICE OF PETITION.

(Title.)

In the matter of a petition dated the.....day of.....19.....

I, L.M., of....., make oath and say—

1. That I did, on the.....day of.....19....., serve the above-mentioned A.B. with a copy of the above-mentioned petition, duly sealed with the seal of the Court, by delivering the same personally to the said A.B. at (place).....before the hour of.....in the.....noon.

2. A sealed copy of the said petition is hereunto annexed.

Sworn at, etc.

(Signed) L.M., creditor, solicitor, or his clerk.

NOTE.—If the service is effected on one partner on behalf of his firm, the affidavit must, after the word "at," contain the words "being the principal place of business of the said....."

Rules 118 and 120.

No. 15.

SUBSTITUTED SERVICE OF PETITION.

NOTICE IN GAZETTE.

In the Supreme Court.

In insolvency.

In the matter of an insolvency petition filed the.....day of.....19.....

To A.B. of.....

Take notice that an insolvency petition has been presented against you to this Court by *C.D.* of....., and the Court has ordered that the publication of this notice in the Gazette and in the..... newspaper, shall be deemed to be service of the petition upon you; and further take notice that the said petition will be heard at this Court on the..... day of..... 19...., at..... o'clock in the..... noon, on which day you are required to appear, and if you do not appear the Court may make a receiving order against you in your absence.

The petition can be inspected by you on application at the office of the Registrar.

Dated this..... day of..... 19....

(Signed).....
Registrar.

No. 16.

Rule 118.
Rule 120.

ORDER FOR A SUBSTITUTED SERVICE OF A PETITION.

(Title.)

In the matter of an insolvency petition filed the..... day of..... 19...., upon the application of....., and upon reading the affidavit of....., of.....

It is ordered that the sending of a sealed copy of the above-mentioned petition together with a sealed copy of this order, by registered post addressed to..... and/or by publication in the Gazette and the..... newspaper of the presentation of such petition, and the time and place fixed for the hearing of the petition, shall be deemed to be good and sufficient service of the said petition, on the said..... on the..... day of completing such posting and/or publication as aforesaid.

Given under the seal of the Court this..... day of..... 19....

By the Court,

(Signed).....
Registrar.

No. 17.

Rule 125.

NOTICE BY DEBTOR OF INTENTION TO OPPOSE PETITION.

(Title.)

In the matter of an insolvency petition presented against me on the..... day of..... 19...., by *C.D.* of..... (or and *E.F.* of....., *G.H.*, of, etc.).

I, the above *A.B.*, do hereby give you notice that I intend to oppose the making of a receiving order as prayed, and that I intend to dispute the petitioning creditor's debt (or the act of insolvency, or as the case may be).

Dated this..... day of..... 19....

To *C.D.*, of....., and to..... *A.B.*, and to the Registrar.

Sec. 9 (5).

No. 18.

ORDER TO STAY PROCEEDINGS ON PETITION.

(Title.)

In the matter of an insolvency petition against *A.B.*, of.....

Upon the hearing of this petition this day, and the said *A.B.* appearing and denying that he is indebted to the petitioner (where petition presented by more than one creditor, add the name of the creditor whose debt is denied) in the sum stated in the petition (or that he is indebted to the petitioner in a sum of a less amount than two hundred and forty dollars), or that he is indebted to *C.D.*, one of the petitioners, in a sum less than the sum stated to be due from him in the petition), it is ordered that the said *A.B.* shall within.....days enter into a bond in the penal sum of (the amount of the alleged debt and probable costs, or such other sum as the Court may direct) with such two sufficient sureties as the Court shall approve of to pay (or deposit with the Registrar the sum of.....as security for the payment of) such sum or sums as shall be recovered against the said *A.B.* by *C.D.* the petitioner (or one of the petitioners) in any proceedings taken or continued by him against the said *A.B.*, together with such costs as shall be given by the Court in which the proceedings are had.

And it is further ordered that upon the said *A.B.* entering into the bond aforesaid, all proceedings on this petition shall be stayed until after the Court in which the proceedings shall be taken shall have come to a decision thereon.

By the Court,

(Signed).....
Registrar.

Dated this.....day of.....19.....

Sec. 9 (5).

No. 19.

BOND ON STAY OF PROCEEDINGS, ETC.

(Title.)

Know all men by these presents, that we, *A.B.* of, etc., and *C.D.* of, etc., and *E.F.* of, etc., are jointly and severally held and firmly bound to *L.M.* of, etc., in.....dollars to be paid to the said *L.M.*, or his certain attorney, executors, administrators, or assigns. For which payment to be made we bind ourselves and each and every of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Signed and dated this.....day of.....
one thousand nine hundred and.....

WHEREAS an insolvency petition against the said *A.B.* having been presented to the Supreme Court, he did appear at the hearing of the said petition and deny that he was indebted to the petitioner (or to one or more of the petitioners), (or allege that he was indebted to the petitioner in the sum ofdollars only).

(or Whereas the said *A.B.* having been duly served with an insolvency notice by *L.M.* of.....in accordance with the provisions of the Insolvency Ordinance issued out of the Supreme Court, applied to the said Court to dismiss such notice on the ground that he was not indebted to the said *L.M.* (or that he was not indebted to him to such an amount as would support a petition in insolvency).

Now, therefore, the condition of this obligation is such that if the above-bounden *A.B.*, or the said *C.D.*, or *E.F.*, shall on demand well and truly pay or cause to be paid to *L.M.*, his attorney or agent, such sum or sums as shall be recovered against the said *A.B.* by any proceedings taken or continued within twenty-one days from the date hereof in any competent Court by the said *L.M.* for the payment of the debt claimed by him in the said petition, together with such costs as shall be given to the said *L.M.* by such Court, this obligation shall be void, otherwise shall remain in full force.

(Signed) *A.B.*
C.D.
E.F.

Signed by the above bounden.....in the presence of.....

NOTE.—If a deposit of money be made, the memorandum should follow the terms of the conditions of the bond. This form may be adapted to other cases.

No. 20.

Rule 32.

NOTICE OF SURETIES.

(Title.)

In the matter of an insolvency petition (or) In the matter of an insolvency notice by *C.D.* of.....

Take notice that the sureties whom I propose as my security in the above matter (here state the proceeding which has rendered the sureties necessary) are (here state the full names and descriptions of the sureties, and their residences therein mentioning the places, streets, and numbers of lots, if any).

Dated this.....day of.....19.....

(Signed) *A.B.*

To the Registrar of the Court, and to *L.M.* of.....

No. 21.

Rule 33.

AFFIDAVIT OF JUSTIFICATION.

(Title.)

In the matter of an insolvency petition against *A.B.*, of.....

(or In the matter of an insolvency notice by *L.M.* against *A.B.* of.....)

I, *E.F.*, of....., one of the sureties for.....
make oath and say—

1. That I am a householder (or, as the case may be), residing (describing particularly the county or city, the street or place, and the number of the house, if any).

2. That I am worth property to the amount of \$.....
 (the amount required) over and above what will pay my just debts (if security in any other action or for any other purpose, add and every other sum for which I am now security).

3. That I am not bail or security in any other matter, action or proceeding, or for any other person (or if security in any other action or actions

add) except for *C.D.* at the suit of *E.F.* in the..... Court in the sum of \$.....; for *G.H.* at the suit of *I.K.* in the..... Court in the sum of \$.....(specifying the several actions with the Courts in which they are brought and the sums in which he has become bound).

4. That my property, to the amount of the said sum of \$..... (and if security in any other action, etc., over and above all other sums for which I am now security as aforesaid), consists of (here specify the nature and value of the property in respect of which the deponent proposes to become bondsman, as follows, stock in trade in my business of..... carried on by me at..... of the value of \$..... of good book debts owing to me to the amount of \$..... of furniture in my house at..... of the value of \$..... of a freehold (or leasehold) farm of the value of \$....., situate at..... occupied by....., or of a dwelling house of the value of \$..... situate at....., occupied by....., or of other property, particularising each description of property, with the value thereof).

5. That I have for the last six months resided at..... (describing the place of such residence, or if he has had more than one residence during that period state it in the same manner as above directed).

Sworn at, etc.

(Signed) *E.F.*

Rule 15.

No. 22.

CERTIFICATE OF JUDGE FOR TRANSFER OF PROCEEDINGS.

(Title.)

I hereby certify for the following reasons that proceedings in this matter would in my opinion be more advantageously conducted in the Court in the County of.....

(Here set out reasons.)

Dated this..... day of..... 19.....

(Signed) *F.H.*,
Judge.

Rules 127,
133, 134.

No. 23.

ADJOURNMENT OF PETITION.

(Title.)

Upon the hearing of the petition this day, it is ordered that the further hearing of this petition be adjourned until the..... day of..... 19....., at..... o'clock in the..... noon.

By the Court,

(Signed).....

Registrar.

Dated this..... day of..... 19.....

No. 24.

Sec. 9 (3.)

DISMISSAL OF PETITION.

(Title.)

In the matter of an insolvency petition filed the (date).

Upon the hearing of this petition this day, and upon reading.....
.....and hearing.....it is ordered that this
petition be dismissed (and that the petitioner do pay to the said A.B. the
taxed costs thereof).

By the Court,

(Signed).....
Registrar.

Dated this.....day of.....19....

NOTE.—If compensation be awarded it should be included in this order.

No. 25.

Sec. 9 (6).

DISMISSAL OF PETITION UPON WHICH PROCEEDINGS ARE
STAYED WHERE A RECEIVING ORDER HAS BEEN MADE
ON A SUBSEQUENT PETITION.

(Title.)

Whereas a receiving order has been made against A.B. upon a petition
presented to this Court by O.P. of....., it is ordered
that the insolvency petition against the said A.B., presented to this Court
by C.D., of....., the proceedings on which were
stayed by order of Court of the.....day of.....
19...., be dismissed (add terms if any).

By the Court,

(Signed).....
Registrar.

Dated this.....day of.....19....

No. 26.

Sec. 12.

ORDER RESTRAINING ACTION, ETC., BEFORE RECEIVING
ORDER.

(Title.)

Upon the application of.....and upon reading
.....it is ordered that L.M., of.....
shall be restrained from taking any further proceedings in the action brought
by him (or upon the judgment recovered or obtained by him) against the
said A.B. in (here state the Court in which proceedings are) or it is ordered
that the proceedings in the action (or suit) brought by him against the said
A.B. in (here state the Court in which proceedings are) may be proceeded
with on (here insert the terms fixed by the Court).

By the Court,

(Signed).....
Registrar.

Dated this.....day of.....19....

Rule 141.

No. 27.

RECEIVING ORDER ON DEBTOR'S PETITION.

(Title.)

On the petition of the debtor himself, filed the (here state date) a receiving order is hereby made against A.B. (insert name, address and description of debtor as set out in petition) and the Official Receiver is hereby constituted receiver of the estate of the said debtor.

By the Court,

(Signed).....
Registrar.

Dated this.....day of.....19.....

NOTE.—The above named debtor is required immediately on service of this order to attend the Official Receiver at his office at the

Rule 141.

No. 28.

RECEIVING ORDER ON CREDITOR'S PETITION.

(Title.)

On the petition of J.S., of....., a creditor, filed the (insert date) and on reading.....and hearing.....and it appearing to the Court that the following act or acts of insolvency has or have been committed, viz.: (set out the nature and date or dates of the act or acts of insolvency on which the order is made).

A receiving order is hereby made against A.B. (insert name, addresses and descriptions of the debtor as set out in petition) and the Official Receiver is hereby constituted receiver of the estate of the said debtor.

By the Court,

(Signed).....
Registrar.

Dated tm his.....day of.....19.....

NOTE.—The above-named debtor is required immediately on service of this order to attend the Official Receiver at his office at

Rule 141.

No. 29.

RECEIVING ORDER UNDER DEBTORS ORDINANCE,

(Section 4 (8).)

In the matter of....., a debtor.

Whereas an order was made against the above-named debtor on theday of.....19....., for the payment of his debts in full (or by instalments of.....).

And whereas the debtor has made default in payment of..... payable in pursuance of the said order:

Now upon reading the consent of the judgment-creditor that a receiving order should be made against the debtor in lieu of an order for commitment to prison and the prescribed fees having been paid:

It is ordered that a receiving order be made against the debtor in lieu of an order of commitment to prison, and a receiving order is hereby made

against the debtor, and the Official Receiver is hereby constituted receiver of the estate of the said debtor.

Dated this..... day of..... 19.....

By the Court,

(Signed)..... Registrar.

NOTE.—The above-named debtor is required immediately on service of this order to attend the Official Receiver at his office at

No. 30.

Rule 143.

NOTICE OF RECEIVING ORDER, ETC.
(For publication).

(Title.)

Receiving order made.....
Date of order in summary administration (if any).....
Date of adjudication (if any).....
Date and place of first meeting.....
Date of public examination.....

(Signed)..... Official Receiver.

Dated this..... day of..... 19.....

NOTE.—All debts due to the estate should be paid to me.

No. 31.

Rule 52.

APPOINTMENT OF SHORTHAND WRITER TO TAKE
EXAMINATION OF DEBTOR.

(Title.)

Upon the application of the Official Receiver.....
the Court hereby appoints..... of..... in the
county of..... to take the examination of the said
..... at his public examination this day pursuant to
Rule 52 of the Rules.

By the Court,

(Signed)..... Registrar.

Dated this..... day of..... 19.....

Rule 52.

No. 32.

DECLARATION BY SHORTHAND WRITER.

(Title.)

I, of the shorthand writer appointed by this Court to take down the examination of the said do solemnly and sincerely declare that I will truly and faithfully take down the questions and answers put and given by the said in this matter, and will deliver true and faithful transcripts thereof as the Court may direct.

(Declared before me at the time and place above-mentioned.)

(Signed)..... Registrar.

Sec. 18 (3).

No. 33.

MEMORANDUM OF ADJOURNMENT OF PUBLIC EXAMINATION.

(Title.)

Order.

(a) Insert here word "further" if necessary.

MEMORANDUM.—This being the day appointed for the (a)..... public examination of the above-named....., and the said having submitted himself for such examination: now upon hearing Mr., the Official Receiver in the above matter, and upon hearing..... and it appearing that..... it is ordered that the said public examination be adjourned to the..... day of 19..... at..... o'clock in the..... noon at.....

(Set out any further order of the Court).

And it is further ordered that the said..... do attend at the said Court on the said..... day of..... 19..... for the purpose of being further examined as to his conduct, dealings, and property. And it is further ordered that the said.....

Dated this..... day of..... 19.....

By the Court, (Signed)..... Registrar.

Rule 150.

No. 34.

ORDER DISPENSING WITH PUBLIC EXAMINATION OF DEBTOR.

(Title.)

Upon the application of the Official Receiver (or, of (a)..... of.....) in the above matter, and upon reading..... and upon hearing..... and it appearing to the Court that the debtor is (b)..... it is ordered that the public examination of the debtor be dispensed with.

(a) Insert name and address of applicant and the capacity in which he makes the application. (b) State what the disability is.

By the Court, (Signed)..... Registrar.

Dated this..... day of..... 19.....

No. 35.

Rule 150.

ORDER AS TO EXAMINATION OF DEBTOR WHO IS SUFFERING FROM MENTAL OR PHYSICAL AFFLICTION OR DISABILITY.

(Title.)

Upon the application of the Official Receiver (or, of (a)..... of.....) in the above matter, and upon reading..... and upon hearing....., and it appearing to the Court that the debtor is suffering from physical disability which makes him unfit to attend a public examination in Court (or as the case may be), it is ordered that instead of a public examination of the debtor (b)..... the debtor be examined on oath at (c)....., before the Registrar..... on..... the..... day of..... 19....., at..... o'clock or such other time as having regard to the condition of the debtor may be convenient, and that the Official Receiver and assignee and (d)..... be at liberty to attend such examination and take part therein.

(a) Insert name and address of applicant, and capacity in which he makes application. (b) This part of order to be adapted to circumstances of case. (c) Insert place of examination. (d) Insert name of any other person authorised by Court to attend.

Dated this..... day of..... 19.....

By the Court,

(Signed)..... Registrar.

No. 36.

Rule 259.

ORDER FOR ADMINISTRATION IN INSOLVENCY OF ESTATE OF DECEASED DEBTOR.

(Title.)

Upon the petition of C.D., dated....., and upon reading..... and hearing....., it is ordered that the estate of A.B., of..... who died insolvent, be administered in insolvency, and that the Official Receiver do administer the same, and that the costs of this application be.....

Dated this..... day of..... 19.....

By the Court,

(Signed)..... Registrar.

No. 37.

Rule 254

APPLICATION FOR SUMMARY ADMINISTRATION UNDER SECTION 105.

(Title.)

I, G.H., the Official Receiver, hereby report to the Court that the property of the debtor is not likely to exceed in value \$1,500, and I apply that the Court may order the estate to be administered in a summary manner pursuant to section 105 of the Ordinance.

(Signed) G.H., Official Receiver.

Dated this..... day of..... 19.....

Rule 255.

No. 38.

ORDER FOR SUMMARY ADMINISTRATION.

(Title.)

Upon the application of.....and reading.....
it is ordered that the estate of the above-named debtor
 be administered in a summary manner pursuant to section 105 of the
 Ordinance.

Dated this.....day of.....19.....

By the Court,

(Signed).....

Registrar.

Rules 178
 and 300.

No. 39.

STATEMENT OF AFFAIRS.

(Title.)

TO THE DEBTOR.—You are required to fill up carefully and accurately,
 this sheet and the several sheets, A, B, C, D, E, F, G, H, I, J, and K, showing
 the state of your affairs on the day on which the receiving order was made
 against you, viz.: the.....day of.....19.....

Such sheets when filled up will constitute your statement of affairs and
 must be verified by oath or declaration.

Liabilities.			Assets and Deficiency.		
	\$	cts.		\$	cts.
Preferential creditors as per List A			Property as per List H ...		
Creditors partly secured as per List B... ..			Debts due to the estate as per List I		
Creditors fully secured as per List C			Bills of Exchange, promissory notes, etc., available as assets, as per List J		
Unsecured creditors as per List D			Deficiency as per List K ...		
Liability of debtor on Bills other than his own acceptances for value					
as per List E					
Other liabilities as per List F					
Total ...			Total ...		
Claims made upon debtor not admitted to be due as per list G					

I,of....., make oath and say that the above statement and the several lists annexed marked A, B, C, D, E, F, G, H, I, J, and K are, to the best of my knowledge and belief, a full, true and complete statement of my affairs on the date of the above-mentioned receiving order made against me.

Sworn, etc.

LIST "D."—UNSECURED CREDITORS.

The names to be arranged in alphabetical order and numbered consecutively.

No.	Name.	Address and Occupation.	Amount of Debt.	Date when contracted.	Consideration.

LIST "E."—LIABILITIES OF DEBTOR ON BILLS OTHER THAN HIS OWN
ACCEPTANCE FOR VALUE.

No.	Acceptor's Name and Address.	Date when due.	Amount.	Holder's Name and Address (if known).	Amount expected to rank against Estate for Dividend.

LIST "F."—OTHER LIABILITIES.

Full particulars of Liabilities not otherwise scheduled to be given here.

No.	Name of Creditor or Claimant.	Address and Occupation.	Amount of Liability or Claim.	Date when Liability incurred.	Nature of Liability.

LIST "J."—BILLS OF EXCHANGE, PROMISSORY NOTES, ETC.,
AVAILABLE AS ASSETS.

No.	Name of Acceptor of Bill or Maker of Note.	Address, etc.	Amount of Bill or Note.	Date when due.	Esti- mated to produce.	Particulars of any Property held as Security for Payment of Bill or Note.

LIST "K."—DEFICIENCY ACCOUNT.

This account must contain explanations in detail of the losses, expenses, or other causes of the difference between the amount of indebtedness and of the assets.

	§	c.
Total		

N.B.—The total should correspond with the amount of the deficiency shown on the face of the statement of affairs.

No. 40.

Rule 300.

FORM OF QUESTIONS.

IN THE SUPREME COURT.—IN INSOLVENCY.

Re

NOTICE.

The following questions must so far as applicable be answered by the debtor, and he is required to attend forthwith at the office of the Official Receiver for that purpose.

(All answers must be numbered to correspond with the numbers of the questions, and when the space is insufficient to answer any question fully, the answer may be endorsed on the back.)

QUESTIONS.

ANSWERS.

1. What is your full name?
2. At what place or places have you carried on business during the last six years?
3. Where have you resided during the same period?
4. What has been your occupation?
5. When did you commence business?
6. What capital had you at the time (or on 1st of January, 19.....)?
7. Have you ever been in partnership with anyone? If so state with whom, and if partnership dissolved
- When did the dissolution take place?
- Under what circumstances and what were the terms?
- What liabilities (if any) are you now under in respect thereof?
8. What books of account have you kept, and where are they?
9. To what date are they posted?
10. What money had you in hand or at your bankers at the date of the petition?
11. Have you any bills of exchange, promissory notes, or other negotiable securities, belonging to your estate?

QUESTIONS.

ANSWERS.

12. Have you produced to or delivered up to the Official Receiver, or to his officer, all moneys, negotiable securities, bonds, deeds, and other property belonging to your estate and under your control, and which are capable of delivery?

13. State shortly the nature of the assets of your estate which will be available towards the payment of your debts and the amount which you believe will be realised from such assets?

14. Have you any property in reversion, remainder or expectancy?

15. Is your life insured?

If so—

In what office or offices?

State dates, amounts, and annual premiums of policies

Are the policies in your possession?

If not—

Where are they deposited and under what circumstances?

16. Have you any lease of your premises?

If so—

When was it granted?

For what term?

At what rent?

What is the actual rack rent value of the premises?

Where is the lease?

17. Are your premises insured against fire?

If so—

In what office?

For what amount?

Where is the policy?

QUESTIONS.

ANSWERS.

- 18. Have you underlet any premises or portion of premises of which you are tenant or lessee?
 If so—
 State particulars
- 19. What is the nature of your stock-in-trade?
 Is it insured against fire?... ..
 If so—
 In what office?
 And for what amount?
 Where is the Policy?
- 20. Have you any other assets beyond those you have already mentioned?
- 21. Is any rent, rate or tax due in respect to the premises occupied by you?
 If so—
 State amount and the date at which the same became payable
- 22. What do you believe to be the total amount of your indebtedness?... ..
- 23. Is there any judgment against you in respect of any matter? If so state particulars and whether execution has issued, or the judgment creditor is in a position to issue execution
 Are there any proceedings against you pending in any Court, with the exception of those under the present receiving order?
- 24. Have you hypothecated any bills of lading, dock warrants, or other securities of any kind?
 If so, state particulars
- 25. Have you mortgaged, assigned, or created any charge on any property? If so, state particulars
- 26. Have you executed any bill of sale upon your stock-in-trade, furniture or other personal effects? ..
 If so, state particulars, date of bills of sale and whether registered or not

QUESTIONS.	ANSWERS.
27. Have you within the last three months given any charge on your property or made any special or preferential payments to any creditors?
If so—	
State names and amounts paid
28. Have you within the last twelve months pledged any property?
If so—	
State particulars of such property, the date when pledged, the amount obtained, and how disposed of
Where are the pledge tickets?
What did the pledged property cost, and what do you believe to be its present value?
Has the pledged property been paid for, if so, when?
If not, state the name of the creditor from whom it was obtained
29. When did you suspend payment of your debts?
30. Have you paid for, or deposited with your solicitor or agent, any sum of money or security for payment of the costs incurred, or to be incurred in respect to your failure?
If so—	
State particulars and amount
31. Has any meeting of your creditors been held since you suspended payment? If so, was any statement of your affairs presented to such meeting, and where is it?
32. State the cause or causes of your insolvency
33. When did you first become aware that you were insolvent?
34. Have you contracted any debts since you became aware of your insolvency? If so, what expectation had you of being able to pay such debts?

QUESTIONS.

ANSWERS.

- 35. Have you within the last three years prepared any statement of your affairs? If so, at what date and what results did the statement show?
- 36. Where are the statements?
- 37. When did you last take stock?
Where is the stock account?
- 38. Are you aware of having committed any act of insolvency prior to that on which the receiving order against you was made?
If so, state act and date
- 39. Have you within the last twelve months incurred any losses other than losses in trade?
If so, state particulars and dates
- 40. Have you drawn, or accepted, or endorsed any accommodation bills?
If any such bills are now running, state particulars
- 41. Have you any accounts showing your income and your household and personal expenditure during the last three years?
- 42. What has been about the amount of your income during that period?
- 43. What has been about the annual amount of your household and personal expenditure during that period?
- 44. Have you made any marriage or post-nuptial settlement or any other settlement of property within the last ten years?
If so, state date, particulars, names of trustees, and of the persons taking any benefit thereunder... ..
- 45. In the case of such a settlement (if any) have you evidence that, at the time of making it, you were able to pay all your debts without the aid of the property thereby settled?... ..

QUESTIONS.

ANSWERS.

- 46. Was any statement of your affairs prepared at the date of such settlement, and if so, where is it?
- 47. Who holds the deed or deeds of settlement, and can you produce a copy or copies?... ..
- 48. Have you now disclosed the whole of your estate and effects?
- 49. Have you previously been insolvent or made any assignment for the benefit of your creditors, or any statutory or other arrangement or composition?... ..
- If so—
State the date, the amount of the dividend paid and whether you obtained a release or discharge
- 50. Is it your intention to make any proposal to your creditors for the satisfaction of your indebtedness either by composition or scheme of arrangement or otherwise?
- 51. Can you state the nature and terms of any proposal you intend to make?

The foregoing answers are, to the best of my knowledge, information and belief, correct.

Dated this..... day of..... 19.....

(Signed).....
The above-named debtor.

Witness

No. 41.

Sec. 18 (8).

MEMORANDUM OF PUBLIC EXAMINATION OF DEBTOR.
(Title.)

MEMORANDUM.—That I, the above-named debtor, being duly sworn and examined make oath and say that the notes of my public examination marked A and appended hereto were read over to me, and are correct.

And I further say, that at the time of this my examination, I have delivered up to the Official Receiver or assignee of my estate all property, estate and effects, and all books, papers and writings relating thereto.

And I further say that I have made a fuller disclosure of all my assets and of all my debts and liabilities of whatever kind that I have not removed, concealed, embezzled or destroyed any part of my estate, real or personal, nor any books of accounts, papers or writings relating thereto, with an intent to defraud my creditors.

(Here insert any special matter.)

(Signed) A.B.

No. 42.

Sec. 18 (10).

ORDER OF COURT THAT EXAMINATION IS CONCLUDED.
(Title.)

Whereas the above-named A.B., has duly attended before the Court and has been publicly examined as to his conduct, dealings and property:

And whereas the Court is of opinion that the affairs of the said A.B. have been sufficiently investigated, it is hereby ordered that the examination of the said A.B. is concluded.

By the Court,

(Signed).....
Registrar.

Dated this.....day of.....19.....

No. 43.

Sec. 17 (3).

APPLICATION FOR ADJUDICATION UNDER SECTION 17.
(Title.)

The Official Receiver in the above matter reports to the Court—

That a receiving order was made against the above-named debtor on the.....day of.....19.....

That a copy of the form hereunto annexed was.....
to the said debtor on.....day of.....19.....

That the debtor has not submitted a statement of and in relation to his affairs as required by section 17 of the Insolvency Ordinance nor has he furnished the Official Receiver with any reasonable excuse for his failure to do so.

The Official Receiver accordingly in pursuance of section 17 of the Insolvency Ordinance makes application to the Court to adjudge the said debtor.....insolvent.

Dated this.....day of.....19.....

(Signed).....
Official Receiver.

Rule 152.
Sec. 21.

No. 44.

APPLICATION FOR ADJUDICATION (AFTER RESOLUTION
FOR INSOLVENCY) OR UNDER SECTION 21, OR RULE 152.
(Title.)

The Official Receiver of the estate of the above-named debtor hereby reports to the Court—

(a) (That at the first meeting of the creditors of the said debtor
.....held at.....on the.....
.....day of.....19....., the following resolution was
passed—

“ That....., the above-named debtor, shall be
adjudged insolvent, and that the Official Receiver do apply to the Court to
make the adjudication) or state such other of.....the
grounds mentioned in section 21 or rule 152 as may be applicable.

(a) “ That
the debtor
has, in
writing,
consented to
be adjudged
insolvent; or
notice of this
application
was given him
on.....
day of.....
.....by
.....”

(a)

And the Official Receiver accordingly, in pursuance of the provisions of
section 21 of the Insolvency Ordinance makes application to the Court to
adjudge the said debtor.....insolvent.”

Dated this.....day of.....19.....

(Signed).....

Official Receiver.

Sec. 21.
Rule 152.

No. 45.

APPLICATION FOR ADJUDICATION ; NO QUORUM ;
SUMMARY ADMINISTRATION.
(Title.)

SUMMARY CASE.

The Official Receiver reports to the Court—

That a receiving order was made against the above-named debtor on
the.....day of.....19.....

That an order for the summary administration of the estate of the
debtor was made on the.....day of.....19.....

That the first meeting of creditors was duly summoned to be held at
.....on the.....day of.....
19.....

That creditors qualified to vote not being present or represented thereat
to form a quorum no resolution was passed.

That (a)

The Official Receiver accordingly, in pursuance of the provisions of
section 21 of the Insolvency Ordinance makes application to the Court to
adjudge the said debtor.....insolvent.

Dated this.....day of.....19.....

(Signed).....

Official Receiver.

(a) “ The
debtor has,
in writing,
consented to
the Court
adjudging
him
insolvent.”

No. 46.

Rule 155.

ORDER OF ADJUDICATION.
(Title.)

Pursuant to a petition dated.....
against (here insert name, description, and address of debtor) on which a
receiving order was made, on the (date), and on the application of (here
insert "the Official Receiver" or "the debtor himself" or "A.B. of
.....a creditor"), and on reading.....
and hearing.....it is ordered that the debtor be and
the said debtor is hereby adjudged insolvent.

Dated this.....day of.....19.....

By the Court,

(Signed).....
Registrar.

Or,

Whereas pursuant to a petition dated.....
against A.B. a receiving order was made on the (date) and whereas it appears
to the Court that at the first meeting of creditors held on the (date) (or at
an adjournment of the first meeting of creditors) it was duly resolved that
the debtor be adjudged an insolvent. It is ordered that the debtor be and
the said debtor is hereby adjudged insolvent.

Dated this.....day of.....19.....

By the Court,

(Signed).....
Registrar.

No. 47.

Rule 155.

ORDER OF ADJUDICATION AFTER RECEIVING ORDER
UNDER SECTION 5 OF THE DEBTOR'S ORDINANCE.
(Title.)

Whereas a receiving order was made against the above-named debtor
on the.....day of.....19....., upon the hearing
of an application for his commitment to prison for default in payment of
moneys pursuant to an order of the Court, and in lieu of his commitment to
prison for such default.

And whereas it appears to this Court that (grounds of application for
adjudication).

It is ordered that the debtor be and the said debtor is hereby adjudged
insolvent.

Dated this.....day of.....19.....

By the Court,

(Signed).....
Registrar.

No. 48.

Rule 155.

NOTICE OF ADJUDICATION.

In insolvency. Notice is hereby given that (here insert name, address
and description of insolvent) was on the.....day of.....
.....19....., adjudged insolvent by the Supreme Court.

(Signed) G.H.,
Official Receiver.

Sec. 32.

No. 49.

APPLICATION TO ANNUL ADJUDICATION UNDER SECTION 32.
(Title.)

I, *R.S.*, of being interested in this matter do hereby make application to the Court that the order of adjudication against *A.B.* be annulled (here state grounds of application).

Dated this day of 19.....

(Signed) *R.S.*

Rule 156.

No. 50.

ORDER ANNULING ADJUDICATION UNDER SECTION 32.
(Title.)

On the application of *R.S.*, of, and on reading and hearing it is ordered that the order of adjudication dated against *A.B.*, of, be and the same is hereby annulled.

Dated this day of 19.....

By the Court,

(Signed)
Registrar.

Rule 194.

No. 51.

APPLICATION FOR ORDER OF DISCHARGE.
(Title.)

I, *A.B.*, of, having been adjudged insolvent on the day of 19....., and being desirous of obtaining my discharge, hereby give you notice that I intend to apply to the Court for my discharge.

(Signed) *A.B.*

To the Registrar.

Rule 194.

No. 52.

NOTICE OF APPLICATION FOR DISCHARGE.
(Title.)

Notice is hereby given that the insolvent *A.B.*, of, has applied to the Court for his discharge, and that the Court has fixed the day of 19....., at o'clock for hearing the application.

(Signed)
Registrar.

To the Official Receiver and Mr., assignee of the estate of the insolvent.

No. 53.

Rule 200.

ORDER GRANTING DISCHARGE UNCONDITIONALLY.
(Title.)

On the application of *A.B.*, of etc., adjudged insolvent on the.....
.....day of.....19....., and upon taking into consideration
the report of the Official Receiver, as to the insolvent's conduct and affairs,
including the insolvent's conduct during the proceedings under his insolvency,
and upon hearing the Official Receiver, and *C.D.*, *E.F.*, etc., creditors, and
G.H., the trustee (as the case may be).

And whereas it has not been proved that the insolvent has committed
any misdemeanour under the Insolvency Ordinance or the Debtors Ordinance
or any misdemeanour or felony connected with his insolvency (or as
the case may be) and proof has not been made of any of the facts mentioned
in subsection (3) of section 29 or in section 30 of the Insolvency Ordinance
or that the insolvent has been guilty of any misconduct in relation to his
property and affairs, it is ordered that he be and he hereby is discharged.

No. 54.

Rule 200.

ORDER REFUSING DISCHARGE.
(Title.)

On the application of *A.B.*, of etc., adjudged insolvent on the.....
.....day of.....19....., and upon taking into consideration
the report of the Official Receiver, as to the insolvent's conduct and affairs,
including the insolvent's conduct during the proceedings under his insolvency,
and upon hearing the Official Receiver, and (state the other parties who
appeared).

And whereas it has been proved that the insolvent has committed the
following misdemeanours (or felonies), namely—

(Here state particulars.)

Or,

And whereas it has not been proved that the insolvent has committed
any of the misdemeanours or felonies mentioned in section 29 of the Insolvency
Ordinance but proof has been made of the following facts under subsection
(3) of section (29 and/or) section 30 of the Insolvency Ordinance, namely—

(Here state particulars.)

and/or that he has been guilty of misconduct in relation to his property and
affairs, namely—

(Here state particulars.)

It is ordered that the insolvent's discharge be and it is hereby refused.

Dated this.....day of.....19.....

By the Court,

(Signed).....

Registrar.

Rule 200.

No. 55.

ORDER SUSPENDING DISCHARGE.

On the application of (commencement as in Form 53).

And whereas it has not been proved that the insolvent has committed any of the misdemeanours or felonies mentioned in section 29 of the Insolvency Ordinance (or it has been proved that the insolvent has committed the following misdemeanours) (and/or felonies), namely (set them out), but the Court has for the following special reasons (state them) determined that his discharge shall not on that ground be absolutely refused; but proof has been made of the following facts under subsection (3) of section 29 and/or section 30 of the Insolvency Ordinance.

(Here state particulars.)

and/or that he has been guilty of misconduct in relation to his property and affairs namely—

(Here state particulars.)

It is ordered that the insolvent's discharge be suspended until a dividend of not less than fifty cents in the dollar has been paid to the creditors, with liberty to the insolvent at any time after the expiration of two years from the date of this order to apply for a modification thereof, pursuant to section 29 of the Ordinance.

Or,

It is ordered that the insolvent's discharge be suspended for..... years, and that he be discharged as from the.....day of.....19.....

Dated this.....day of.....19.....

By the Court,

(Signed)..... Registrar.

Rule 200.

No. 56.

ORDER OF DISCHARGE SUBJECT TO CONDITIONS AS TO EARNINGS, AFTER ACQUIRED PROPERTY AND INCOME. (Title.)

On the application of....., adjudged insolvent on the.....day of.....19....., and upon taking into consideration the report of the Official Receiver as to the insolvent's conduct and affairs, and (a).....

And whereas it has not been proved (b).....

It is ordered that the insolvent be discharged subject to the following conditions as to his future earnings, after acquired property, and income— After setting aside out of the insolvent's earnings, after acquired property, and income, the yearly sum of \$.....for the support of himself and his family the insolvent shall pay the surplus, if any (or such portion of such surplus as the Court may determine), of such earnings, after acquired property, and income to the Official Receiver (or assignee) for distribution among the creditors in the insolvency. An account shall on the first day of January in every year, or within fourteen days thereafter, be filed in these proceedings

(a) Further recitals to be inserted.

(b) This recital to follow the other forms with necessary variations.

by the insolvent, setting forth a statement of his receipts from earnings, after acquired property, and income during the year immediately preceding the said date, and the surplus payable under this order shall be paid by the insolvent to the Official Receiver (or assignee) within fourteen days of the filing of the said account.

Dated this.....day of.....19.....

By the Court,

(Signed).....
Registrar.

No. 57.

Rule 200.

ORDER OF DISCHARGE SUBJECT TO A CONDITION REQUIRING THE INSOLVENT TO CONSENT TO JUDGMENT BEING ENTERED UP AGAINST HIM.

(Title.)

On the application (a).

(a) Formal parts and recitals as in last preceding form.

It is ordered that the insolvent be discharged subject to the following condition to be fulfilled before his discharge takes effect, namely, he shall, before the signing of this order, consent to judgment being given against him in favour of the Official Receiver (or assignee) for the sum of \$..... being the balance (or part of the balance) of the debts provable in the insolvency which is not satisfied at the date of this order and costs, or \$..... for costs.

And it is further ordered, without prejudice and subject to any execution which may be issued on the said judgment with the leave of the Court, that the said sum of \$..... be paid out of the future earnings and after acquired property of the insolvent in manner following, that is to say, after setting aside out of the insolvent's future earnings and after-acquired property a yearly sum of \$..... for the support of himself and his family, the insolvent shall pay the surplus, if any (or such portion of such surplus as the Court may determine), to the Official Receiver (or assignee) for distribution among the creditors in the insolvency. An account shall, on the 1st day of January in each year or within fourteen days thereafter, be filed in these proceedings by the insolvent, setting forth a statement of his receipts from earnings, after acquired property, and income, during the year immediately preceding the said date, and the surplus payable under this order shall be paid by the insolvent to the Official Receiver (or assignee) within fourteen days of the filing of the said account. And it is further ordered that, upon the required consent being given, judgment may be given against the insolvent for the said sum of \$..... together with costs of judgment.

Dated this.....day of.....19.....

By the Court,

(Signed).....
Registrar.

Rule 199.

No. 58.

CONSENT OF INSOLVENT TO JUDGMENT BEING ENTERED FOR BALANCE OR PART OF BALANCE OF PROVABLE DEBTS.

Re,

I, A.B., of....., the above-named insolvent do hereby consent to judgment being given in favour of the Official Receiver (or trustee) for the sum of \$..... being the balance, or part of the balance, of the debts provable under my insolvency which is not satisfied at the date of my discharge; but this consent is subject to the provision contained in the Insolvency Ordinance with regard to the issue of execution on such judgment.

Dated this.....day of.....19.....

(Signed) A.B.

Rule 204.

No. 59.

AFFIDAVIT BY INSOLVENT WHOSE DISCHARGE HAS BEEN GRANTED CONDITIONALLY AS TO AFTER-ACQUIRED PROPERTY OR INCOME.

(Title.)

I,, the above-named debtor, make oath and say as follows—

1. I have since the date of my discharge resided and carried on business at.....and I now reside and carry on business at.....

2. The statement hereto annexed is a full, true, and complete account of all moneys earned by me and of all property and income acquired as received by me since the date of my discharge (or since the date when last I filed a statement of after-acquired property and income in Court, namely the.....day of.....19.....)

Sworn at, etc.

(Signed).....

Debtor.

Sec. 33 (2).

No. 60.

CERTIFICATE FOR REMOVAL OF DISQUALIFICATION.

(Title.)

Whereas an order of discharge was on the.....day of.....19....., granted to A.B., of the above-named insolvency, it is hereby certified that the insolvency of the said A.B. was caused by misfortune without any misconduct on his part.

Dated this.....day of.....19.....

By the Court,

(Signed).....

Registrar.

No. 61.

Rule 165.

ORDER APPROVING COMPOSITION OR SCHEME.

(Title.)

On the application of....., and on reading the report of the Official Receiver and hearing the Official Receiver and being satisfied that the creditors in the above matter have duly accepted and approved a composition (or scheme) in the following terms, namely (here insert terms if short; if not short "in the terms contained in exhibit A, annexed hereto"),† and being satisfied the said terms are reasonable and calculated to benefit the general body of creditors and that the case is not one in which the Court would be required, if the debtor were adjudged insolvent, to refuse an order of discharge,

(and as the case may be).

And being satisfied—

(a) that no facts have been proved which would justify the Court in refusing, qualifying or suspending an order of discharge; or

(b) that facts have been proved which would justify the Court in refusing, qualifying or suspending an order of discharge but that having regard to the nature of such facts, and the composition (or scheme) providing reasonable security for payment of not less than fifty cents in the dollar on all the unsecured debts provable against the debtor's estate.

The said composition (or scheme) is hereby approved.

Or after†

And being satisfied that the said terms are not reasonable or calculated to benefit the general body of creditors,

and/or after†

and/or being satisfied

(a) that the case is one in which the Court would be required, if the debtor were adjudged insolvent, to refuse his discharge;

(b) that facts have been proved which would under the Ordinance justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court doth refuse to approve the said composition (or scheme).

Dated this.....day of.....19.....

N.B.—If the terms of the composition or scheme be contained in an exhibit annexed to the order, each page of the exhibit must be initialled by the Registrar.

No. 62.

Sec. 19 (14).
Sec. 24.

APPLICATION FOR ENFORCEMENT OF PROVISION IN A COMPOSITION.

(Title.)

In the matter of a composition made by A.B., of.....

I, F.M., of....., do apply to this Court for an order for the enforcement of the provisions of the said composition against....., on the ground set forth in the annexed affidavit.

Dated this.....day of.....19.....

(Signed) F.M.

Sec. 19 (14).
Sec. 24.

No. 63.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR ENFORCEMENT
OF PROVISIONS OF A COMPOSITION.
(Title.)

In the matter of a composition made by *A.B.*, of.....
I, *F.M.*, of....., make oath and say—

1. That I am interested in the said composition, having proved my debt as a creditor of the said *A.B.* (or as the case may be).
2. That (one of) the provisions of the said composition is (or are) that (here set it or them out).
3. That.....has failed to comply with the said provisions (or as the case may be).

Sworn at, etc.

(Signed) *F.M.*

Sec. 19 (14).
Sec. 24.

No. 64.

ORDER FOR ENFORCEMENT OF PROVISIONS IN A COMPOSITION.
(Title.)

In the matter of a composition made by *A.B.*, of.....

Upon hearing the application of *M.F.*, of.....and reading (here insert evidence) the Court being of opinion that the provisions of the said composition mentioned in the said affidavit should be enforced, it is ordered that (here insert order).

Dated this.....day of.....19.....

By the Court,

(Signed).....
Registrar.

To.....

Take notice that unless you obey the directions contained in this order, you will be deemed to have committed a contempt of Court.

Sec. 19.

No. 65.

CERTIFICATE OF APPROVAL OF SCHEME OR COMPOSITION.
(Title.)

I hereby certify that a composition (or scheme of arrangement) between *A.B.* of.....the above-named debtor, and his creditors was duly approved by the Court.....on the.....day of.....19.....

Dated this.....day of.....19.....

(Signed) *M.N.*
Registrar.

No. 66.

Rule 180.

AFFIDAVIT OF PROOF OF DEBT WITH OR WITHOUT SECURITY.
(Title.)

I,, of, make oath and say—

1. That the said *A.B.* was at the date of the receiving order and still is justly and truly indebted to (me) in the sum of.....for (state consideration and insert or annex a summary of account and describe generally any vouchers necessary to substantiate the debt) for which said sum or any part thereof I say that (I) have not nor hath any person by my order or to my knowledge or belief for (my) use had or received any manner of satisfaction or security whatsoever, save and except the following—

(Here set out the particulars of all securities held, and where the securities are on the property of the debtor assess the value of the same, and if any bills or other negotiable securities be held specify them in the schedule.)

Date.	Drawn.	Acceptor.	Amount.	Date when due.

Sworn, etc.

(When affidavit is made by a clerk alter the form accordingly, and add the following.)

That I am in the employ of *C.D.*, and that I am duly authorised by him to make this affidavit, and that it is within my own knowledge that the afore-said debt was incurred, and for the consideration above stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

No. 67.

Rule 180.

AFFIDAVIT OF PROOF OF DEBT BY AGENT OF A COMPANY.
(Title.)

I,, of, secretary (or manager or other officer) of.....(here state name of corporation) make oath and say that I am duly authorised by.....(here set out the name and style of the corporation), to make the proof of debt on its behalf (then follow last affidavit, altering form accordingly).

NOTE.—This form may also be incorporated in the proof in the same manner as is provided in the case of a clerk proving for his employer.

Rule 181.

No. 68.

PROOF OF DEBT OF WORKMEN.

(Title.)

(a) Fill in full name, address and occupation of deponent.
 (b) The above named debtor or the foreman of the above-named debtor or on behalf of the workmen and others employed by the above-named debtor.
 (c) "I" or "the said."
 (d) My "employ" or "the employ of the above-named debtor."
 (e) "Me" or "the above-named debtor."

I, (a)....., of....., (b) make oath and say—

That (c).....w.....at the date of the receiving order, viz., the..... day of.....19....., and still..... justly and truly indebted to the several persons whose names, addresses, and descriptions appear in the schedule endorsed hereon in sums severally set against their names in the sixth column of such schedule for wages due to them respectively as workmen or others in (d).....in respect of services rendered by them respectively to (e).....during such periods before the date of the receiving order as are set out against their respective names in the fifth column of such schedule for which said sums, or any part thereof, I say that they have not, nor hath any of them had or received any manner of satisfaction or security whatsoever.

(Signed).....
Deponent.

Sworn at.....in the county of..... this.....day of.....one thousand nine hundred and.....

Before me,

SCHEDULE.

1. No.	2. Full Name of Workmen.	3. Address.	4. Description.	5. Period over which Wages due.	6. Amount Due.
					\$ c.

(Signed).....
Deponent.

(Signed).....
Commissioner, or Officer
administering Oath.

No. 69.

Rules 186
and 187.

NOTICE OF REJECTION OF PROOF OF DEBT.
(Title.)

Take notice, that as Official Receiver of the above estate, I have this day rejected your claim against such estate (a) to the extent of \$..... on the following grounds—

(a) If proof wholly re-jected strike out words in italics.

And further take notice that if you are dissatisfied with my decision in respect of your proof, you may apply to the Court to reverse or vary the same, but subject to the power of the Court to extend the time, no application to reverse or vary my decision in rejecting your proof will be entertained after the expiration of (b).....days from this date.

(b) 21 days or 7 days as the case may be. See Rules 189 and 191 (2).

Dated this.....day of.....19.....

(Signed).....
Official Receiver.

Address.....

To

No. 70.

Rule 206.

GENERAL PROXY.
(Title.)

I, C.D., of....., a creditor, hereby appoint the Official Receiver (or Mr. A.B., of....., a clerk in my regular employ) to be my general proxy in the above matter (excepting as to the receipt of dividends).

(Signed) C.D.

Dated this.....day of.....19.....

(Signed).....
Witness.

Address.....

NOTE.—When the creditor desires that his general proxy should receive dividends he should strike out the words “excepting as to the receipt of dividends” putting his initials thereto. The creditor must fill up blanks in his own handwriting, or the name of the person filling them up must be stated. It is not intended that the Official Receiver shall in any case receive dividends on behalf of a creditor. The authorised agent of a corporation may fill up blanks, and sign for the corporation, e.g. for the company.

J.S. (duly authorised by the company).

A proxy given by a creditor may be filled up and signed by any person having a general authority in writing to sign for such creditor such person shall sign, *J.S.* (duly authorised by a general authority in writing to sign on behalf of (name of creditor)).

The proxy must be lodged with the Official Receiver or assignee not later than four o'clock of the afternoon of the day before the meeting at which it is to be used.

Rule 206.

No. 71.

SPECIAL PROXY.

(Title.)

I, C.D., of....., a creditor, hereby appoint the Official Receiver (or Mr. A.B., of.....) as my proxy at the meeting of creditors to be held on the.....day of19....., to vote for (or against) (here specify the particular resolution or name of proposed assignee).

(Signed) C.D.

Dated this..... day of..... 19.....

(Signed).....

Witness.

Address.....

NOTE.—The creditor must fill up blanks in his own handwriting, or the name of the person filling them up must be stated. The authorised agent of a corporation may fill up blanks and sign for the corporation, e.g. for the company.

J.S. (duly authorised by the company)

Rules 158 and 206.

No. 72.

VOTING LETTER UNDER SECTION 19 (4).

Re..... Date.....

Address.....

Sir,

I REQUEST you to record my vote for (or against) the above proposed composition (or scheme of arrangement) in the said matter.

(Signed) J.S.

(Signed).....

Witness.

Address.....

To the Official Receiver of the estate of.....

N.B.—The letter must be sent in so as to reach the Official Receiver not later than four o'clock on the day before the meeting.

No. 73.

Rule 211.

NOTICE TO CREDITORS OF FIRST MEETING.
(Title.)

Notice is hereby given that the first meeting of creditors in the above matter will be held on the.....day of..... 19....., at (insert place) at (insert hour).

To entitle any creditor to vote thereat his proof must be lodged with me not later than 4 o'clock on the.....day of..... 19.....

Forms of proxies can be obtained from me on payment of.....

The Public Examination of the debtor is fixed for the.....day of..... 19....., at.....

Dated this.....day of..... 19.....

(Signed).....
Official Receiver.

NOTE.

At the first meeting the creditors may (amongst other things)—

- 1. By special resolution resolve to entertain a proposal for a composition or scheme under s. 19 of the Ordinance, either with or without the intervention of an assignee.
- 2. By ordinary resolution resolve that the debtor be adjudged insolvent, and if the estate exceeds \$1,500 appoint an assignee.
- 3. By ordinary resolution fix the remuneration of the assignee, or resolve that the same be left to the committee of inspection, but if one-fourth in number or value of creditors dissent from the resolution fixing the assignee's remuneration the Official Receiver is to fix his remuneration.
- 4. By ordinary resolution to appoint a committee of inspection from among the creditors qualified to vote or the holders of general proxies or general powers of attorney for such creditors
- 5. By ordinary resolution determine the remuneration to be paid to the special manager if one be appointed.

Rule 211.

No. 74.

NOTICE TO CREDITORS OF FIRST MEETING IN SUMMARY CASE
WHERE DEBTOR HAS NOT SUBMITTED AN OFFER
OF COMPOSITION.
(Title.)

SUMMARY CASE.

(Under Receiving Order dated the.....day of..... 19.....)

Notice is hereby given that the first meeting of the creditors in the above matter will be held at.....on the.....day of..... 19....., at.....o'clock in the.....noon, for the purpose of receiving a report by the Official Receiver upon the position of the estate.

The debtor has been adjudged insolvent, and an order for summary administration has been made by the Court.

Under section 105 of the Insolvency Ordinance the Official Receiver is the assignee in the insolvency, but the creditors can, by special resolution, appoint an assignee in his place.

To entitle you to vote thereat your proof must be lodged with me not later than.....o'clock on the.....day of..... 19.....

Proxies to be used at the meeting must be lodged with me not later than.....o'clock.....on the.....day of..... 19.....

The public examination of the debtor is fixed for the.....
day of..... 19...., at..... o'clock in the..... noon at

Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Dated this..... day of..... 19....

(Signed).....

Official Receiver.

Rules 158
and 211.

No. 75.

NOTICE OF FIRST OR OTHER MEETING WHERE DEBTOR
SUBMITS AN OFFER OF COMPOSITION OR SCHEME (WHERE NO
ORDER FOR SUMMARY ADMINISTRATION HAS BEEN MADE).
(Title.)

(Under Receiving Order dated the..... day of..... 19....)

Notice is hereby given that a general meeting of the creditors of the above-named debtor will be held at..... on the..... day of..... 19...., at..... o'clock, in the..... noon, precisely.

Creditors qualified to vote at such meeting may, by a resolution passed by a majority in number, and three-fourths in value, of all the creditors who have proved their debts, accept the proposal made by the debtor for a composition (or scheme), the terms of which are set forth in the accompanying report, or any amendment of such proposal which in the opinion of the Official Receiver is calculated to benefit the general body of creditors.

Proofs of debts intended to be used at the meeting must be lodged with the Official Receiver not later than..... o'clock, on the..... day of..... 19....

Proxies and voting letters to be used at the meeting must be lodged not later than..... o'clock, on the..... day of..... 19....

Creditors who prove their debts, and whose proofs are admitted and who do not vote on the debtor's proposal, will be reckoned as voting against it.

A sitting of the Court for the public examination of the debtor will be held at....., on the..... day of..... 19...., at..... o'clock in the..... noon.

Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Dated this..... day of..... 19....

(Signed).....

Official Receiver.

NOTE 1.—Creditors who have proved may vote for or against the acceptance of the debtor's proposal by means of a voting letter.

NOTE 2.—If the proposal be not accepted the meeting may, if the debtor has not already been adjudged insolvent, resolve on his adjudication, and in that case, they may also by ordinary resolutions appoint an assignee and a committee of inspection, and fix the remuneration of the assignee or resolve that it be left to the committee of inspection.

No. 76.

Rules 153
and 211.

NOTICE OF MEETING IN A SUMMARY CASE WHERE DEBTOR
SUBMITS AN OFFER OF COMPOSITION OR SCHEME.

(Title.)

(Under Receiving Order dated the..... day of..... 19....)

Notice is hereby given that a General Meeting of the Creditors of the above-named Debtor will be held at....., on the..... day of..... 19...., at..... o'clock in the..... noon precisely. Creditors qualified to vote at such Meeting may by a resolution passed by a majority in number, and three-fourths in value, of all the creditors who have proved their debts, accept the proposal made by the debtor for a composition (or scheme), the terms of which are set forth in the accompanying report, or any amendment of such proposal which in the opinion of the Official Receiver is calculated to benefit the general body of Creditors.

Proofs of debts intended to be used at the meeting must be lodged with the Official Receiver not later than..... o'clock on the..... day of..... 19....

Proxies and voting letters to be used at the meeting must be lodged not later than..... o'clock, on the..... day of..... 19....

Creditors who prove their debts, and whose proofs are admitted, and who do not vote on the debtor's proposal, will be reckoned as voting against it.

A sitting of the Court for the public examination of the debtor will be held at....., on the..... day of..... 19...., at..... o'clock in the..... noon.

Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Dated this..... day of..... 19....

Address.....

(Signed).....

Official Receiver.

NOTE 1.—Creditors who have proved may vote for or against the acceptance of the debtor's proposal by means of a voting letter.

NOTE 2.—If the proposal be not accepted the meeting may, if the debtor has not already been adjudged insolvent, resolve on his adjudication, when the Official Receiver will become the assignee unless the creditors by special resolution appoint an assignee.

No. 77.

Rule 153.

PROPOSAL FOR A COMPOSITION.

(Title.)

I,, the above-named debtor, hereby submit the following proposal for a composition in satisfaction of my debts—

1. That payment in priority to all other of my debts of all debts directed to be so paid in the distribution of the property of an insolvent shall be provided for as follows—

(Set out terms of proposal so far as they relate to preferential claims.)

2. That provision for payment of all the proper costs, charges and expenses of and incidental to the proceedings, and all fees and percentages payable to the Official Receiver shall be made in the following manner—

(Set out proposal for provisions for fees, charges, costs, etc.)

(a) To be signed by the debtor; in case of joint debtors to be signed in the firm name by such of the debtors as the official receiver shall require.

3. That the following composition shall be paid as hereinafter mentioned on all provable debts—

(Set out terms of composition.)

4. That the payment of the composition be secured in the following manner—

(Set out full names and addresses of sureties (if any) and complete particulars of all securities intended to be given.)

Dated this.....day of.....19.....

(Signed) (a)

Rule 158.

No. 78.

PROPOSAL FOR A SCHEME.

(Title.)

I,, the above-named debtor, hereby submit the following proposal for a scheme of arrangement of my affairs in satisfaction of my debts.

1. That—

(Set out terms of scheme.)

2. That payment in priority to all other of my debts of all debts directed to be so paid in the distribution of the property of an insolvent is provided for as follows—

(Set out or indicate by reference to the scheme, how it is proposed to satisfy preferential claims.)

(a) To be signed by the debtor, or in the case of joint debtors, to be signed in the firm name by such of the debtors as the official receiver shall require.

3. That provision for payment of all the proper costs, charges, and expenses of and incidental to the proceedings, and all fees and percentages payable to the Official Receiver is provided for as follows—

(Set out or indicate by reference to the scheme, how it is proposed to provide for fees, costs, charges, etc.)

(Set out any other terms.)

Dated this.....day of.....19.....

(Signed) (a)

Rule 158.

No. 79.

REPORT OF OFFICIAL RECEIVER TO CREDITORS ON PROPOSAL FOR COMPOSITION OR SCHEME AND VOTING LETTER.

(Title.)

The Official Receiver of the above estate hereby reports—

That the debtor has lodged with him a proposal for a composition (or scheme) to be submitted to the creditors, of which the following is a copy.

(Here set out fully the terms of proposal.)

That the liabilities, as shown by the debtor's statement of affairs, amount to the sum of \$....., and the assets are estimated by the debtor at the sum of \$..... after payment of preferential debts.

That the value of the assets is (fairly estimated by the debtor) (or, as the case may be).

That the terms of the debtor's proposal (set out particulars of proposal and observations on the proposal and the debtor's conduct).

Dated this.....day of.....19.....

(Signed).....

Official Receiver.

VOTING LETTER.

(Title.)

I,, of, a creditor in the above matter for the sum of \$.....hereby request the Official Receiver of the said estate to record my vote (a).....the acceptance of the proposal as set forth in the report of the Official Receiver hereto annexed and/or (b).....any amendment thereof which shall in the opinion of the Official Receiver be calculated to benefit the general body of the creditors.

Dated this.....day of.....19.....

(Signed).....

Creditor.

(Signed).....

Witness.

Address.....

(a) Insert here the word "for" or the word "against" as the case may require. (b) Creditors may if they think fit, authorise the Official Receiver to vote "against" the proposal now submitted but "for" such amendment thereof as may be satisfactory to the Official Receiver.

No. 80.

Rule 216.

NOTICE TO CREDITORS OF ADJOURNED MEETING.

Take notice that the meeting of creditors in the above matter held on the.....day of.....19....., at..... was adjourned to the.....day of.....19....., and will accordingly be held at.....on the said day at.....o'clock in the.....noon.

AGENDA.

(Insert here nature of business to be transacted.)

Dated this.....day of.....19.....

(Signed).....

Official Receiver.

Address.....

No. 81.

Rule 210.

NOTICE TO DEBTOR TO ATTEND FIRST MEETING OF CREDITORS.

(Title.)

Take notice that the first meeting of your creditors will be held on the.....day of.....19....., at.....o'clock at (here insert place where meeting will be held), and that you are required to attend thereat and submit to such examination and give such information as the meeting may require. And further, take notice that if you fail to comply with the requirements of this notice you will be guilty of a contempt of Court and may be punished accordingly.

Dated this.....day of.....19.....

(Signed).....

Official Receiver.

Ord. 1st sch.
No. 25.

No. 82.

MINUTES OF PROCEEDINGS AT FIRST MEETING.

(Title.)

Minutes of resolutions come to and proceedings had at the first meeting of creditors held at....., this.....day of.....19...., Chairman, the Official Receiver (or being absent, *F.K.*, of....., Chairman).

Resolved as follows—

That *A.B.* shall be adjudged insolvent and that the Official Receiver do apply to the Court to make the adjudication.

That *G.H.*, of....., shall be assignee of the property of the insolvent at (here state remuneration) (or that the appointment of an assignee in this insolvency be made by the committee of inspection).

That *I.K.*, *L.M.*, *N.O.*, *P.Q.*, and *R.S.*, be appointed the committee of inspection in this insolvency, for the purpose of superintending the administration of the property of the insolvent by the assignee.

Or,

That (the debtor's) proposal for a composition (or scheme) as set forth in the annexed paper writing marked A be accepted.

(Here add any other resolutions that may be come to as to the manner of the administration of the property by the assignee.)

(Signed) *F.K.*,
Chairman.

Number.	Assenting Creditors' Signatures.	Amount of Proof.		Number.	Assenting Creditors' Signatures.	Amount of Proof.

NOTE.—When a resolution is carried unanimously the creditors need not sign, but when a division is taken all creditors and holders of proxies voting should sign. The signature must be attached at the meeting. Resolutions should be put separately.

No. 83.

Rule 217.

LIST OF CREDITORS ASSEMBLED TO BE USED AT EVERY MEETING.

(Title.)

Meeting held at.....this.....day of.....19.....

Number.	Names of Creditors present or assembled.	Amount of Proof.
1		
2		
3		
4		
5		
6		
7		
7	Total number of creditors present or assembled	...

No. 84.

APPLICATION TO EXTEND TIME FOR ACCEPTING OR APPROVING A COMPOSITION OR SCHEME AND ORDER THEREON. Sec. 21 (2) (c).

(Title.)

Ex parte the Official Receiver.

The Official Receiver in the above matter reports to the Court—

That (a).....was on the.....day of.....19....., duly lodged by the debtor. (a) Composition, or scheme of arrangement.

That the public examination of the debtor was concluded on the day of.....19..... (b) The prescribed notices cannot be given; or the notices or securities required for the said (a) have not been lodged; or as the case may be.

That (b).....in time to allow of the acceptance and approval of the said (a).....within twenty-one days after the conclusion of the examination of the debtor as required by section 21 of the Insolvency Ordinance.

Under these circumstances application is made for an extension of time to the.....day of.....19....., for obtaining such acceptance and approval.

Dated this.....day of.....19.....

(Signed).....
Official Receiver.

Order.

Before.....

Upon reading the above report of the Official Receiver and hearing.....it is ordered that the time for obtaining the

acceptance or approval of the said (a) in the above matter be extended to the.....day of.....19....

Dated this.....day of.....19....

By the Court,

(Signed)..... Registrar.

Rule 159. Sec. 19.

No. 85.

APPLICATION TO COURT TO APPOINT DAY FOR APPROVING COMPOSITION OR SCHEME. (Title.)

(a) Composition or scheme of arrangement. (b) debtor or Official Receiver.

Whereas at a meeting of creditors of the above-named debtor, held at.....on the.....day of.....19...., a resolution to accept (a).....was duly passed by a majority in number representing three-fourths in value of all the creditors who have proved their debts.

And whereas the public examination of the debtor was concluded on the.....day of.....19....

Now the (b).....applies to the Court to fix a day for the consideration of the above-mentioned (a).

Dated this.....day of.....19....

(Signed)..... Debtor, or Official Receiver.

ORDER.

Before.....

Upon reading the above application and hearing..... it is ordered that the application for the consideration by the Court of the above-mentioned (a).....shall be heard at..... on the.....day of.....19...., at.....o'clock in the.....noon.

Dated this.....day of.....19....

By the Court,

(Signed)..... Registrar.

Rule 161.

No. 86.

NOTICE TO CREDITORS OF APPLICATION TO COURT TO APPROVE COMPOSITION OR SCHEME. (Title.)

Take notice that application will be made to the Court sitting at..... on the.....day of.....19...., at.....o'clock in the.....noon, to approve the composition (or scheme of arrangement) as proposed by the debtor and duly accepted by the statutory majority of the Creditors at a meeting held on the.....day of.....19....

Dated this.....day of.....19....

(Signed)..... Official Receiver.

No. 87.

Ord. 1st sch.
No. 5.

ORDER OF COURT FOR GENERAL MEETING OF CREDITORS.

(Title.)

Upon the application of *C.D.*, of....., it.....
.....ordered that the assignee of the property of the said *A.B.* (or
the Official Receiver) do summon a meeting of the creditors of the said *A.B.*
to be held at.....on the.....day of
.....19....., at.....o'clock in the.....noon (here state
the purpose for which meeting called).

Dated this.....day of.....19.....

By the Court,

(Signed).....
Registrar.

No. 88.

Rule 212.

NOTICE OF MEETING (GENERAL FORM).

(Title.)

Take notice that a meeting of creditors in the above matter will be held
on the.....day of.....19....., at.....
.....at.....o'clock.

AGENDA.

(Here insert purpose for which meeting called.)

Dated this.....day of.....19.....

(Signed) *Y.Z., Assignee, or
Official Receiver.*

N.B.—Forms of proxies can be obtained on application to the Official Receiver, and on
payment of twenty-four cents.

No. 89.

Rule 160.

NOTICE TO OFFICIAL RECEIVER OF APPLICATION TO COURT BY
DEBTOR TO APPROVE COMPOSITION OR SCHEME.

(Title.)

Take notice that application will be made to the Court on the.....
.....day of.....19....., at.....o'clock in the.....
noon to sanction the composition (or scheme) approved on the.....
day of.....19....., by the statutory majority of creditors.

Dated this.....day of.....19.....

(Signed) *G.H.*

Rule 315.

No. 90.

AFFIDAVIT BY SPECIAL MANAGER.

I, _____ of _____, make oath and say as follows—

1. The account hereunto annexed marked A and signed by me contains a true account of all and every sums and sum of money received by me or by any other person or persons by my order or to my knowledge or belief for my use on account or in respect of the said estate or business.

2. The several sums of money mentioned in the said account hereby verified to have been paid or allowed have been actually and truly so paid and allowed for the several purposes in the said account mentioned.

3. The said account is just and true in all and every the items and particulars therein contained according to the best of my knowledge and belief.

Sworn, etc.

Sec. 75.
Rule 288.

No. 91

NOTICE TO CREDITORS OF MEETING TO REMOVE ASSIGNEE AND TO APPOINT A PERSON TO FILL THE VACANCY.

(Title.)

At the request of one-fourth in value of the creditors of the insolvent a general meeting of the creditors is hereby summoned to be held at _____ on the _____ day of _____ 19____ at _____ o'clock in the _____ noon for the purpose of considering the propriety of removing Y.Z., the assignee of the property of the insolvent from his office as such assignee, and in the event of his removal to appoint a person to fill the vacancy.

Dated this _____ day of _____ 19_____.

(Signed) L.M.,

*A member of the Committee
of Inspection, or Official
Receiver.*

Secs. 75
and 76.

No. 92.

NOTICE OF MEETING TO BE HELD TO APPOINT NEW ASSIGNEE.

(Title.)

I, G.H., the Official Receiver, hereby give notice that a meeting of creditors will be held at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon for the purpose of appointing an assignee in the place of the late assignee, who has resigned the office (or who has died or has become insolvent).

Dated this _____ day of _____ 19_____.

(Signed) G.H.,

Official Receiver.

No. 93.

Ord. 1st. sch.
No. 25.
Rule 282.

MINUTES OF MEETING FOR RECEIVING RESIGNATION OF
ASSIGNEE.

(Title.)

Minutes of proceedings had at a meeting of creditors of the said
held at.....on the.....
day of.....19.....

Chairman of the meeting, *E.F.*, of
Resolved (here should follow resolutions).

(Signed) *E.F.*,
Chairman of this meeting.

No. 94.

Rule 278.

REQUEST BY CREDITORS TO THE OFFICIAL RECEIVER
TO NOTIFY HIS OBJECTION TO ASSIGNEE TO COURT.

(Title.)

We, the undersigned, being a majority in value of the creditors of the
above-named *A.B.*, do hereby request the Official Receiver to notify his
objection to the appointment of *C.D.*, as assignee of the property of the
insolvent to the Court.

Dated this.....day of.....19.....

Amount of Debt.....

Signature of Creditors.
E.F.
K.L.
etc.

No. 95.

Rule 276.

CERTIFICATE OF APPOINTMENT OF ASSIGNEE.

(Title.)

This is to certify that *Y.Z.*, of....., has been duly
appointed and approved as assignee of the estate of.....,
(against) who(m) on the.....day of.....19.....,
a receiving order was made (or as the case may be) was adjudged insolvent.

(Signed) *G.H.*,
Official Receiver.

No. 96.

Rule 171.

BOND OF ASSIGNEE.

(Title.)

Know all men by these presents that we, *Y.Z.* of, etc., and *C.D.* of, etc.,
and *E.F.* of, etc., are jointly and severally held and firmly bound to the
Official Receiver in \$.....to be paid to the said.....,
or his successors, For which payment to be made we bind ourselves and

No. 98.

Rule 290.

ORDER ON APPLICATION OF OFFICIAL RECEIVER OR ASSIGNEE FOR DIRECTIONS.

(Title.)

Whereas at a Court held this day the Official Receiver (or the assignee of the property of the insolvent) applied to this Court for its directions (here state the particular matter in relation to which they are sought).

Now upon hearing C.D., of....., on the matter, it is ordered (here set out the order), and that the Official Receiver or the assignee do pay out of the property of the insolvent the sum of \$..... (or that the assignee to pay out of his own moneys the sum of \$.....), the cost of this order, and the sum of \$..... to C.D. for his costs (or that C.D. do pay the sum of \$..... the costs of this order, and also the sum of \$..... to E.F. for his costs).

Dated this..... day of..... 19.....

By the Court,

(Signed).....

Registrar.

No. 99.

Rule 299.

NOTICE TO LANDLORD OF INTENTION TO DISCLAIM LEASE NOT SUB-LET OR CHARGED.

(Title.)

Take notice that I intend to disclaim the lease dated....., whereby (here specify property let) was let to the above-named debtor at a rent of \$.....

If you do not within seven days after service of this notice upon you require me by notice in writing to bring the matter before the Court, I hereby disclaim the said lease as from the expiration of the said seven days.

Dated this..... day of..... 19.....

To Mr. X.Y.

(Signed) G.H.,
Official Receiver,
or Assignee.

No. 100.

Rule 299.

NOTICE TO LANDLORD OF INTENTION TO DISCLAIM LEASEHOLD PROPERTY SUB-LET OR CHARGED.

(Title.)

Take notice that I intend to disclaim the lease dated....., whereby (a)..... was let to (b)..... at a rent of \$.....

If you require the matter to be brought before the Court, you must give notice thereof to me in writing within fourteen days of the receipt by you of this notice.

Dated this..... day of..... 19.....

(Signed).....

Assignee.

To Mr....., the landlord of the above-mentioned premises, and

To Mr....., sub-tenant or person in whose favour charge has been made.

(a) Here insert particulars of the demised property.
(b) The above-named insolvent or as the case may be.

Rule 299.

No. 101.

FORM OF NOTICE BY LANDLORD OR OTHER PERSON REQUIRING ASSIGNEE TO BRING MATTER OF INTENDED DISCLAIMER OF PROPERTY BURDENED WITH ONEROUS COVENANTS BEFORE THE COURT.

(Title.)

To....., assignee of the property of the above-named insolvent.

Sir,

I hereby give you notice that the said insolvent was at the date of receiving order, interested as lessee (or, as the case may be) in the property (description) and that as such lessee (or as the case may be) the insolvent was liable in respect of (set out nature of the insolvent's liability) which liability has devolved on you as assignee in insolvency of his property, and I hereby require you to bring the matter of your intended disclaimer of the insolvent's interest in the said property before the Court.

I am, etc.,

(Signed) A.B.

(State how interested in the property.)

No. 102.

Rule 272.

NOTICE OF TRANSFER OF SEPARATE ESTATE TO JOINT ESTATE FOR GAZETTE.

IN INSOLVENCY.

(Title.)

Notice is hereby given that there being in the hands of the assignee in the above insolvency a surplus estimated at.....arising from the separate estate of (name of separate partuer) one of the insolvents, and there being no separate creditors of such insolvent, it is the intention of such assignee, at the expiration of.....days from the appearance of this notice in the Gazette to transfer such surplus to the credit of the joint estate in the said insolvency.

Dated this.....day of.....19.....

(Signed).....

Assignee.

No. 103.

Rule 191.

NOTICE OF INTENTION TO DECLARE DIVIDEND.

(Title.)

A (a).....dividend is intended to be declared in the above matter.

(a) Here insert first, second, final, or as the case may be.

Creditors who have not proved their debts by the..... day of.....19....., will be excluded from this dividend.

Dated this.....day of.....19.....

(Signed) G.H.,
Official Receiver, or
Assignee (Address).

No. 104.

Rule 191.

NOTICE TO PERSONS CLAIMING TO BE CREDITORS OF INTENTION TO DECLARE FINAL DIVIDEND.

(Title.)

A final dividend is intended to be declared in the above matter.

If you do not establish your claim to the satisfaction of the Court on or before the.....day of.....19....., or such later day as the Court may fix, your claim will be expunged and I shall proceed to make a final dividend without regard to such claim.

Dated this.....day of.....19.....

To all persons claiming to be creditors of..... whose claims have been notified to me but not established to my satisfaction.

(Signed) G.H.,
Official Receiver, or
Assignee.
.....(Address).

No. 105.

Sec. 19.

NOTICE TO CREDITOR OF INTENTION TO PAY COMPOSITION.

(Title.)

Notice is hereby given that a composition is intended to be paid in the above matter.

Your name is included in the list of creditors in the above debtor's statement of affairs, but you have not yet proved your debt.

The last day for receiving proofs is the.....day of.....19.....

Dated this.....day of.....19.....

(Signed).....
Official Receiver.

To.....

Rule 285.

No. 106.

STATEMENT TO BE PREPARED WHEN GIVING NOTICE OF DIVIDEND AND APPLICATION FOR RELEASE AND TO BE OPEN TO THE INSPECTION OF ALL CREDITORS WITHOUT FEE.

(Title.)

STATEMENT showing the position of the estate at date of declaring (1st) dividend or at the date of application for release.

Dr.

Cr.

	1885. 4th Jan. to 30th April.	To total receipts from (date of receiving order) (or declara- tion of first dividend) to date. (State particulars under the several headings in the debtor's state- ment of affairs.) Receipts per trading account. <i>Less.</i> Payments per trading account.		1884. 4th Jan. to 30th April.	By Official Receiver and Court Fees. Law costs of petition. Other law costs. Assignee's remunera- tion as fixed by (a) viz.— per cent. on \$ on assets realised. per cent. on \$ on assets distri- buted in dividend. Special Manager's charges. Person appointed to assist debtor under section 68 of the Ordinance. Auctioneer's charges as taxed. Other taxed costs. Other charges. Total costs of realisation Allowance to debtor. Creditors, viz.— preferential. unsecured dividend. Now declared of in the \$ Dividend previously de- clared. Balance.
--	--	---	--	--	--

(a) Insert "creditors" or "committee of inspection" or "Court," as the case may be.

By section 72 of the Insolvency Ordinance it is provided that "if one-fourth in number or value of the creditors dissent from the resolution or the debtor satisfies the Court that the remuneration is unnecessarily large the Court shall fix the amount of the remuneration".

Assets not yet realised estimated to produce \$.....

Creditors can obtain any further information by inquiry at the office of the assignee.

No. 107.

Rule 191.

NOTICE OF DIVIDEND.

(Title.)

NOTICE IS HEREBY GIVEN that a.....Dividend of
.....in the dollar has been declared in this matter, and
that the same may be received at.....Office, as above,
on.....the.....day of.....19....,
or on any subsequent day between the hours of.....

Upon applying for payment, a creditor must produce any bills of
exchange, or other securities held by him if not already filed; and if a creditor
does not attend personally, he must fill up and sign a receipt and authority
in accordance with the subjoined forms, when a cheque payable to his order
will be delivered to the bearer.

(Signed) G.H.,
Official Receiver, or
Assignee.

To.....

RECEIPT.

.....19....

RECEIVED of.....the sum of.....
dollars.....cents being the amount payable to.....
in respect of the.....dividend of.....
in the dollar on.....claim against their estate.

(Signed).....
Creditor.

AUTHORITY.

Sir,

Please deliver to (insert the name of the person who is to receive the
cheque, or the words "me by post," if you wish the cheque sent to you
in that way) the cheque for the dividend payable to.....
in this matter.

(Signed).....
Creditor.

.....19....

To.....

No. 108.

Sec. 61.

APPLICATION BY CREDITOR FOR ORDER FOR ASSIGNEE TO PAY
DIVIDEND WITHHELD AND ORDER THEREON.

(Title.)

I, F.K., of....., make application to this Court
for an order to be made upon the assignee to pay the dividend in this insolvency
due to me, with interest thereon for the time it has been withheld from
me, that is to say, from the.....day of.....

19....., on which day I applied to the..... for its payment to me, and also to pay to me the costs of the application.

Dated this..... day of..... 19.....

(Signed) F.K.

ORDER.

Upon the reading of this application, and upon hearing..... it is ordered that the Official Receiver or assignee do forthwith pay to the said F.K. the sum of..... dollars, the amount of such dividend.

(Add in the case of an assignee.)

And it is further ordered that the assignee do pay to the said creditor at the same time the sum of....., for interest on such dividend, being at the rate of six per centum per annum for the time that its payment has been withheld, together with a further sum of..... for the costs of this application.

Dated this..... day of..... 19.....

By the Court,

(Signed)..... Registrar.

If the Court does not order payment, then, after the words "it is ordered" insert the order as made.

Rule 267.

No. 109.

CERTIFICATE BY COMMITTEE OF INSPECTION AS TO AUDIT OF ASSIGNEE'S ACCOUNT.

We, the undersigned, members of the committee of inspection in the matter of....., hereby certify that we have examined the foregoing account with the vouchers, and that to the best of our knowledge and belief the said account contains a full, true, and complete account of the assignee's receipts and payments on account of the estate.

Dated this..... day of..... 19.....

A.B. } Committee of Inspection.
C.D. }
E.F. }

Rule 268.

No. 110.

AFFIDAVIT VERIFYING ASSIGNEE'S ACCOUNT.

(Title.)

I, Y.Z., of....., the assignee of the property of the above-named....., make oath and say—

That *the account hereunto annexed marked B is a true copy of the estate cash book and contains a full and true account of my receipts and payments on account of the insolvent's estate from the..... day of..... 19....., to the..... day of.....

19....., inclusive, *and that I have not, nor has any other person by my order or for my use during such period received or paid any moneys on account of the said estate *other than and except the items mentioned and specified by the said account.

Sworn at, etc.

*If no receipts or payments, strike out the words in italics.

Rule 284.

No. 112.

ASSIGNEE'S TRADING ACCOUNT.
(Title.)

Y.Z., the assignee of the property of the insolvent in account with the estate.

Dr. Receipts.

Payments. Cr.

Date.				Date.			

(Signed) Y.Z.,
Assignee.

We have examined this account with the vouchers and find the same correct, and we are of opinion the expenditure has been proper.

(Signed).....
Committee of Inspection,
or member of the Committee of Inspection.

Rule 284.

No. 113.

PROFIT AND LOSS ACCOUNT (TRADING ACCOUNT).
(Title.)

Dr.

PROFIT AND LOSS ACCOUNT

Cr.

Stock on hand on _____ day of _____ 19____			Sales		
Purchases			Other receipts, if any ...		
Trade expenses, viz.—			Stock on hand on _____ day of _____ 19____		
Rent and Taxes					
Wages					
Miscellaneous					
Balance being profit					

(Signed) Y.Z.,
Assignee.

NOTE.—This account to be submitted when the Committee of Inspection require, and in any case at the end of the trading or business carried on by the assignee.

Rule 284.

No. 114.

AFFIDAVIT VERIFYING ASSIGNEE'S TRADING ACCOUNT.
(Title.)

I, Y.Z., of.....the assignee of the property of the above-named....., make oath and say that the account hereto annexed is a full, true and complete account of all money received and paid by me or by any person on my behalf in respect of the carrying on of the trade or business of the....., and that the sums paid by me as set out in such account have, as I believe, been necessarily expended in carrying on such trade or business.

Sworn, etc.

(Signed) Y.Z.,
Assignee.

No. 115.

Rule 292.

STATEMENT OF ACCOUNTS UNDER SECTION 81 (2) OF THE
INSOLVENCY ORDINANCE.

(Title.)

RECEIPTS.				PAYMENTS.			
Date.	Of whom received.	Nature of receipts.	Amount.	Date.	To whom paid.	Nature of payment.	Amount.

(Signed).....

Dated this.....day of.....19.....

No. 116.

Rule 59.

NOTICE TO INSOLVENT UNDER SECTION 50.

(Title.)

To A.B.

Take notice that I intend to apply to this Court on the.....
day of.....19....., at.....o'clock in the.....noon, for
an order under section 50 of the Insolvency Ordinance for the payment of
a part of your salary (or income) to me for the benefit of the creditors under
your insolvency.

Dated this.....day of.....19.....

(Signed) G.H.,
Assignee.

No. 117.

Sec. 50 (1).

ORDER SETTING ASIDE PAY, SALARY, Etc.,
UNDER SECTION 50 (1).

(Title.)

Whereas it appears to the Court that the said insolvent is (or, here
state what the insolvent is), and as such is in the enjoyment of the annual
pay (or, salary) of.....dollars; and whereas upon the applica-
tion of G.H., of.....the assignee of the property of the
insolvent, it appears to the Court just and reasonable that the annual sum of
.....dollars, portion of the said pay (or salary) ought to be paid
to the said.....during the insolvency, in order that the
same may be applied in payment of the debts of the said insolvent, and that
such payment ought to be made out of the first moneys which shall be due
after the.....day of.....19....., and be

continued until this Court shall make order to the contrary; and the written statement of the Chief Secretary that the Governor consents to the terms of such payment having been filed, it is ordered, that such portion of the (here insert pay or salary) shall be paid to the assignee accordingly.

Dated this.....day of.....19.....

By the Court,

(Signed).....
Registrar.

Sec. 50 (2).

No. 118.

ORDER SETTING ASIDE SALARY OR INCOME, ETC., UNDER SECTION 50 (2).

(Title.)

Whereas it having been made to appear to this Court that the insolvent is in the receipt of (or entitled to) a salary (or income, half-pay, pension, or compensation as the case may be) of about.....dollars, as (here set forth the circumstances under which the salary or income is received): And whereas upon the application of the assignee of the property of the insolvent, and upon hearing the insolvent it appears to the Court just and reasonable that the annual sum of.....dollars, portion of the said salary (or income, etc.) ought to be paid by the insolvent by monthly (or quarterly) payments (according as the insolvent receives his salary or income, etc.), to the assignee during the insolvency, in order that the same may be applied in payment of the debts of the said insolvent, and that the first of such payments ought to be made on the.....day of.....19....., and be continued monthly (or quarterly) until this Court shall make order to the contrary: it is ordered that the said sum shall be paid by..... in manner aforesaid out of the insolvent's said salary (or income, etc.).

Dated this.....day of.....19.....

By the Court,

(Signed).....
Registrar.

Rule 289.

No. 119.

APPLICATION TO OFFICIAL RECEIVER TO AUTHORISE ACCOUNT AT BANK.

(Title.)

We, the committee of inspection, being of opinion that Mr. Y.Z., of....., the assignee in the above matter, should have an account at a bank for the purpose of (here insert grounds for application) hereby apply to you to authorise him to make his payments into and out of the.....Bank. All cheques to be countersigned by..... a member of the Committee of Inspection and by.....

L.M. }
J.P. } Committee of Inspection.
E.F. }

Dated this.....day of.....19.....

No. 120.

Rule 289.

ORDER OF OFFICIAL RECEIVER FOR BANKING ACCOUNT.

(Title.)

You are hereby authorised to make your payments in the above matter into and out of the.....Bank. All cheques to be countersigned by.....a member of the Committee of Inspection and by.....

(Signed) G.H.,
Official Receiver.

To Mr. Y.Z., assignee.

Dated this.....day of.....19....

No. 121.

Rule 285.

NOTICE TO CREDITORS OF INTENTION TO APPLY FOR RELEASE.

(Title.)

Take notice that I the undersigned assignee (or late assignee) of the property of the insolvent intend to apply to the Court for my release, and further take notice that any objection you may have to the granting of my release must be notified to the Court within twenty-one days of the date thereof.

A summary of my receipts and payments as assignee is sent herewith.

Dated this.....day of.....19....

(Signed) Y.Z.,
Assignee.

No. 122.

Sec. 87.

APPLICATION BY ASSIGNEE TO COURT FOR RELEASE.

(Title.)

I, Y.Z., the assignee of the property of the....., do hereby report to the Court as follows—

1. That the whole of the property of the insolvent has been realised for the benefit of his creditors (and a dividend to the amount of..... in the dollar has been paid as shown by the statement hereunto annexed);

(or That so much of the property of the insolvent as can, according to the opinion of myself (and the committee of inspection, hereunto annexed in writing under our hands), be realised, without needlessly protracting the insolvency has been realised, as shown by the statement hereunto annexed, and a dividend to the amount of.....has been paid);

(or That a composition (or scheme), under section 24 of the Ordinance has been duly approved.)

2. I therefore request you to cause a report on my accounts to be prepared, and to grant me a certificate of release.

Dated this.....day of.....19....

(Signed) Y.Z.,
Assignee.

Rule 90.

No. 123.

REQUEST TO DELIVER BILL FOR TAXATION.

(Title.)

I hereby request that you will within fourteen days of this date deliver to the Registrar for taxation your bill of costs (or charges) as (here state capacity in which person is engaged), failing which I shall, in pursuance of the Ordinance, proceed to declare and distribute a dividend without regard to any claim you may have against me or against the estate of the debtor.

Dated this..... day of..... 19.....

(Signed) G.H.,
Official Receiver, or
Assignee.

Rule 85.

No. 124.

CERTIFICATE FOR COSTS.

(Title.)

I hereby certify that I have taxed the bill of costs (or charges) (or expenses) of Mr. C.D. (here state capacity in which employed or engaged) (where necessary add "pursuant to an order of the Court dated the..... day of..... 19....."), and have allowed the same (in case of solicitor's costs state whether on higher or lower scale) at the sum of..... dollars (where necessary add "which sum is to be paid to the said C.D. by..... as directed by the said order").

Dated this..... day of..... 19.....

\$..... cts.....

(Signed).....
Registrar.

Sec. 28.

No. 125.

ADMISSION OF DEBT BY DEBTOR.

(Title.)

In the matter of A.B., of....., a.....

I, the undersigned J.K., of....., do hereby admit that I am indebted to the said..... in the sum of..... dollars, upon the balance of accounts between myself and the said.....

(Signed) J.K.
Witness, C.D.,
Registrar, or
G.H.,
Official Receiver.

No. 126.

Sec 28.

ORDER TO PAY ADMITTED DEBT.

(Title.)

Whereas J.K., of....., in his examination taken this day, and signed and subscribed by him, has admitted that he is indebted to the said debtor in the sum of.....dollars, on the balance of accounts between him and the debtor; it is ordered that the J.K. do pay to the.....in full discharge of the sum so admitted, the sum of.....dollars forthwith (or if otherwise, state the time and manner of payment), and do further pay to the said.....the sum of.....dollars for costs.

Dated this.....day of.....19.....

By the Court,

(Signed).....

Registrar.

No. 127.

Rule 63.

SEARCH WARRANT.

(Title.)

Whereas by evidence duly taken upon oath it hath been made to appear to the Court that there is reason to suspect and believe that property of the said debtor is concealed in the house (or other place, describing it, as the case may be) of one X.M., of.....in the county of.....such house (or place) not belonging to the said debtor.

These are therefore to require you to enter in the daytime into the house (or other place, describing it) of the said X.M. situate at.....aforesaid, and there diligently to search for the said property, and if any property of the said debtor shall be there found by you on such search, that you seize the same, to be disposed of and dealt with according to the provisions of the Insolvency Ordinance.

Dated this.....day of.....19.....

(Signed).....

Registrar.

To the Registrar or any Marshal.

No. 128.

Rule 63.

WARRANT OF SEIZURE.

(Title.)

Whereas on the.....day of.....19....., a receiving order was made against the said debtor—

These are therefore to require you forthwith to enter into and upon the house and houses, and other the premises of the said debtor, and also in all other place and places belonging to the said debtor where any of his goods and moneys are or are reputed to be; and there seize all the ready money, jewels, plate, household stuff, goods, merchandise, books of accounts, and all other things whatsoever, belonging to the said debtor, except his necessary wearing apparel, bedding and tools, as excepted by the Insolvency Ordinance.

And that which you shall so seize you shall safely detain and keep in your possession until you shall receive other orders in writing for the disposal

thereof from the assignee (or Official Receiver); and in case of resistance or of not having the key or keys of any door or lock of any premises belonging to the said debtor where any of his goods are or are suspected to be, you shall break open, or cause the same to be broken open for the better execution of this warrant.

Dated this.....day of.....19.....

(Signed).....

Registrar.

To the Registrar or any Marshal.

Sec. 26.
Rule 64.

No. 129.

WARRANT AGAINST DEBTOR ABOUT TO QUIT THE COLONY,
Etc.
(Title.)

To the Registrar, Marshals, and all peace officers within the jurisdiction of the said Court, and to the Keeper of the (here insert the prison).

Whereas, by evidence taken upon oath, it hath been made to appear to the satisfaction of the Court, that there is probable reason to suspect and believe that the said *A.B.*, of....., is about to go abroad (or quit his place of residence) with a view of avoiding service of petition (or of avoiding appearing to petition), (or of avoiding examination in respect of his affairs, or otherwise, delaying or embarrassing the proceedings in) (or of avoiding payment of a judgment debt in respect of which notice has been issued).

(Or that there is probable cause to suspect and believe that the said *A.B.* is about to remove his goods or chattels with a view of preventing or delaying such goods or chattels being taken possession of by the assignee of the property of the insolvent (or that the said *A.B.* has concealed (or is about to conceal), or destroy his goods or chattels, or some of them, or his books, documents, or writings, or some or one of them, which books, documents, or writings, or some or one of them may be of use to the creditors in the course of the insolvency of the said *A.B.*).

(Or whereas by evidence taken upon oath it hath been made to appear to the satisfaction of this Court that the said *A.B.* has removed certain of his goods and chattels in his possession, above the value of twenty-four dollars, without the leave of the assignee, that is to say (here describe the goods or chattels).

(Or that the said *A.B.* did without good cause fail to attend at this Court on the.....day of.....19....., for the purpose of being examined according to the requirements of an order of this Court made on the.....day of.....19....., directing him to attend.)

These are therefore to require you the saidand others, to take the said *A.B.* and to deliver him to the Governor or Keeper of the above-named prison, and you the said Keeper to receive the said *A.B.*, and him safely to keep in the said prison until such time as this Court may order.

Dated this.....day of.....19.....

By the Court,

(Signed).....

Registrar.

No. 130.

Rule 58.

SUMMONS UNDER SECTION 28.

(Title.)

To X.Y., of.....

You are hereby required to attend at the Court House at..... on the..... day of..... 19....., at..... o'clock in the.....noon, to be examined and give evidence in the above matter, and then and there to have and produce (state any particular documents required): hereof if you fail having no lawful impediment to be then made known to the Court and allowed by it, the Court may by warrant cause you to be apprehended and brought up for examination.

By the Court,

(Signed) C.D.,
Registrar.

No. 131.

Rule 65.

APPLICATION FOR COMMITTAL OF INSOLVENT, OR OTHER PERSON.

(Title.)

I,, do apply to this Court for an order of committal for Contempt of this Court, against the said..... (or L.M.), on the ground set forth in the annexed affidavit.

Dated this..... day of..... 19.....

(Signed) G.H.

No. 132.

Rule 65.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR COMMITTAL OF DEBTOR FOR CONTEMPT UNDER SECTION 25.

(Title.)

I, G.H., the Official Receiver (or the assignee of the property of the said insolvent) make oath, and say—

(1. That the said debtor did attend at the first meeting of his creditors, held on the..... day of..... 19....., at....., and wilfully refused to submit to be examined at such meeting in respect of his property (or his creditors), the submitting to examination being a duty imposed upon him by the Insolvency Ordinance.

(1. That the said (debtor) did wilfully fail to attend a meeting of his creditors held on the..... day of..... 19....., at..... (or to wait on me at my office on the..... day of..... 19.....), the attending such meeting (or waiting on me) being a duty imposed upon him by the Insolvency Ordinance.

(or 1. That the said (debtor) insolvent has wilfully failed to execute (here describe the deed, etc., that he has failed to execute), the execution of such deed when required by me being a duty imposed upon him by the twenty-fifth section of the said Ordinance.)

2. That the said (debtor) was on the.....day of.....19...., duly served with a notice, a copy of which is hereunto annexed, by leaving the same at his usual place of residence, requiring him to attend the said meeting (or to execute the above-mentioned deed, etc.).

(or 1. That the said (debtor).....has wilfully failed to perform the duty imposed upon him by the twenty-fifth section of the Ordinance (here insert any act he has been required to do by any special order of the Court, stating the day on which the order was made.)

(2. That the said (debtor).....was duly served with a copy of such order by leaving the same at his usual place of residence on the.....day of.....19....)

(or 1. That the said (debtor).....has failed to deliver up possession of (here state the property he has failed to deliver up), which property is divisible amongst his creditors under the said Ordinance, and which said property was (or is) in his possession or control, he having been required by me to deliver up the said property by notice, a copy of which is hereunto annexed, and which notice was duly served upon him on the.....day of.....19...., at.....)

Sworn at, etc.

(Signed) G.H.

No. 133.

AFFIDAVIT OF ASSIGNEE UNDER SECTION 48 (6).

Sec. 48 (6).

(Title.)

I, G.H., the assignee of the property of the insolvent, A.B., make oath, and say—

1. That I believe that L.M., of....., hath in his possession or power as (here set out the capacity in which the person stands to the insolvent), certain moneys (and securities) belonging to the insolvent, that is to say, (here set out and describe the particular moneys and securities).

2. That on the.....day of.....19...., I did apply personally to the said L.M., to pay and deliver to me the said moneys and securities, and that he did not then, nor has he since paid or delivered to me the same (or That I, on the.....day of.....19...., posted a letter to the said L.M., addressed to him at....., calling upon him to, etc., and that on the.....day of.....19...., I posted another letter, by which I again called upon him to, etc., and that he has failed to pay and deliver the same.)

3. That I firmly believe that the said L.M. is not entitled by law to retain such moneys (and securities) as against the.....or against me as representing the estate of the property of the.....

Sworn at, etc.

(Signed) G.H.

No. 134.

Rule 66.

NOTICE OF APPLICATION FOR COMMITTAL UNDER
SECTIONS 19 OR 24.

(Title.)

To.....

Take notice that *C.D.*, of....., will on the.....day of.....19....., at.....o'clock in the.....noon, apply to this Court for an order for your committal to prison for contempt of this Court, you having disobeyed the order of this Court made on the.....day of.....19....., (here set out order). And further take notice that you are required to attend the Court on such day at the hour before stated, to show cause why an order of your committal should not be made.

Dated this.....day of.....19.....

(Signed).....

Registrar.

No. 135.

Rule 67.

ORDER OF COMMITTAL UNDER SECTION 19 OR 26.

(Title.)

Whereas by an order of this Court made on the.....day of.....19..... (here recite the order). Now upon the application of *C.D.*, of....., and upon hearing *A.B.* (or, as the case may be), (or if he does not appear) reading the affidavit of (here insert name and description of person by whom the order was served on *A.B.*), and upon reading the affidavit of (enter evidence), the Court being of opinion that the said *A.B.* has been guilty of a contempt of this Court by his disobedience of the said order, it is ordered that the said *A.B.* do stand committed to (here insert prison) for his said contempt.

Dated this.....day of.....19.....

By the Court,

(Signed).....

Registrar.

No. 136.

Rule 66.

NOTICE OF APPLICATION FOR COMMITTAL UNDER
SECTION 25.

(Title.)

To the said *A.B.*

Take notice that the Official Receiver or assignee of the property of the said insolvent will on the.....day of.....19....., at.....o'clock in the.....noon, apply to this Court for an order for your committal to prison for contempt of this Court, you having failed to perform the duty imposed on you by the twenty-fifth section of the said Ordinance (here set out the duty he has failed to perform). And further take notice that you are required to attend the Court on such day at the hour before stated to show cause why an order for your committal should not be made.

Dated this.....day of.....19.....

(Signed).....

Registrar.

Rule 65.

No. 137.

AFFIDAVIT OF PERSON INTERESTED IN A COMPOSITION
FOR COMMITTAL.

(Title.)

In the matter of a composition made by *A.B.*, of.....I, *F.M.*, of....., make oath and say—

1. That....., of....., was
by an order of this Court made on the.....day of.....
.....19....., ordered to (here set out order).

2. That a copy of the said order was duly served on the said.....

3. That the said.....has failed to obey such
order.

Sworn at, etc.

(Signed) *F.M.*

Rule 66.

No. 138.

NOTICE OF APPLICATION FOR COMMITTAL UNDER
SECTION 48 (6).

(Title.)

To (here insert name, address and description of the person to whom the
notice is to be sent).

Take notice that the Official Receiver (or assignee of the property of
the said).....will on the.....day of
.....19....., at.....o'clock in the.....noon, apply to
this Court for an order for your committal to prison for contempt of this
Court, you having failed to pay and deliver to him certain moneys (and
securities) belonging to the insolvent in your possession or power as (here
state whether as treasurer, banker, etc.), that is to say (here set out and describe
the particular moneys and securities). And further take notice that you are
required to attend the Court on such day at the hour before stated to show
cause why an order for your committal should not be made.

Dated this.....day of.....19.....

(Signed).....

Registrar.

Rule 67.

No. 139.

ORDER OF COMMITTAL UNDER SECTION 25.

(Title.)

Upon the application of the Official Receiver (or assignee) of the property
of the insolvent (or debtor), and upon hearing the.....
(or if he does not appear), and reading the affidavit of (here insert name and
description of person by whom the notice to show cause was served) and upon
reading the affidavit of (enter evidence), the Court being of opinion that the
.....has been guilty of a contempt of this Court by

having failed to (here follow the notice), it is ordered that the said.....do stand committed to (here insert prison) for his said contempt.

Dated this.....day of.....19....

By the Court,

(Signed).....Registrar.

No. 140.

Rule 67.

ORDER OF COMMITTAL UNDER SECTION 48 (6).

(Title.)

Upon the application of the assignee of the property of the insolvent, and upon hearing L.M. (or if L.M. does not appear), and reading the affidavit of (here insert name and description of person by whom the notice to show cause was served) and upon reading the affidavit of (enter evidence) the Court being of opinion that L.M. has been guilty of contempt of this Court by having failed to pay and deliver to the said assignee certain moneys (and securities) (here follow the notice), and that the said L.M. do stand committed to (here insert prison) for the said contempt.

Dated this.....day of.....19....

By the Court,

(Signed).....Registrar.

No. 141.

Rule 63.

WARRANT OF COMMITTAL FOR CONTEMPT.

(Title.)

To the Registrar, all Marshals and to the Keeper of the (here insert the prison).

WHEREAS by an order of this Court, bearing date the.....day of.....19...., it was ordered that the said debtor (or L.M., of.....) should stand committed for contempt of this Court.

These are therefore to require you and others, to take the said A.B. (or L.M.) and to deliver him to the Keeper of the above-named prison, and you the said Keeper to receive the said A.B., and him safely to keep in the said prison and in your custody until such time as this Court shall order; and you the said Keeper shall, while the said A.B. is in your custody, at all times, when the Court shall so direct, produce the said A.B. before the Court.

Dated this.....day of.....19....

By the Court,

(Signed).....Registrar.

Rule 63.

No. 142.

WARRANT TO APPREHEND A PERSON SUMMONED UNDER SECTION 28.

(Title.)

To the Registrar and all Marshals.

WHEREAS by summons or subpœna dated the.....day of.....19...., and directed to the said *A.B.*, of..... (or to *F.M.*, of.....), he was required personally to be and appear on the.....day of..... instant, at.....o'clock in the.....noon at this Court, to be examined; and which said summons or subpœna was afterwards on the.....day of.....19...., as hath been proved upon oath, duly served upon the said....., and a reasonable sum was tendered him for his expenses. And whereas the said..... having no lawful impediment made known to or allowed by this Court, hath not appeared before me as by the said summons or subpœna he was required, but therein has wholly made fault. These are therefore to will, require and authorise you and every of you to whom this warrant is directed, immediately upon receipt hereof, to take the said..... and bring him before this Court on the.....day of.....19...., in order to his being examined as aforesaid, and for your so doing this shall be your sufficient warrant.

Dated this.....day of.....19....

By the Court.

(Signed).....
Registrar.

Rule 64.

No. 143.

ORDER FOR DISCHARGE FROM CUSTODY ON CONTEMPT.

(Title.)

Upon application made this.....day of.....19...., for *A.B.*, who was committed to prison for contempt by order of this Court, dated the.....day of.....19...., and upon reading his affidavit showing that he has cleared (or is desirous of clearing) his contempt and has paid the costs occasioned thereby, and upon hearing the Official Receiver or assignee (or *C.D.*, of.....), it is ordered that the keeper of (here insert name of prison), do discharge the said *A.B.* out of his custody, as to the said contempt.

Dated this.....day of.....19....

By the Court,

(Signed).....
Registrar.

No. 144.

Rule 64.

ORDER FOR PRODUCTION OF PERSON IN PRISON
FOR EXAMINATION BEFORE THE COURT.

(Title.)

Upon application made this.....day of.....19....
by (applicant) for an order for the production of *A.B.*, who was committed
to prison for contempt by order of this Court dated the.....
day of.....19...., for examination before this Court; it is
ordered that the keeper of (insert name of prison) do cause the said *A.B.*
to be brought in custody before the Court at.....on
the.....day of.....19...., for examination
before the Court, and afterwards to be taken back to the said prison to be
there safely kept pursuant to the said order.

Dated this.....day of.....19....

By the Court,

(Signed).....

Registrar.

No. 145.

Sec. 27.

ORDER TO POSTMASTER GENERAL UNDER SECTION 27.

(Title.)

Upon the application of *G.H.*, of....., the
Official Receiver or assignee of the property of the above debtor, it is
ordered that for a period of three months from (here insert the date) all post
letters directed or addressed to the said debtor at (here insert the full address
& addresses) shall be re-directed, sent, or delivered by the Postmaster General
or officers acting under him to the said.....at
.....(or otherwise as the Court may direct), and that
a sealed duplicate of this order be forthwith transmitted by the Registrar to
the Postmaster General.

Dated this.....day of.....19....

By the Court,

(Signed).....

Registrar.

No. 146.

Rule 263.

REGISTER OF INSOLVENCY NOTICES TO BE KEPT
BY THE REGISTRAR.

No.	Debtor	Creditor.	When filed.	Solicitor.	Result of Notice.

Rule 263.

No. 147.

REGISTER TO BE KEPT BY REGISTRAR.

Distinctive number.	
Registrar.	
Name of debtor.	
Residence.	
Description.	
Date of petition.	
Petitioning creditor.	
Solicitor.	
Act of.....alleged.	
Date of receiving order.	
Date of public examination.	
Date of approval of composition or scheme.	
Date of adjudication.	
Assignee.	
Date of hearing application for discharge.	
Date of order of discharge.	
Result of application and conditions (if any).	
Date of assignee's release.	
Date of annulling adjudication.	
Proceedings consolidated or transferred.	
Date of order for summary administration (s. 105).	
Date of order for administration of deceased's estate (s. 106).	

No. 148.

Rule 145.

(1) NOTICE OF DAY FOR EXAMINATION OF DEBTOR.

(Title.)

Notice is hereby given that an Insolvency Petition in the above matter having been presented by.....on the.....day of.....19....., a receiving order was on the.....day of.....19....., made by the Court, and the said.....will appear before the Court on.....day, the.....day of.....19....., for the purpose of being examined touching his affairs.

By order.

(Signed).....
Official Receiver.

(2) ADJUDICATIONS.

(Title.)

Rule 155 (2).

Notice is hereby given that the above-named debtor, the said....., of....., was on the.....day of.....19....., adjudged an insolvent by the Court.

(Signed).....
Registrar.

(3) APPLICATION FOR DISCHARGE.

(Title.)

Rule 194 (2).

Notice is hereby given that the above-named....., having signified his intention to apply to the Court for his discharge.....o'clock in the.....noon of.....day the.....day of.....19....., has been filed on the hearing of such application.

(Signed) G.H.,
Official Receiver.

Dated this.....day of.....19.....

(4) ADJUDICATION ANNULLED.

(Title.)

Rule 156 (2).

The adjudication of insolvency against the said debtor was on the.....day of.....19....., annulled.

(Signed).....
Registrar.

(5) NOTICE THAT A COMPOSITION OR SCHEME HAS BEEN APPROVED.

(Title.)

Rule 165 (2).

Notice is hereby given that a composition (or scheme) in the above matter has been approved. The terms of the arrangement can be ascertained at my office.

(Signed) G.H.,
Official Receiver.
Registrar.

(6) MEMORANDUM OF ADVERTISEMENT OR GAZETTING.

(Title.)

Advertisement inserted.....in Gazette and.....
the.....Newspaper intimating (order
or notice, etc.).

Rule 317.

No. 149.

REQUEST FOR AN ORDER OF ADMINISTRATION.

Insolvency Ordinance.

BRITISH GUIANA.

I, *A.B.*, of, etc., state that a judgment was obtained against me in the
.....Court of Civil Justice, holden at.....
....., in the County of....., on the.....
.....day of.....19....., at the instance of *C.D.*, of, etc.,
for the sum of \$....., and that I am unable to pay the amount
forthwith.

I am indebted to the several persons including the said *C.D.*, mentioned
in the schedule hereto, in the sums set opposite their names.....
not exceeding in the whole \$500, and I am indebted to the best of my know-
ledge, information and belief to no other person whatsoever.

I hereby request that an order may be made for the administration of
my estate, and the payment of my debts under section 106 of the Insolvency
Ordinance in full (or to the extent of.....cents in the dollar)
by instalments.

.....of.....for every.....days.

Dated this.....day of.....19.....

SCHEDULE.

Name of creditor.	Address.	Description.	Amount of debt.

NOTE.—The debt for which judgment has been obtained must be inserted as well
as all other debts.

If any of the above creditors in addition to the creditor who has obtained judgment
have sued you in any Court, you must produce the citation in each case.

STATEMENT.

Estate.....

(a) Here state what you are. that I am (a).....

(b) Here state name, address, etc., of employer. that I am employed at (b).....

that my wages are (c)..... (c) State amount received weekly or otherwise.

that I have (or have not) a wife..... (d) Insert the work done by your wife and the wages, etc., she earns.

that my wife earns by (d)..... (e) Set out names of children.

that I have the following children living with me (e)

1.

2.

3.

etc.

that numbers.....and.....earn money as follows (f)

..... (f) State particulars.

that the reason why I am unable to pay my debts is (g)..... (g) Here state reason.

that I have goods (household or otherwise) at.....to

the value of.....

I, A.B., aforesaid, make oath and say that to the best of my knowledge, information and belief, the names of all my creditors and the debts due from me to them are truly set forth in the above list of my creditors and that the particulars contained in my request and the above statement are true.

Sworn, etc., at, etc.

(Signed).....

No. 150.

Rule 320.

NOTICE TO DEBTOR.

Insolvency Ordinance.

BRITISH GUIANA.

In the matter of an application for an Administration Order against....., of....., debtor.

TAKE NOTICE that your application for an Administration Order under section 106 of the Insolvency Ordinance will be heard at the Court House....., on the..... day of..... 19....., at the hour of..... o'clock in the..... noon.

You must bring with you to the Court all your books of account, invoices, papers, citations or other documents relating to any debts owing by you.

Dated this..... day of..... 19.....

(Signed).....

No. 151

Rules 320 and 322.

NOTICE TO CREDITORS.

Insolvency Ordinance.

BRITISH GUIANA.

In the matter of an application for an administration order against....., of....., debtor.

WHEREAS the above-named debtor has filed a request for an administration order under section 106 of the Insolvency Ordinance for the payment of his debts in full (or to the extent of.....cents in the dollar) to be paid by instalments of..... every..... days:

This is to give you notice that the Court will proceed to hear and determine the said application at the Court to be holden at the Law Courts, Georgetown, on the..... day of..... 19....., at the hour of..... o'clock in the..... noon.

The debtor states that he owes you the sum of.....

A list of creditors with the amounts stated to be respectively owing to them can be inspected on application at the Registrar's Office.

If you claim more than the sum stated to be owing to you, you must attend the Court on the day above-mentioned with your witnesses, books, etc., necessary to prove your claim.

If you wish to object to the debt of any creditor named in the list, you must give notice in writing to the Registrar and to the debtor and such creditor five clear days before the day fixed for the hearing of the application.

If you dissent from the proposal of the debtor to pay his debts otherwise than in full you should sign the notice at the foot hereof and return it by post to the Registrar.

Dated this..... day of..... 19.....

(Signed) *G.H.*,
Official Receiver.

NOTICE OF DISSENT.

I, *C.D.*, of....., dissent from the composition proposed by the debtor for the payment of his debts.

(Signed) *C.D.*

Rule 233.

No. 152.

ADMINISTRATION ORDER.

BRITISH GUIANA.

In the Supreme Court.

In the matter of an administration order against *A.B.*, of..... debtor.

The..... day of..... 19.....

It is this day adjudged that the above-named debtor do pay the several debts in the schedule heretc, and all others now due and which may hereafter be duly proved under this order in respect of debts now incurred, in full (or to the extent of..... in the \$).

And it is ordered that the said debtor do pay to the Official Receiver for every..... days until such debts shall be paid in full (or to the extent of..... in the.....) together with the costs of this administration, and the costs of *C.D.* (the plaintiff in the action upon which the order of administration was made) and it is directed that *E.F.*, of....., have the conduct of this order.

By the Court, etc.

(Here follows the schedule of debts.)

N.B.—On the copy sent to the debtor the following must be added: Take notice that if you change your address you must at once give notice to the Registrar of your new address.

No. 153.

Rule 323.

NOTICE OF ADMINISTRATION ORDER.

BRITISH GUIANA.

In the Supreme Court.

Notice is hereby given that the Court has this day made an administration order providing for the payment of the debts of the above-named debtor in full (or to the extent of.....in the.....) by instalments of.....every.....days, and has directed that E.F., of....., shall have the conduct of the order.

Dated this.....day of.....19.....

(Signed) Registrar.

Bring this notice with you when you apply for a dividend or attend at the office of the Official Receiver for any purpose whatsoever.

No. 154.

WARRANT OF EXECUTION UNDER ORDER OF ADMINISTRATION

In the Supreme Court.

In the matter of, etc.,debtor.

Whereas an administration order was made against the above-named debtor on the.....day of.....19....., and whereas it has been made to appear to the Court that the property of the debtor exceeds in value fifty dollars.

These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the debtor wheresoever they may be found within the Colony (except the household goods, wearing apparel, and bedding of the debtor or his family, and the tools and implements of his trade to the value in the aggregate of \$96), the sum stated at the foot of this warrant, and also to seize and take any money or bank notes, and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the debtor which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and to pay what you shall have so levied to the Official Receiver, and make return of what you have done under this warrant immediately upon the execution thereof.

To the Registrar and all Marshals.

By the Court,

Amount to be levied.

The amount to be levied will be, (1) the costs of the plaintiff; (2) the costs of the administration; and, (3) the total amount of the debts scheduled, or so much thereof as the Court may have ordered to be paid.

Rule 330.

No. 155.

JUDGMENT SUMMONS UNDER ADMINISTRATION ORDER.

In the Supreme Court.

In the matter of, etc., debtor.

(Seal.)

Whereas an administration order was made against you, the above-named debtor, in this Court, on the day of 19...., for the payment of your debts in full (or to the extent of in the dollar) by instalments of shillings for every days.

And whereas you have made default in payment of the sum payable in pursuance of the said order, you are therefore hereby summoned to appear personally in this Court, at on the day of 19...., at the hour of o'clock in the noon, to be examined on oath by the Court touching the means you have or have had since the date of the order to satisfy the sum payable in pursuance of the said order, and also to show cause why you should not be committed to prison for such default; and you are hereby warned that unless you can prove to the contrary you will under the Ordinance be deemed to have had means, and to have refused or neglected to pay the sum in respect of which you have made default.

Dated this day of 19....

Amount of instalments due and upon payment of which no further proceedings will be had until default in payment of next instalments \$

Rule 330.

No. 156.

ORDER OF COMMITMENT.

In (The Supreme Court and the) (Seal).

..... No. of order of administration.

In the matter of, etc., debtor.

To the Registrar and all Marshals and all peace officers within the jurisdiction of this Court, to the Keeper of the Gaol at.....

Whereas an administration order was made against the above-named debtor on the day of 19...., for the payment of his debts in full (or to the extent of in the dollar), by instalments of shillings for every days:

And whereas the debtor has made default in payment of payable in pursuance of the said order:

And whereas a summons was duly issued out of this Court, by which the debtor was required to appear personally at this Court on the day of 19...., to be examined on oath touching the means he had then or has had since the date of the order to satisfy the sum then due and payable in pursuance of the order to show cause why he should not be committed to prison for such default, which summons has been proved to this Court to have been duly served on the debtor:

And whereas at the hearing of the said summons it has not been proved to the satisfaction of the Court that the debtor has not (or has not had) since the date of the order the means to pay the sum then due and payable in pursuance of the order.

And whereas the debtor has refused (or neglected) to pay the same, and has shown no cause why he should not be committed to prison:

Now, therefore, it is ordered that, for such default as aforesaid, the debtor shall be committed to prison for.....days, unless he shall sooner pay the sum stated below as that upon the payment of which he is to be discharged.

These are, therefore, to require you the said Registrar, and others, to take the debtor, and to deliver him to the keeper of the.....prison, and you the said keeper to receive the debtor, and him safely keep in the said prison for.....days from the arrest under this order, or until he shall be sooner discharged by due course of law.

This (insert date of order) day of.....19.....

By the Court.

(Signed).....
Registrar.

Total amount of instalments due at the time of issuing of the judgment summons and upon payment of which the prisoner will be discharged \$.....c.....

No. 157.

Rules 326
and 328.

NOTICE TO DEBTOR OF CREDITOR'S CLAIM.

In the Supreme Court.....No. of.....

Administration order.

In the matter, etc., debtor.

TAKE NOTICE that A.B., of, etc., states that you owe him the sum of \$.....for (.....) and claims to be scheduled as a creditor for that sum, and further take notice that if you wish to dispute such claim you must within seven days from this date sign, tear off and return the notice at the foot hereof to the office of the Registrar.

If you do not return the notice as above-mentioned the said claim will be taken to be admitted by you, and will be added to the schedule accordingly.

(Signed) G.H.,
Registrar.

To E.F., etc.

Dated this.....day of.....19.....

NOTICE.

Notice of administration order.

I object to the claim of A.B., of.....against me.

(Signed).....
Debtor.

Rule 327.

No. 158.

NOTICE TO CREDITOR THAT HIS CLAIM IS NOT OBJECTED TO.

In the Supreme Court.....No. of administration order.
In the matter of, etc., debtor.

TAKE NOTICE that the debtor has not given notice of his intention to dispute your claim, and that the same has been added to the schedule of proofs.

To A.B., etc.

(Signed) G.H.,
Registrar.

You must retain this notice and produce it when you come to the Official Receiver's Office to receive dividends or for any other purpose.

Sec. 106 (12).

No. 159.

SUPERSEDING ORDER OF ADMINISTRATION.

In the Supreme Court.....19....
In the matter of, etc., debtor.

Whereas the above-named debtor under this order has paid into Court a sum sufficient to pay each creditor scheduled to the extent thereby provided, and the costs of the plaintiff and of the administration, it is ordered that such order is superseded and the debtor is discharged from his debts to the creditors scheduled under such order.

By the Court,

(Signed).....
Registrar.

Rule 343.

No. 160.

JUDGMENT SUMMONS UNDER THE DEBTORS ORDINANCE.

(Title.)

The plaintiff has obtained judgment against you the said A.B. upon which there is now alleged to be due the sum of \$.....

You the said A.B. are therefore summoned to appear personally before the Court at the Court House at.....on.....day the.....day of.....19...., at the hour of.....o'clock in the.....noon to be examined on oath touching the means you have or have had since the date of the judgment (or order) to pay the said sum in payment of which you have made default and also to show cause why you should not be committed to prison for such default.

Dated this.....day of.....19....

(Signed).....
Registrar.

No. 161.

Rule 345.

JUDGMENT-SUMMONS OR A JUDGMENT OR ORDER AGAINST FIRMS AND PERSONS CARRYING ON BUSINESS IN NAMES OTHER THAN THEIR OWN.

The Debtors Ordinance.

In the.....

.....No. of Action.

.....No. of Judgment-Summons.

Between A.B., plaintiff (address, description) and C.D. and Co., defendants.

To G.H., of (state the name, address, and description of one of the persons alleged to be partners in the firm against whom the judgment or order was obtained or of the person alleged to be the sole member thereof, or of the person alleged to be carrying on business in a name other than his own).

Whereas the plaintiff obtained judgment (or an order) against the defendant by and in the name of the firm of C.D. & Co. (or as the case may be) above-described on the.....day of.....19....., for the sum of.....(and costs), and there is now due and payable under the said judgment (or order) from the said C.D. & Co. to the said.....the sum of..... And whereas the said A.B. has filed an affidavit in this Court, a copy whereof is hereunto annexed, wherein it is deposed that you, the said G.H., are one of the partners in the said firm of defendants, C.D. & Co. (or that you the said G.H., are the sole member of the said firm of C.D. & Co., or that you carry on business on your own behalf in the name of J.K.):

You are therefore hereby summoned to appear personally in this Court at (place where Court holden).....on the.....day of.....19....., at the hour of.....o'clock in the.....noon, to be examined on oath by the Court touching the means you have or have had since the date of the judgment (or order) to satisfy the sum payable in pursuance of the said judgment (or order), and also to show cause why you should not be committed to prison for default in payment of the said sum.

And take notice that if you deny that you are one of the partners in the said firm of defendants, C.D. & Co. (or that you are the sole member of the said firm of C.D. & Co., or that you carry on business on your own behalf in the said name of J.K.), you must appear at this Court on the day and at the hour above-mentioned, and that in default of your so appearing, you will be deemed to admit that you are one of the partners in such firm (or that you are the sole member of the said firm of C.D. & Co., or that you carry on business on your own behalf in the name of J.K.), and your own liability to pay the amount due and payable under such judgment (or order).

Dated this.....day of.....19....

(Signed)..... Registrar of the Court.

Amount of judgment (or order)	...	...	...	...	...
Remaining due	...	...	...	...	...
Costs of this summons	...	...	...	...	...
Total sum due	...	...	...	...	...

N.B.—This summons is available against one person only, and where an order for payment by instalments has been made, part only of which are due, must be modified in accordance with the facts.

Rule 345.

No. 162.

**AFFIDAVIT FOR LEAVE TO ISSUE A JUDGMENT SUMMONS
ON A JUDGMENT OR ORDER AGAINST A FIRM.**

I, *A.B.*, of, the above-named plaintiff (or *E.F.* (state name, residence, and occupation)) make oath and say as follows—

1. On theday of.....19...., I (or the plaintiff) obtained judgment (or an order) in this action in this Court, against the defendants, *C.D. & Co.* (or as the case may be) for the sum of(and costs), and there is now due and payable under the said judgment (or order) the sum of.....

2. I am informed and believe (state the sources of information and grounds of belief) that *G.H.*, of (state name, residence, and occupation), was at the date of the judgment (or order) a partner in the said firm of *C.D. & Co.* (or the sole member of the said firm of *C.D. & Co.*), or carrying on business on his own behalf in the name of *J.K.* (state name in which he was sued).

3. I verily believe that the said *G.H.* is well able to pay the sum aforesaid now due and payable under the said judgment (or order), (add, where the plaintiff does not himself make the affidavit) and I am duly authorised by the plaintiff to make this affidavit on his behalf.

Rule 351.

No. 163.

**ORDER OF COMMITMENT UNDER THE DEBTORS ORDINANCE.
(Title.)**

To the Registrar, all Marshals, and the Keeper of the Gaol at.....

Whereas the said.....obtained a judgment (or order) against *C.D.* in the.....Court on the.....day of.....19...., for the sum of.....and there is now due and payable upon the said judgment the sum of.....

And whereas a summons was at the instance of the plaintiff duly issued out of this Court, by which the said *C.D.*, was required to appear personally at this Court on the.....day of.....19...., to be examined on oath touching the means he had then or has had since the date of the judgment (or order) to pay the said sum which summons was proved to this Court to have been personally and duly served on the said *C.D.*:

And whereas, at the hearing of the said summons, it has now been proved to the satisfaction of the Court that the said *C.D.* now has (or has had) since the date of the judgment (or order) the means to pay the sum in respect of which he made default as aforesaid (or an instalment or instalments of the

said sum as ordered by the said judgment (or order)), and has refused (or neglected) (or then refused or neglected) to pay the same:

Now, therefore, it is ordered, that the said C.D. shall be committed to prison for.....days, unless he shall sooner pay the sums, in payment of which he has so made default, together with the prescribed costs hereinafter mentioned or a certificate for his discharge is given.

These are, therefore, to require you.....and others to take the said C.D. and to deliver him to the Keeper of the.....prison and you the said Keeper to receive the said C.D., and him safely keep in the said prison for.....days from the arrest under this order, or until he shall be sooner discharged by due course of law.

(Signed).....

No. 164.

Rule 350.

CERTIFICATE BY REGISTRAR FOR DISCHARGE OF JUDGMENT DEBTOR.

The Debtors Ordinance.

In the.....

Between A.B., plaintiff.
and
C.D., defendant.

I hereby certify that the defendant who was committed to your custody by virtue of an order of commitment under the seal of this Court, bearing date the.....day of.....19...., has been adjudicated an insolvent (or a receiving order or administration order has been made against his estate) under the Insolvency Ordinance and that the defendant may, in respect of such order, be forthwith discharged out of your custody.

Given under the seal of the Court this.....day of.....19....

(Signed).....

Registrar of the Court.

To the Keeper of.....Prison.

No. 165.

Rule 355.

CERTIFICATE OF PAYMENT BY A PRISONER.

The Debtors Ordinance.

I hereby certify that the defendant, who was committed to my (or your) custody by virtue of an order of commitment under the seal of this Court bearing date the.....day of.....19...., has paid and satisfied the sum of money for the non-payment whereof he was so committed, together with all costs due and payable by him in respect thereof; (and where the certificate is sent by the Registrar: and that the defendant may in respect of such order, be forthwith discharged out of your custody)

Dated (or given under the seal of the Court) this.....day of.....19....

(Signed).....

Keeper of Prison.....

(or Registrar).

To the Keeper of.....Prison (or the Registrar).

Rule 354.

No. 166.

REQUEST BY CREDITOR FOR DISCHARGE OF PRISONER.

The Debtors Ordinance.

I, the undersigned *A.B.*, the plaintiff in this action, request that the defendant *C.D.*, if still in custody, may be discharged.

(Signed) A.B.

To the Registrar.

Rule 354.

No. 167.

WARRANT FOR DISCHARGE OF PRISONER AT
REQUEST OF CREDITOR.*The Debtors Ordinance.*

I hereby certify that *C.D.*, who was committed to your custody by virtue of an order of commitment under the seal of this Court bearing date the.....day of.....19....., may in respect of such order be forthwith discharged out of your custody.

(Signed).....
Registrar.

To the Keeper of.....Prison.

SCHEDULE OF FEES.

SCALE OF COUNSEL AND SOLICITORS' FEES.

The Fees receivable in the Supreme Court under the Rules of Court, 1900, as far as the same are applicable with the following additions—

	\$	c.
Instructions for Petition	8	00
Examining witnesses as to Act of Insolvency	5	00
Attesting signature of each petitioner except in case of partnership	2	00
Two copies of Petition for sealing \$2 each	4	00
Drawing order for hearing of Petition	2	00
The actual expenses incurred in serving any notice or other document		
Attending consultation or conference with Counsel	5	00
Instructions for drawing and attesting declaration of inability to pay	3	00
Instructions for and drawing Insolvency Notice	3	00
Drawing Petition	3	00
Attending Official Receiver on receiving order being made and giving him all necessary information	3	00
Instructions for appointment of interim receiver or special manager	3	00
Drawing application and copy	2	00
Drawing exceptions to sureties	2	00
Any instructions not before provided for	3	00
Drawing any notice and service thereof	2	00
Attendances at Court	5	00

Where it is necessary to instruct Counsel the usual charges for Counsel's fees shall be allowed.

In special cases when Counsel are not instructed to appear in Court and the Solicitor acts as Advocate such special fee, as the taxing officer may think fit having regard to the nature and importance of the case and the questions involved, may be allowed.

Any person who may be dissatisfied with the taxation by the taxing officer may have the same reviewed. The proceedings for obtaining a review of taxation shall be those laid down in the Rules of Court, 1900.

The allowance to witnesses in insolvency proceedings shall be in accordance with those for the time being ordinarily made in the Supreme Court.

FEEs FOR OFFICIAL RECEIVER.

	\$	c.
For inspecting books kept by him, provided such inspection does not exceed half an hour	0	50
„ every additional half an hour or part thereof	0	25
„ copies of Documents and Accounts per folio, each folio to contain not less than 18 lines and each line not less than 30 letters	0	25
„ receiving and filing each claim with the Documents and Vouchers in support thereof	0	50
„ administering oath to affidavit of claimant, if not previously sworn to before a Commissioner of Affidavits... ..	0	50
„ searching the records of the office or of the late Orphan Chamber	0	50
„ giving off certificate from such records	0	50
„ every Insolvency Petition	25	00
„ every Petition under section 108 of the Ordinance	25	00
„ every special proxy or voting paper	0	24
„ every general proxy and voting paper	0	48
„ every application for an Administration Order under section 106 of the Ordinance	5	00
„ every Administration Order granted under section 106 of the Ordinance	5	00
„ every application to approve a scheme or composition where the gross amount of assets exceeds \$5,000	50	00
Where it does not exceed \$5,000	25	00
For every application to appoint a special manager	5	00
„ every order of the Official Receiver for a local banking account	5	00
„ every hundred dollars received by the Official Receiver whether acting as such or as assignee where the gross assets of the debtor's estate do not exceed \$20,000	8	00
„ every hundred dollars received by the Official Receiver whether acting as such or as assignee where the gross assets exceed \$20,000	6	00
„ every hundred dollars received by the Official Receiver from an assignee not having a banking account	1	50
„ examining the banking account of an assignee	10	00
„ every certificate of appointment of assignee	1	00
„ report and notices with reference to the application for discharge	15	00

FEEs PAYABLE TO THE REGISTRAR.

Same as in the case of actions under Rules of Court, 1900, with the following additions—

	\$	c.
1. On filing declaration of inability to pay debts	2	00
2. On filing petition for Receiving Order	5	00
3. On filing application for Order of Discharge	7	00

	\$	c.
4. On filing of any other application to the Court	2	00
On a verbal application of an Official Receiver	1	00
5. On filing any other document	0	50
6. On issuing an insolvency notice	1	00
7. On issuing a judgment or other summons	1	00
8. On attending the public examination of the debtor	5	00
9. On attending the hearing of any application to the Court verbal or otherwise	2	00
10. On giving any notice in addition to the actual cost of printing if same is to be advertised	1	00
11. On searching records	0	25

In respect of services of a Marshal.

Same as in the case of actions under Rules of Court, 1900.

Prescribed by the Governor and Court of Policy on the 5th September, 1901, as the scale of fees to come into force 1st October, 1901, to be construed and have effect as if they had been prescribed in accordance with the provisions of the Ordinance (section 109).