

EXECUTIVE COUNCIL.

No. 726.

Hong Kong.

ORDINANCE No. 32 of 1915.
(IMPORTATION AND EXPORTATION).

In exercise of the powers conferred by section 3 of the Importation and Exportation Ordinance, 1915, the Governor in Council rescinds the regulation with regard to the importation of aerated waters from China published in the Gazette of the 22nd July, 1932, as Notification No. 478.

D. W. TRATMAN,
Clerk of Councils.

COUNCIL CHAMBER,
15th November, 1932.

LEGISLATIVE COUNCIL.

No. 727.

Rules made by the Chief Justice under section 114 of the Bankruptcy Ordinance, 1931, Ordinance No. 10 of 1931, on the 15th day of October, 1932, and approved by the Legislative Council on the 10th day of November, 1932.

General Rules.

THE BANKRUPTCY RULES, 1932.

(The marginal references, eg., "R1.", are to the English Bankruptcy Rules, 1915.)

PART I.

PRELIMINARY.

Short title
and com-
mencement.
R1.

1. These Rules may be cited as "The Bankruptcy Rules, 1932." They shall come into operation on the 1st day of January, 1933, and shall also, as far as practicable, and unless otherwise expressly provided, apply to all matters arising under the Ordinance, and to all proceedings taken in any matters under the Ordinance or the Bankruptcy Ordinance, 1891, on or after the said day.

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

Interpreta-
tion of terms
R3.

“The Ordinance” means the Bankruptcy Ordinance, 1931.

“Court” means the court as defined by the Bankruptcy Ordinance, 1931, and includes the Registrar when exercising the power of the court pursuant to the Ordinance or these Rules.

“Court of appeal” means any court exercising appellate jurisdiction under 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 bankrupt or not.

“Name” of a person means both the individual name or names, or the initial letter or contraction of such name or names, and the surname of such person.

“Registrar” includes the Registrar of the Supreme Court and any Deputy Registrar of the Supreme Court.

“Scheme” means composition or scheme of arrangement pursuant to the Ordinance.

“Sealed” means sealed with the seal of the court.

“Taxing officer” includes the Registrar and also any officer or officers of the court whose duty it is to tax costs.

“Trustee” includes the trustee appointed under a composition or scheme of arrangement, and also includes the Official Receiver when acting as trustee.

3. The provisions of section 123 of the Ordinance shall apply to these Rules as if the words “these Rules” were substituted for the words “this Ordinance” in the first line of the said section.

Computa-
tion of time.
R4.

FORMS.

4.—(1) Subject to the provisions of paragraph (2) of this Rule, the forms in the Appendix where applicable, and where they are not applicable 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.

Use of
forms in
Appendix.
R5.

(2) The Chief Justice may from time to time amend any form in the Appendix or prescribe any new form. Where the Chief Justice amends any form or prescribes any new form, such amended or new form shall be published in the Gazette.

PART II.

GENERAL PROCEDURE.

Court and Chambers.

Matters to be heard in court.

R6.

5. The following matters and applications shall be heard and determined in open court:—

- (a) petitions, provided that a debtor's petition may be heard in chambers if urgent, and if the judge so directs;
- (b) applications for adjudication;
- (c) applications to rescind a receiving order, or to annul an adjudication;
- (d) the public examination of debtors;
- (e) applications to approve a composition or scheme of arrangement;
- (f) applications for orders of discharge;
- (g) applications to set aside or avoid any settlement, conveyance, transfer, security, or payment, or to declare for or against the title of the trustee to any property adversely claimed;
- (h) applications for the committal of any person to prison for contempt;
- (i) appeals against the rejection of a proof, or applications to expunge or reduce a proof, where the amount in dispute exceeds two thousand dollars;
- (j) applications for the trial of issues of fact with a jury, and the trial of such issues;
- (k) any other matter which the Chief Justice may direct.

Any other matter or application may be heard and determined in chambers, unless the Chief Justice directs that it be heard and determined in open court.

Adjournment from chambers to court and vice versa.

R9.

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 to court it shall be so adjourned.

Proceedings.

Proceedings how intitled. R10.

Form 1.

7.—(1) Every proceeding in court under the Ordinance shall be dated, and shall be intitled "In Bankruptcy" and with the name of the matter to which it relates. Numbers and dates may be denoted by figures.

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

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

8. All proceedings of the court shall remain of Records of record in the court, in the custody of the Official the court. Receiver, so as to form a complete record of R12. 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 the judge or Official Receiver, but they may at all reasonable times be inspected by the trustee or the debtor, or any person on behalf of the trustee or debtor free of charge or, by any creditor who has proved or by any person, on payment of the appropriate fee.

9. All notices required by the Ordinance or these Notices Rules shall be in writing, unless these Rules other- to be in wise provide, or the court shall in any particular writing. case otherwise order. R13.

10. Where the court orders a general meeting of Meetings creditors to be summoned under Rule 5 of the First summoned Schedule to the Ordinance it shall be summoned as the by court. court directs, and in default of any direction by the R15. Official Receiver, if a trustee other than the Form 39. Official Receiver shall have been appointed, shall transmit a sealed copy of the order to the trustee; and the trustee (if any) or Official Receiver (if no trustee shall have been appointed) shall, not less than seven days before such meeting send a copy of the order to each creditor at the address given in his proof, or when he shall not have proved, the address given in the list of creditors by the debtor, or such other address as may be known to the trustee or Official Receiver.

11.—(1) Whenever the Gazette contains any ad Filing, vertisement relating to any matter under the Ordin- gazetting, ance, the Official Receiver shall file with the &c. proceedings in the matter a copy of such advertise- R17. ment.

(2) In the case of an advertisement in a local paper, the Official Receiver shall in like manner file a copy of the advertisement appearing therein.

(3) For this purpose one copy of each local paper, in which any advertisement relating to any matter under the Ordinance is inserted, shall be left with the Official Receiver by the person inserting the advertisement.

(4) The filed copy of such advertisement shall be *prima facie* evidence that it was duly inserted in the issue of the Gazette or paper mentioned.

Preparation of Order.

12. If within one week from the making of an Preparation order of adjudication, order annulling adjudication or of order. rescinding a receiving order, order on application to R37. approve a composition or scheme, order annulling a Forms 78, composition or scheme, or order on application for 80, 70, discharge, such order has not been completed, it 85-90, 91, shall be the duty of the Official Receiver to prepare 92. and complete such order; provided that if in any case the judge shall be of opinion that the provisions of this Rule ought not to apply, he may so order; and provided also that where an order of discharge is granted subject to the condition that judgment shall be entered against the bankrupt, nothing in this Rule shall require the Official Receiver to prepare and complete the order until the bankrupt has given a consent to judgment being entered against him.

Security in Court.

- Security by bond.**
R38.
Form 19. **13.** 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 two sureties to the person proposed to be secured, provided that the court may direct that one surety shall suffice.
- Amount of bond.**
R39 **14.** 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 it being taken for a less sum.
- Deposit in lieu of bond.**
R40. **15.** 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, together with a memorandum 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.
- Money lodged in court.**
R41. **16.** The rules for the time being in force in the 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.
- Security of guarantee society.**
R42. **17.** 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.**
R43.
Form 20. **18.** 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, notice of the proposed sureties, and the Registrar may give notice to both parties of the time and place at which he proposes that the bond shall be executed, and may 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.**
R44.
Form 21. **19.** The sureties shall make an affidavit of their sufficiency unless the opposite party shall dispense with such affidavit, and such sureties shall attend the court to be cross-examined, if required.
- Execution of bond.**
R45. **20.** The bond shall be executed and attested in the presence of the Registrar or the Official Receiver.
- Notice of deposit.**
R46. **21.** Where a person makes a deposit of money in lieu of giving a bond, the Registrar shall forthwith give notice to the person to whom the security is to be given of such deposit having been made.

Exemption from Stamp Duty.

- Application of section 126.**
R48. **22.** For the purposes of section 126 of the Ordinance, "bankruptcy" shall include any proceeding under the Ordinance whether before or after adjudication, and whether an adjudication is made or not, and "bankrupt" shall include any debtor proceeded against under the Ordinance.

Shorthand Notes.

- Shorthand notes, &c.**
R67.
Forms 55, 56, 57, 58. **23.** 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 or private sitting or private meeting under the Ordinance, in shorthand or otherwise, it shall be competent for the court to

make such appointment; and every person so appointed, if not already in the service of the Government, shall be paid a sum not exceeding twenty-five dollars a day, and also a sum not exceeding twenty-five 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. The shorthand writer (if any) attached to the Official Receiver's office shall be deemed to be duly appointed under this rule, and it shall not be necessary to make any application to make such appointment, and a general declaration by such shorthand writer adapted from Form 56 shall be deemed to apply to all cases in which notes are taken by him as aforesaid. A transcript of any such notes, purporting to be such transcript, and purporting to be signed by a shorthand writer duly appointed under this Rule or by the shorthand writer attached to the Official Receiver's office, shall until the contrary is proved be sufficient evidence that the questions and answers set forth therein were so put and answered respectively.

Discovery and Examination under Section 29.

24. 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 provisions in the Code of Civil Procedure for the time being in force in relation to discovery and inspection. An application for leave under this Rule may be made *ex parte*.

25. Every application to the court under section 29 of the Ordinance shall be in writing and shall state shortly the grounds upon which the application is made. When the application is made by or on behalf of the trustee or the Official Receiver it need not be verified by affidavit.

Discovery R73.
Examination section 29. R74.
Forms 112, 113, 114.

Warrants, Arrests, and Commitments.

26. A warrant of seizure, or a search warrant, or any other warrant issued under the provisions of the Ordinance, shall be addressed to such officer of the court or to such public officer as the Registrar may direct.

To whom warrants addressed. R80.
Forms 109, 108, 105, 110, 115.

27. When a debtor is arrested under a warrant issued under section 27 of the Ordinance, he shall be given into the custody of the Superintendent of Prisons, 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 trustee, as the case may be.

Custody and production of debtor. R81.
Form 110.

28.—(1) When a person is apprehended under a warrant issued under section 29 (2) of the Ordinance, the officer apprehending him shall forthwith bring him before the court to the end that he may be examined, and if he cannot immediately be brought up for examination or examined, the officer shall deliver him into the custody of the Superintendent of Prisons, and the said Superintendent shall receive him into custody and shall produce him before the court as it may from time to time direct or order, and subject to such direction or order shall safely keep him.

Execution and of warrant. R82.
Form 115.

Form 116. (2) The officer executing a warrant issued under section 29 (2) of the Ordinance shall forthwith, after apprehending the person named in the warrant and bringing him before the court as in the last preceding rule mentioned, or after delivering him to the Superintendent of Prisons report such apprehension or delivery to the court, and apply to the court to appoint a day and time for the examination of the person so apprehended, and the court shall thereupon appoint the earliest practicable day for the examination, and shall issue its direction or order to the said Superintendent to produce him for examination at a place and time to be mentioned in such direction or order. Notice of any such appointment shall forthwith be given by the Registrar to the Official Receiver, trustee, or other person who shall have applied for the examination or warrant.

Application to commit. R83. Forms 94, 95, 96, 97. **29.** An application to the court to commit any person for contempt of court shall be supported by affidavit.

Notice and hearing of application. R84. Forms 98, 99, 100, 104. **30.** Subject to the provisions of the Ordinance and Rules, upon the filing of an application to commit, the court shall fix a time and place to hear the application, notice whereof shall be personally served on the person sought to be committed, not less than three days before the day fixed for the hearing of the application. Provided that in any case in which the court may think fit, the court may allow substituted service of the notice by advertisement or otherwise, or shorten the length of notice to be given.

Costs and Taxation.

Regulations as to cost R103. **31.** The regulations as to costs continued in Part II of 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.

Solicitor's costs in case of petition by debtor. R105. **32.** The solicitor in the matter of a bankruptcy 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, as a deposit on account of the costs and expenses to be incurred in and about the filing and prosecution of such petition; and the amount of any such deposit shall be noted by the taxing officer upon the allocatur issued for such costs.

Certificate of employment. R109. **33.** Before taxing the bill or charges of any solicitor, manager, accountant, auctioneer, broker, or other person employed by the Official Receiver or trustee, the taxing officer shall require a certificate in writing, signed by the Official Receiver or trustee, 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 other authority sanctioning the employment.

Notice of appointment. R112. **34.** Every person whose bill or charges is or are to be taxed shall in all cases give not less than four days' notice of the appointment to tax the same to the Official Receiver and to the trustee (if any).

Lodgment of bill. R113. **35.** The bill or charges, if incurred prior to the appointment of a trustee, shall be lodged with the Official Receiver, and if incurred after the appointment of a trustee, shall be lodged with the trustee, three clear days before the application for the appointment to tax the same is made. The Official Receiver or the trustee, as the case may be, shall forthwith, on receiving notice of taxation, lodge such bill or charges with the taxing officer.

36. Every person whose bill or charges is or are Copy of to be taxed shall, on application either of the Official Receiver or the trustee, furnish a copy of his bill or charges so to be taxed. The Official Receiver shall call the attention of the trustee to any items which, in his opinion, ought to be disallowed or reduced and may attend or be represented on the taxation. R114.

37. 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— Applications for costs. R115.

(1) such party or person shall serve notice of his intended application on the Official Receiver, and, if a trustee has been appointed, on the trustee:

(2) the Official Receiver and trustee may appear on such application and object thereto:

(3) no costs of or incident to such application shall be allowed to the applicant, unless the court is satisfied that the application could not have been made at the time of the proceeding.

38. Where at the instance of the Official Receiver a shorthand writer not already in the service of Government is appointed to take notes of the examination of the debtor at his public examination, the cost of such notes shall be deemed to be an expense incurred or authorised by the Official Receiver, and shall be payable out of the estate of the bankrupt in the order of priority in which such expenses are payable under the provisions of section 37 of the Ordinance. Costs of shorthand notes. R118.

39. In any case in which, after a bankruptcy 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. Disallowance of costs of unnecessary petition. R119.

40. In the case of a bankruptcy 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. R120.

41.—(1) Where the joint estate of any co-debtors is insufficient to defray any costs or charges properly incurred prior to the appointment of the trustee, the Official Receiver may pay or direct the trustee to pay such costs or charges out of the separate estates of such co-debtors, or one or more of them, in such proportions as in his discretion the Official Receiver may think fit. The Official Receiver may also, as in his discretion he may think fit, pay or direct the trustee to pay any costs or charges properly incurred, prior to the appointment of the trustee, 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 trustee which affects any separate estate out of that separate estate. Costs out of joint and separate estates. R121.

(2) Where the joint estate of any co-debtors is insufficient to defray any costs or charges properly incurred after the appointment of the trustee, the trustee, with such consent as is hereinafter mentioned, may pay such costs or charges out of the separate

estate of such co-debtors, or one or more of them. The trustee, 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 a trustee 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.

PART III.

PROCEEDINGS IN BANKRUPTCY.

Declaration of Inability to pay Debts.

Form of
declaration.
R136.
Form 2.

42. A declaration by a debtor of his inability to pay his debts shall be dated, signed, and witnessed. The witness shall be a solicitor, or the Official Receiver or Registrar.

Bankruptcy Notice.

Issue of
notice.
R138.
Forms
4, 5.

43. A creditor, desirous that a bankruptcy notice may be issued, shall produce to the Registrar a sealed copy of the judgment or order on which the notice is founded and file the notice, together with a request for issue. The creditor shall at the same time lodge with the Registrar two copies of the bankruptcy notice to be sealed and issued for service.

Indorsement
of address,
&c.
R140.

44.—(1) Every bankruptcy notice shall be indorsed 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.

(2) There shall also be indorsed on every bankruptcy 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 or order was obtained, he must within the time specified in the notice file an affidavit to that effect with the Registrar.

Form 8.

(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 with the leave of the court under section 3 of the Ordinance, the Registrar, when issuing the notice, shall fix the time.

Application
to set aside.
R141.
Form 8.

45. The filing of such affidavit shall operate as an application to set aside the bankruptcy notice, and thereupon the court shall fix a day for hearing the application, and not less than three days before the day so fixed the Registrar shall give notice thereof both to the debtor and the creditor, and their respective solicitors, if known. If the application cannot be heard until after the expiration of the time specified in the notice as the day on which the act of bankruptcy will be complete, the Registrar shall extend the time and no act of bankruptcy shall be deemed to have been committed under the notice until the application has been heard and determined.

Duration of
notice.
R142.

46. Subject to the power of the court to extend the time, a bankruptcy notice to be served in the Colony shall be served within one month from the issue thereof.

47. A bankruptcy notice shall be served, and Service of
service thereof shall be proved in the like manner as notice.
is by these Rules prescribed for the service of a R143.
creditor's petition. Forms 7, 16,
15.

48. When the court makes an order setting aside Setting aside
the bankruptcy notice it may at the same time notice.
declare that no act of bankruptcy has been committed R144.
by the debtor under such notice. Form 9.

Petitions

49.—(1) Where a petition is presented by a Description
debtor he shall, besides inserting therein his name and address
and description, and his address at the date when of debtor.
the petition is presented, further describe himself R146.
as lately residing or carrying on business at the
address or several addresses, as the case may be, at Form 3.
which he has incurred debts and liabilities which at
the date of the petition remain unpaid or unsatisfied.

(2) Where a petition is presented against a debtor
who resides or carries on business at an address other
than the address at which the debtor was residing
or carrying on business at the time of contracting
the debt or liability in respect of which the petition
is presented, the petitioning creditor, in addition to
stating in the petition the description of the debtor,
as of his then present address and description, shall,
in the petition, describe the debtor as lately residing
or carrying on business at the address at which he
was residing or carrying on business when the debt
or liability was incurred.

50. Every bankruptcy petition shall be attested. Attestation.
If it be attested in the Colony the witness must be R148.
a solicitor or the Official Receiver or 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.

51.—(1) Upon the presentation of a petition Deposit by
either by the debtor or by a creditor the petitioner petitioner.
shall deposit with the Official Receiver the sum of one R149.
hundred 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; and no petition shall be received unless
the receipt of the Official Receiver for the deposit
payable on the presentation of the petition is pro-
duced to the Registrar.

(2) The Official Receiver shall account for the
money so deposited to the creditor, or, as the case
may be, to the debtor's estate, and any sum so paid
by a petitioning creditor shall be repaid to such
creditor (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 order of priority prescribed by section 37 of
the Bankruptcy Ordinance.

52. When a petition is filed the Official Receiver Registration
may register a memorial of the petition in the Land of petition
Office or in any District Land Office against any in Land
property registered therein in the name of the debtor. Office or
or in any alias of his, or in his tong name, or in the Land Office.
name of any tong in which he has any share or
interest, or in the name or names of any wife or
concubine of the debtor. This provision shall so far
as the nature of the case will admit apply in the case
of any person carrying on business in a name or style
other than his own.

Registration of petition in Land Office or District Land Office against partner. **53.** The Official Receiver may in either of the cases mentioned in Rules 133 or 135 register a memorial of the petition in the Land Office or in any District Land Office against any property registered in the name or names of any partner or partners in the debtor firm, or in any alias of his or theirs, or in any tong name of his or theirs, or in the name of any tong in which he or they has or have any share or interest, or in the name or names of any wife or concubine of his or theirs respectively.

Creditor's Petition.

Security for costs. R150. **54.** A petitioning creditor who is resident out of the jurisdiction, or whose estate is vested in a trustee under any law relating to bankruptcy, 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.

Verification. R151. Forms 10, 11, 12. **55.** Every creditor's petition shall be verified by affidavit, and when it is filed there shall be lodged with it one copy to be sealed and issued to the petitioner.

Who to verify. R152. **56.** 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.

Joint petitioners. R153. **57.** 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 deposited to by someone within whose knowledge it is.

Service of Creditor's Petition.

Service. R155. Form 14. **58.** A creditor's petition may be served in the same manner as a writ of summons.

Death of debtor before service of petition. R159. **59.** If a debtor against whom a bankruptcy petition has been filed dies before service thereof, the court may order service to be effected on the personal representatives of the debtor, or on the Official Administrator or on such other persons as the court may think fit.

Interim Receiver.

Form and contents of order. R161. Form 13. **60.** Where an order is made appointing the Official Receiver to be interim receiver of the property of the debtor, such order shall state the nature and, so far as it is known, the locality of the property of which the Official Receiver is ordered to take possession.

Deposit. R162. **61.** Before any such order is made, the person who has made the application therefor shall deposit with the Official Receiver the sum of one hundred dollars towards the prescribed fee for the Official Receiver, and such further sum as the court shall direct for the expenses which may be incurred by him.

Further deposit necessary. R163. **62.** If the sum of one hundred 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 Official Receiver may from time to time direct; and such sum shall be deposited within 48 hours after the making of a written request therefor. If such additional sum shall not be so deposited, the order appointing the interim receiver may be discharged by the court.

63. If an order appointing an interim receiver is followed by a receiving order, the deposits made by the creditor, on whose application such 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 the Ordinance. Repayment of deposit. R164.

64. 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. Damages if petition dismissed. R165.

Hearing of Petition.

65. The Registrar shall, after reference to the Official Receiver, appoint the time and place at which the petition will be heard, and notice thereof shall be written on the petition and sealed copy, and where the petition has not been served the Registrar may, after such reference as aforesaid, from time to time after the first day so appointed, and appoint another day and hour. Time of hearing. R167.

66. 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 respondent 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. R168.

67. Where a debtor intends to show cause against a petition he shall file a notice with the Official Receiver specifying the grounds on which he intends to show cause, and shall post to the petitioning creditor or to his solicitor a copy of the notice, in each case three days before the day on which the petition is to be heard. Debtor intending to show cause. R169. Form 17.

68. If the debtor does not appear at the hearing, the court may on hearing the petitioning creditor and the Official Receiver either dismiss the petition or make a receiving order on such proof of the statements in the petition and of the amount of assets and liabilities as the court shall think sufficient. Non-appearance of debtor. R170. Forms 23, 25, 26.

69. On the hearing of the petition the amount of assets and liabilities, and, in the case of a creditor's petition, any matters which the debtor shall have given notice that he intends to dispute, shall be proved. Hearing of creditor's petition. R171.

Non-appearance of creditor. R172. **70.** 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 bankruptcy without the leave of the court.

Application to withdraw petition. **71.** No application to withdraw a petition shall 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 not less than seven days before the day named in the notice for hearing the application.

Receiving Order.

Registration of receiving order or order of adjudication in Land Office or District Land Office. **72.** Where a receiving order or order of adjudication is made the Official Receiver may register a memorial of such receiving order or order of adjudication in the Land Office or in any District Land Office against any property registered therein in the name of the debtor or in any alias of his, or in his tong name, or in the name of any tong in which he has any share or interest, or in the name or names of any wife or concubine of the debtor.

Registration of receiving order or order of adjudication in Land Office, or District Land Office, against partner. **73.** Where a receiving order or order of adjudication is made against a firm, the Official Receiver may register a memorial thereof in the Land Office or in any District Land Office against any property registered in the name of any partner or partners in the debtor firm or in any alias of his or theirs, or in any tong name of his or theirs, or in the name of any tong in which he or they has or have any share or interest, or in the name or names of any wife or concubine of such partner or partners.

Service of receiving order. R182. Forms 25, 26. **74.** The Official Receiver shall cause a copy of the receiving order sealed with the seal of the court to be served on the debtor.

Service where debtor abroad. R183. **75.** 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.

Receiving order on bankruptcy notice. R184. **76.** A receiving order shall not be made against a debtor on a petition in which the act of bankruptcy alleged is non-compliance with a bankruptcy 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. R185. **77.** There may be included in a receiving order an order staying any action or proceeding against the debtor or staying proceedings generally.

Advertisement. R186. Form 27. **78.** Where a receiving order is made, the Official Receiver shall forthwith send notice thereof to the Gazette and to such local newspaper or newspapers as he may think fit.

79.—(1) The costs of all proceedings under the Costs of Ordinance, down to and including the making of a petition, &c. receiving order, shall be borne by the party prosecuting the same, unless the court shall order that the debtor shall pay the whole or any part of them, or, in the case of a receiving order being made on a debtor's petition while a creditor's petition against such debtor is pending, that they shall be paid out of the estate. When a receiving order is made on a creditor's petition the costs of the petitioning creditor, including the costs of the bankruptcy notice, if any, sued out by him, shall be taxed and be payable out of the estate. R187.

(2) When the proceeds of the estate are not sufficient for the payment of any costs properly 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.

80.—(1) An application to the court to rescind a receiving order or to stay proceedings thereunder, or to annul an adjudication, made by any person other than the Official Receiver, 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. Notice of any such application shall be served on the Official Receiver not less than seven days before the day named in the notice for 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. Application to rescind order, to stay proceedings thereunder, or to annul adjudication. R128. Forms 79, 18, 19.

(2) In any case in which any such application is made by the Official Receiver, four days notice thereof and a copy of any report in support thereof shall be served on the debtor and the petitioning creditor (if any): provided that where such service is found to be impracticable by reason of the debtor or the petitioning creditor being out of the Colony or not being able to be found at his or their usual or last known address or places of business no objection shall be taken to the application on the ground of such service not having been effected. Application by Official Receiver.

(3) Where an application is made to the court to rescind a receiving order or annul an order of adjudication, the Official Receiver shall make and file four days before the day appointed for hearing the application a report as to the debtor's conduct and affairs, including a report as to his conduct during the proceedings, and the court on the hearing of the application shall hear and consider such report and such further evidence as may be adduced by any party, and any objections which may be made by or on behalf of the trustee (if any) or any creditor whom the court may order to be served with notice of the application or may permit to appear thereon. For the purposes of the application the report shall be *prima facie* evidence of the statements therein contained. Report by Official Receiver on application to rescind receiving order or annul adjudication.

(4) For the purposes of this rule the expression "creditor" includes all creditors who are mentioned in the debtor's statement of affairs or who have notified to the Official Receiver or trustee that they have, or at the date of the receiving order had, claims against the debtor.

Statement of Affairs.

How made out. R189. Form 23. **81.** The statement of affairs shall be made out in duplicate, and one copy shall be verified. The Official Receiver shall file in court the verified statement of affairs submitted to him by the debtor.

Extension of time. R190. **82.** Where any debtor requires any extension of the time for the filing 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 18 of the Ordinance unnecessary.

Public Examination.

Adjournments *sine die*. R195. **83.** 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 forthwith commit the debtor for contempt of court or may adjourn the public examination *sine die*, and may make such further or other order as the court shall think fit.

Application to proceed. R196. **84.** The court may on the application either of the Official Receiver or of the debtor appoint a day for proceeding with a public examination which has been adjourned *sine die*.

Proceeding after adjournment *sine die*. R197. **85.** 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 gazetting, advertising, and giving notice to creditors of the day to be appointed for proceeding with such examination, shall, unless the Official Receiver or trustee, 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.

Notice of proceeding after adjournment *sine die*. R198. Form 54. **86.** 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 sent by the Official Receiver, and notice shall also be inserted in the Gazette, and in the local paper (if any) in which the notice of the first holding of the public examination was inserted, seven days before the day appointed.

Public examination of debtor who is a lunatic, &c. R199. Forms 60, 61. **87.—(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 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 trustee (if any), and shall, except in the case of a lunatic so found by inquisition, 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 section 37 of the Ordinance. 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.

Discharge.

88.—(1) A bankrupt intending to apply for his Application discharge shall file an application for a day to be R227. fixed for the hearing and when a day for the hear- Forms 81, ing has been fixed the Official Receiver shall forth- 82, 83, 84. with send notice thereof to the Gazette and to one local newspaper.

(2) Notice of the day appointed for the hearing of the debtor's application for discharge shall be sent by the Official Receiver to each creditor not less than 14 days before the day so appointed.

89. Without prejudice to the provisions of section Appeals. 98 of the Ordinance, an appeal to the Full Court R229 shall lie at the instance of the Official Receiver from any order of the court made upon an application for the rescission of a receiving order, and at the instance of the Official Receiver or of the trustee (if any) from any order of the court made upon an application for discharge or for annulment of adjudication.

90. In every case of an application by a bank- Report of rupt for his discharge, the report of the Official Official Receiver shall be filed not less than seven days before Receiver. the time fixed for hearing the application. R230.

91. Where a bankrupt intends to dispute any Evidence in statement with regard to his conduct and affairs con- answer to tained in the Official Receiver's report, he shall, not report. less than three days before the hearing of the applica- R231. tion for discharge, give notice in writing to the Official Receiver, specifying the statements in the report, if any, which he proposes at the hearing to dispute. Any creditor, who intends to oppose the discharge of a bankrupt 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 and to the bankrupt not less than three days before the hearing of the application.

92. A bankrupt shall not be entitled to have any Costs of of the costs of or incidental to his application for his application. discharge allowed to him out of his estate. R232.

Orders
conditional
on consent
to judgment.
R233.
Forms 90,
91, 92.

93.—(1) Where the court grants an order of discharge conditionally upon the bankrupt consenting to judgment being entered against him by the Official Receiver or trustee for the balance or any part of the balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge, the order of discharge shall not be signed, completed, or delivered out until the bankrupt has given the required consent.

(2) If the bankrupt does not give the required consent within one month of the making of the conditional order the court may, on the application of the Official Receiver or trustee, revoke the order or make such other order as the court may think fit.

Order.
R234.
Forms
85-89.

94. The order of the court made on an application for discharge shall be dated on the day on which it is made, and shall take effect from the day on which the order is drawn up and signed; 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.

Gazetting
order.
R235.

95. When the time for appeal has expired, or, as the case may be, when the appeal has been decided by the Full Court the Official Receiver shall forthwith gazette the same, and advertise it in one local newspaper.

Execution on
judgment in
case of
conditional
discharge.
R236.

96.—(1) An application by the Official Receiver or trustee for leave to issue execution on a judgment entered 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.

(2) The Official Receiver or trustee shall give notice of the application to the debtor not less than four days before the day appointed for the hearing, and shall at the same time furnish him with a copy of the application. Such notice may be shortened or dispensed with on sufficient grounds, one of which shall be the probability of the debtor absconding.

Accounts of
after-
acquired
property.
R237.

97. Where a bankrupt 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 with respect to his earnings and after-acquired property and income, and not less than once a year to file in the court a statement showing the particulars of any property or income he may have acquired subsequent to his discharge.

Verification
of state-
ments of
after-
acquired
property.
R238.
Form 93.

98. Any statement of after-acquired property or income filed by a bankrupt whose discharge has been granted subject to conditions shall be verified by affidavit, and the Official Receiver or trustee may require the bankrupt 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 a bankrupt 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 trustee, rescind the order of discharge, commit the bankrupt for contempt of court or make such other order as it may see fit.

99. Where after the expiration of two years Application from the date of any order made upon a bankrupt's for modification of order. application for a discharge, the bankrupt applies to the court to modify the terms of the order on the R239. 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 hearing the application to the Official Receiver and to all his creditors.

Meetings of Creditors.

100. The Official Receiver shall give three days' Notice to debtor of first meeting. notice to the debtor of the time and place appointed for the first meeting of creditors. The notice may R240. be either delivered to him personally or sent to him by prepaid letter post, as may be convenient. It Form 35. 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.

101. The Official Receiver shall fix the day for Notice of the first meeting, and shall forthwith gazette and first meeting. advertise the same in one local newspaper if he con- R241. siders such advertisement desirable. The Official Forms 30, Receiver shall also give notice to the creditors. 31, 40, 43, 44.

102. The notices of subsequent meetings shall be Notices of issued to creditors by the Official Receiver or trustee. other meetings. Where no special time is prescribed the notices shall R242. be sent off not less than three days before the day appointed for the meeting.

103. Where a meeting of creditors is called by Non-notice, the proceedings had and resolutions passed reception of notice by creditor. at such meeting shall, unless the court otherwise R243. orders, be valid, notwithstanding that some creditors shall not have received the notice sent to them.

104. Where a trustee summons a meeting of Notice to Official Receiver of creditors' meetings. creditors he shall send to the Official Receiver a copy R244. of the notice convening the meeting.

105. A certificate by the Official Receiver or other Proof of officer of the court, or by the clerk of any such notice. person, or an affidavit by the trustee or his solicitor, R245. or the clerk of either of such persons, that the notice Forms of any meeting of creditors or sitting of the court 34, 37, 42, has been duly posted, shall be sufficient evidence of 41. such notice having been duly sent to the person to whom the same was addressed.

106. Where, on the request of creditors. the Cost of Official Receiver or trustee calls a meeting of credi- creditors' tors, the cost of summoning such meeting, including meetings. all disbursements for printing, stationery, postage, R246. and the hire of a room for the meeting (if necessary), shall be calculated at the following rates for each creditor to whom notice is required to be sent:—

(a) where the assets do not exceed \$1,000, 50 cents per creditor for the first 20 creditors, and 25 cents per creditor for any number of creditors after the first 20;

(b) where the assets exceed \$1,000, 50 cents per creditor for any number of creditors.

107. Where a meeting of creditors is adjourned, Adjourn- the adjourned meeting shall be held at the same ment. place as the original place of meeting, unless in the R248. resolution for adjournment another place is specified. Form 37.

108. In calculating a quorum of creditors present Quorum. at a meeting those persons only who are entitled to R249. vote at the meeting shall be reckoned.

Proof of Debts.

- Swearing of proof.
R250.
Forms 46, 47.
- 109.** An affidavit of proof of debt may be sworn or declared before the Official Receiver, or any person authorised to administer oaths or take statutory declarations.
- Workmen's wages.
R251.
Form 48.
- 110.** In any case in which it shall appear from the debtor's statement of affairs that there are numerous claims for wages by workmen or others employed by the debtor, it shall be sufficient if one proof for all such claims is made either by the debtor, or by his foreman or some other person on behalf of all such creditors. Such proof shall have annexed thereto, as forming part thereof, a schedule setting forth the names of the workmen or 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 or others.
- Production of bills of exchange and promissory notes.
R252.
- 111.** 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 made to the contrary, be produced to the Official Receiver, chairman of a meeting, or trustee, as the case may be, before the proof can be admitted either for voting or for dividend.
- Time for lodging proofs.
R253.
- 112.** A proof intended to be used at the first meeting of creditors shall be lodged with the Official Receiver not later than twenty-four hours before the time appointed for the meeting. A proof intended to be used at an adjournment of the first meeting (if not lodged in time for the first meeting) must be lodged not less than twenty-four hours before the time appointed for the adjourned meeting.
- Transmission of proofs to trustee.
R254.
- 113.** Where a trustee is appointed in any matter, all proofs of debts that have been received by the Official Receiver shall be handed over to the trustee, but the Official Receiver shall first make a list of such proofs, and take a receipt thereon from the trustee for such proofs.
- Time for admission or rejection of proofs by Official Receiver.
R259.
Form 49.
- 114.** The Official Receiver, as trustee, not later than twenty-one 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 either admit or reject wholly or in part every proof lodged with him, or require further evidence in support thereof.
- Time for admission or rejection of proof by trustee.
R260.
Form 49.
- 115.** The trustee, 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: Provided that where the trustee has given notice of his intention to declare a dividend he shall within twenty-one 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.
- Notice of admission of proof.
R261.
- 116.** Where a creditor's proof has been admitted the notice of dividend shall be sufficient notification to such creditor of such admission.

117. No application to reverse or vary the decision of an Official Receiver or trustee in rejecting a proof shall be entertained after the expiration of twenty-one days from the date of the decision complained of.

Appeal from
rejection of
proof.
R262.

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

Costs of
appeals from
decisions as
to proofs.
R263.

Proxies and Voting Letters.

119.—(1) A proxy shall be lodged with the Official Receiver or trustee not later than twenty-four hours before the time appointed for the meeting or adjourned meeting, at which it is to be used.

Filing of
proxies.
R264.
Forms
50, 51.

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

120. A proxy given by a creditor shall be deemed to be sufficiently executed if it is signed by any person in the employ of the creditor having a general authority to sign for such creditor, or by the authorised agent of such creditor if resident abroad. Such authority shall be in writing, and shall be produced to the Official Receiver, if required.

Signature
of proxy.
R265.

121. 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, provided that all 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.

Filling in
when
creditor
blind, etc.
R266.

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

Minors not
to be proxies
R267.

Dividends.

123.—(1) Not more than one month before declaring a dividend, the trustee shall give notice of his intention to do so, and at the same time give notice to such of the creditors mentioned in the bankrupt's statement of affairs as have not proved their debts. Such notice shall specify the latest date up to which proofs must be lodged, which shall be not less than fourteen days from the date of such notice.

Notice of
intended
dividend.
R268.
Forms
138, 139,
141.

(2) Where any creditor, after the date mentioned in the notice of intention to declare a dividend as the latest date upon which proofs may be lodged, appeals against the decision of the Official Receiver or trustee rejecting a proof, such appeal shall be commenced, and notice thereof given to the Official Receiver or trustee, within seven days from the date of the notice of the decision against which the appeal is made, and the Official Receiver or trustee 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 trustee shall exclude all proofs which have been rejected from participation in the dividend.

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

and gazette the same, and shall also send a notice of dividend to each creditor whose proof has been admitted.

(4) If it becomes necessary, in the opinion of the trustee and the committee of inspection, to postpone the declaration of the dividend beyond the prescribed limit of one month, the trustee shall gazette a fresh notice of his intention to declare a dividend; but it shall not be necessary for such trustee to give a fresh notice to such of the creditors mentioned in the bankrupt's statement of affairs as have not proved their debts. In all other respects the same procedure shall follow the fresh notice as would have followed the original notice.

Production of bills, notes, &c.
R269.
Ordinance No. 3 of 1885.

124. Subject to the provisions of section 70 of the Bills of Exchange Ordinance, 1885, and subject to the power of the court in any other 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 proof has been made, shall be exhibited to the trustee before payment of dividend thereon, and the amount of dividend paid shall be indorsed on the instrument.

Dividend may be sent by post.
R270.

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

Payment of dividends to a nominee.
R271.

126. If a person to whom dividends are payable desires that they shall be paid to some other person he may lodge with the trustee a request to that effect which shall be a sufficient authority for payment of the dividend to the person therein named.

Registration of General Assignments of Book Debts.

Form of Register.
Form 117.

127.—(1) The Registrar shall keep a register for the purpose of section 48 of the Ordinance, and shall on request and on the filing of a duly attested copy of an assignment of existing or future book debts or any class thereof from a person engaged in any trade or business to any other person, and production of the original thereof, and deposit of a certified English translation thereof when the original is in a foreign language, enter particulars of such assignment in the register. Such registration shall be effected before the commencement of the bankruptcy; otherwise the assignment shall be void and of no effect as against the assignor's trustee in bankruptcy. The register shall contain the name, residence and occupation of the persons by whom and to whom the assignment was made and given, and the other particulars shown in the said form or prescribed under these rules and all such assignments registered in each year shall be numbered consecutively according to the respective dates of their registration.

(2) The Registrar shall also keep an index of the names of the assignors under such assignments. Such index shall be arranged in divisions corresponding with the letters of the alphabet, so that all assignors whose surnames begin with the same letter, and no others, shall be comprised in one division but the arrangement within each such division need not be alphabetical.

(3) The fees mentioned in the appendix to these rules and such other fees as may be hereafter prescribed shall be paid to the Registrar.

Appropriation of Pay, Salary, Pensions, &c.

128. When a trustee intends to apply to the court for an appropriation order under section 56 of the Ordinance, he shall give to the bankrupt notice of his intention so to do. Such notice shall specify the time and place fixed for hearing the application, and shall state that the bankrupt is at liberty to show cause against such order being made. Notice to bankrupt of application. R272. Form 118.

129. Where an order has been made for the payment by a bankrupt, or by his employer for the time being, of a portion of his income or salary, (including any bonus or commission payable to him) the bankrupt 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 trustee. And in the case of any increase in the amount of such salary or income (inclusive of any bonus or commission as aforesaid) the Official Receiver or trustee may in like manner apply to the court to increase the amount ordered to be paid by the debtor to the trustee. Review of order. R275.

Disclaimer of Lease.

130.—(1) A lease may be disclaimed without the leave of the court in any of the following cases, viz.:— Disclaimer of lease. R276.

- (i) Where the bankrupt has not sub-let the demised premises or any part thereof or created a mortgage or charge upon the lease; Forms 123-130.
 - and
 - (a) the rent reserved or the value of the property leased, as ascertained by the assessment, is less than \$1,200 per annum; or
 - (b) the trustee 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 trustee requiring the matter to be brought before the court.
- (ii) Where the bankrupt has sub-let the demised premises or created a mortgage or charge upon the lease, and the trustee serves the lessor and the sub-lessee or the mortgagees with notice of his intention to disclaim, and neither the lessor nor the sub-lessee or the mortgagee or any of them, within fourteen days after the receipt of such notice, require or requires the matter to be brought before the court.

(2) Except as provided by this rule, the disclaimer of a lease without the leave of the court shall be void.

(3) Where a trustee disclaims a lease he shall forthwith file the disclaimer with the proceedings in the court and shall also, if the lease is registered in the Land Office, register a memorial of such disclaimer in the Land Office; and the disclaimer shall contain particulars of the interest disclaimed, and a statement of the persons to whom notice of the disclaimer has been given. Until the disclaimer is so filed, or, as the case may be, filed and registered, by the trustee, the disclaimer shall be inoperative.

(4) Where, in pursuance of notice by the trustee of his intention to disclaim a lease, the lessor, sub-lessee, or mortgagee requires the trustee 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 bankrupt except in cases in which the court is satisfied that such application was necessary in order to do justice between the parties.

(5) 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.

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

Proceedings by Company or Co-partnership.

Public officer or agent of company, &c.
R277.

131. A bankruptcy petition against, or bankruptcy 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 bankruptcy notice.

Proceedings by or against Firm.

Attestation of firm signature.
R278.

132. Where any notice, declaration, petition, or other document requiring attestation is signed by a firm of creditors or debtors in the firm 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."

Debtor's petition by firm.
R281.

133. Where a firm of debtors file a declaration of inability to pay their debts or bankruptcy petition the same shall contain the names in full of the individual partners, and if such declaration or petition is signed in the firm name the declaration or petition shall be accompanied by an affidavit made by the partner who signs the declaration or petition, showing that all the partners concur in the filing of the same, provided that the court may dispense with proof of the concurrence of any partner if it has been impracticable to obtain his concurrence in time.

Creditor's petition by firm.

134. A creditor's petition in the firm name may be presented by any partner thereof, or, in the absence of all the partners from the Colony, by any person having the control or management of the business of the firm.

Creditors petition against firm.

135. Where a petition is filed against a firm the petitioning creditor or if the petitioning creditor is a firm, then one of the partners therein, shall state on affidavit the names and addresses of all the partners in the debtor firm to the best of his information and belief.

Petition by limited partnership.
R283.

136. A limited partnership registered under the Limited Partnerships Ordinance, 1912, may present a petition in bankruptcy as creditors in the name of the firm. The petition shall be signed by a partner or, in the absence of all the partners from the Colony, by any person having the control or management of the firm.

Statement of affairs.
R287.

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

138. Where a receiving order is made against a firm, the joint and separate creditors shall collectively be convened to the first meeting of creditors. R291.

139. 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. Acceptance of composition, &c., by joint and separate creditors. R292.

140. 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 accepted the composition or scheme. Voting on composition. R293.

141. On the adjudication in bankruptcy of a partnership the trustee appointed by the joint creditors, or by the court under section 23 (4) or section 81 (3) of the Ordinance, as the case may be, shall be the trustee 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. Adjudication, trustee. R294.

142. 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. R295.

Lunatics.

143.—(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 not so found by inquisition (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 so to do, without any previous application. Lunatics. R297.

(2) An application to the court to make an appointment under this rule may be made by any person who has been duly appointed by the court, 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 think necessary to be given to the Official Receiver or trustee (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 may 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 of Estates of Deceased Insolvents

Verification of petition. R299. Forms 134, 135. **144.** A creditor's petition, and a petition by the legal personal representative of the deceased, under section 113 of the Ordinance shall be verified by affidavit.

Deposit. **145.** The provisions of Rule 51 as to deposits on presentation of a petition shall apply to petitions presented by a creditor or by a legal personal representative under section 113 of the Ordinance.

Gazetting. R300. Form 136. **146.** Where an administration order under section 113 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.

Service. R301. **147.**—(1) The petition shall, unless the court otherwise directs, be served on each executor who has proved the will, or, as the case may be, on each person who has taken out letters of administration or, if there is no personal representative in the Colony, on the Official Administrator. The court may also, if the court thinks fit, order the petition to be served on any other person.

(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.

(3) Where any executor or administrator or the Official Administrator, as the case may be, intends to show cause against the petition he shall file with the Official Receiver a notice specifying the grounds on which he intends to show cause, and shall transmit by post to the petitioning creditor, or to his solicitor, a copy of the notice, in each case three days before the day on which the petition is to be heard.

Duties of executor, &c. R302. **148.**—(1) When an administration order under section 113 of the Ordinance has been made it shall be the duty of the executor or legal personal representative of the deceased debtor or of the Official Administrator to lodge with the Official Receiver forthwith (in duplicate) an account of the dealings with, and administration of (if any), the deceased's estate by such executor or legal personal representative or of the Official Administrator and such executor or legal

personal representative or the Official Administrator 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 as nearly as may be in accordance with the practice for the time being of the Original Jurisdiction of the court.

(2) 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, upon production of the necessary allocatur.

149. 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 a trustee— Meetings of creditors, trustees, &c. R304.

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

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

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

PART IV.

OFFICIAL RECEIVER, TRUSTEES, SPECIAL MANAGERS,
SECURITY BY TRUSTEE OR SPECIAL MANAGER,
GAZETTING, ACCOUNTS AND AUDIT,
UNCLAIMED FUNDS.

Official Receivers.

150.—(1) As soon as the Official Receiver has been appointed to the receivership of an estate, he shall furnish the debtor with a form for the preparation of his statement of affairs. Duties as to debtor's statement of affairs. R311.

(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. Form 28.

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

151. Subject to any general or special directions which the court may give, 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 be 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. R312.

152. Whenever, under the powers given by section 78 of the Ordinance, the Official Receiver employs any person to assist the debtor in the preparation of his statement of affairs he shall report the matter to the court, and specify the remuneration to be allowed to such person. Special report as to person employed to assist debtor. R313.

153. Where the Official Receiver holds any proxies but cannot conveniently attend any meeting of creditors, at which such proxy or proxies might be used, he may depute some person under his official control, by writing under his hand, to attend such proxies on his behalf, and in such manner as he may direct. Use of proxies by deputy. R314.

154. In any case of sudden emergency, or where there is no Official Receiver or Deputy Official Receiver capable of acting, any act or thing required or authorised to be done by the Official Receiver may be done by the Registrar. Registrar to act in sudden emergency. R317.

Removal
of special
manager.
R318.

155. 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
to Court.
R319.

156. Applications by the Official Receiver to the court 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 or
application
by Official
Receiver.
R320.

157. Where for the purposes of any application to the court by the Official Receiver for directions, or on his opposing a receiving order or an order for adjudication or on his applying to adjudge a debtor bankrupt or to rescind a receiving order or to annul an adjudication order 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 a bankrupt, or to commit a bankrupt, it is necessary that evidence be given by him in support of such opposition or 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 to the court shall be received by the court as *prima facie* evidence of the matters reported upon.

Application
for direc-
tions.
R321.

158. 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 court the Official Receiver may apply to the court for directions.

Accounting
by Official
Receiver.
R323.

159.—(1) Where a composition or scheme is sanctioned by the court the Official Receiver shall pay over any surplus in hand after making all proper deductions therefrom to the debtor, or, as the case may be, to the trustee under the composition or scheme.

(2) Where a debtor is adjudged bankrupt, and a trustee is appointed, the Official Receiver shall pay such surpluses as aforesaid to the trustee in the bankruptcy.

(3) The provisions of this Part of these rules as to trustees and their accounts shall not apply to the Official Receiver when acting as trustee, but he shall account in such manner as is provided by the Ordinance or as the court may from time to time direct.

Accounts of
debtor.
R325.

160. The debtor shall, on the request of the Official Receiver, furnish him with all such accounts and particulars as he may require. 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.

Liability
for costs,
expenses and
damages.
R326.

161. 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 the Official Receiver by the Ordinance.

(1) Subject to the provisions of the next following paragraph, 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 and not personally.

(2) As soon as any such proceedings are commenced it shall be the duty of the Official Receiver to report the same to the Colonial Secretary, who shall determine whether or not such proceedings shall be resisted or defended.

(3) The Official Receiver shall not, unless the court shall otherwise order, be entitled to be paid out of the estate any costs or expenses which he may have to pay or bear in consequence of resisting or defending any such proceedings, unless the Colonial Secretary has determined that such proceedings shall be resisted or defended.

(4) The Official Receiver shall, if necessary, apply to the court for any reasonable adjournment of any motion, or other summary proceedings before the court pending the determination of the Colonial Secretary upon the question whether such motion or proceedings shall be resisted or defended. And the court may grant an adjournment upon such terms as it shall think fit.

(5) If such proceedings are commenced before the appointment of a trustee by the creditors, or before the approval of a composition or scheme, the Official Receiver may, before putting the trustee 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 according as the Colonial Secretary shall in each case direct, 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 a trustee by the creditors or after the approval of a composition or scheme, the Official Receiver shall forthwith give notice of such proceedings to the trustee, 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.

Outside Trustees.

162. On the appointment of a trustee, notice of his appointment shall forthwith be gazetted by the Official Receiver. Notice of his appointment shall if he considers it necessary be inserted by the Official Receiver in a local paper. The expense of such gazetting and notice shall be borne by the estate. Notice of appointment. R327.

163. It shall be a sufficient reason for refusing to approve the appointment of a person as trustee in any other proceedings under the Ordinance such person has either been removed under section 96 (2) of the Ordinance from the office of trustee, 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. Grounds for refusing to appoint. R330.

164. Where a trustee or special manager has given security in the prescribed manner, but fails to keep up such security, or, if called upon to do so, to increase such security, the court may remove him from his office. Removal for failing to keep up or increase security. R331.

165. Where a trustee is removed by the court, the order removing him shall at once be filed with the proceedings in the matter and shall also be gazetted by the Official Receiver. Removal by court. R332.

166. A trustee 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. Notice of resignation. R333.

- Limit of remuneration.
R335. **167.** Except as provided by the Ordinance or these Rules, no trustee 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 these Rules he is entitled as trustee.
- Trustee carrying on business.
R337.
Forms 147, 148, 149. **168.**—(1) Where the trustee or special manager 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.

(2) The trading account shall from time to time, and not less than once in three months, be verified by affidavit, and the trustee 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.
- Application for release.
R338.
Forms 152, 137, 153. **169.** A trustee before making application to the court for his release shall give notice of his intention so to do to the Official Receiver 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 trustee: provided that where such application is made upon the trustee ceasing to act by reason of a composition having been approved under section 25 of the Ordinance, such notice and summary shall be sent to the debtor only.
- Gazetting of release.
R339. **170.** Where the court has granted to a trustee his release a notice of the order granting such release shall be gazetted. The fees shall be charged to the estate.
- Delivery of books, &c., on release of trustee.
R340. **171.** The release of a trustee shall not take effect unless and until he has duly delivered over all the books, papers, documents, and accounts which by these Rules he is required to deliver over on his release.
- Meeting to consider removal of trustee.
R341. **172.** 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 trustee 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.
- Bank account.
R342. **173.** Where the trustee has an account at a bank, he shall forthwith pay all moneys received by him into the credit of the estate. 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 trustee. Every cheque shall be countersigned in cases where there is a committee of inspection by at least one member of the committee and by such other person if any as the creditors or committee of inspection may appoint.
- Application for directions.
R344.
Forms 131, 132. **174.** Where a trustee applies to the court for directions in any matter, he shall file an application, and the court shall then hear the application, or fix a day for hearing it, or direct the trustee to apply by motion.
- Creditor may obtain copy of trustee's accounts.
R345. **175.** Any creditor who has proved his debt, may apply to the trustee 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 folio he shall be entitled to have such copy accordingly.

176. Where in pursuance of section 88 of the Statements Ordinance the Official Receiver or trustee is required of accounts to transmit to creditors a statement of the accounts, to be furnished to the cost of furnishing and transmitting such state-creditors. ment shall be calculated at the rate of 25 cents R346. per folio for each statement where the creditors do not exceed 10, and where the creditors exceed 10, Form 150. \$1 per folio, for the preparation of the statement, and the actual cost of printing, if printed.

177. Neither the trustee nor any member of the Purchase of committee of inspection of an estate shall, while part of acting as trustee or member of such committee estate by except by leave of the court, either directly or trustee or indirectly, by himself or any partner, clerk, agent, committee or servant, become purchaser of any part of the forbidden. estate. Any such purchase made contrary to the R347. provisions of the rule may be set aside by the court on the application of the Official Receiver or any creditor, or the debtor.

178.—(1) Where the trustee carries on the Dealings business of the debtor, he shall not without the with estate express sanction of the court purchase goods for the by trustee carrying on of such business from his employer (if and com- any), or from any person whose connexion with the mittee of trustee is of such a nature as would result in the inspection R348. trustee obtaining any portion of the profit (if any) arising out of the transaction.

(2) 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 bankruptcy, or to receive out of the estate any payment for services rendered by him in connexion with the administration of the estate, or for any goods supplied by him to the trustee for or on account of the estate. If it appears to the court that any profit or payment has been made contrary to the provisions of this rule, it may disallow such payment or recover such profit, as the case may be, on the audit of the trustee's account.

(3) Where the sanction of the court under this rule to a payment to a member of a committee of inspection for services rendered by him in connexion 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 services rendered by him in the discharge of the duties attaching to his office as a member of such committee.

(4) The cost of obtaining such sanction as aforesaid shall be borne by the person in whose interest it is obtained and shall not be payable out of the debtor's estate.

179.—(1) Where a debtor is adjudged bankrupt, Discharge and a trustee is appointed, the Official Receiver shall of costs, &c., forthwith put the trustee into possession of all pro- before estate- perty of the bankrupt of which the Official Receiver handed over to trustee. may be possessed; provided that such trustee shall R349. 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 eight per cent. per annum, and shall have discharged or undertaken to discharge all guarantees which have

been given by the Official Receiver for the benefit of the estate; and the trustee shall pay all fees, costs, and charges of the Official Receiver which may not have been discharged by the trustee before being put into possession of the property of the bankrupt, and whether incurred before or after he has been put into such possession.

(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 trustee, to communicate to the trustee all such information respecting the bankrupt and his estate and affairs as may be necessary or conducive to the due discharge of the duties of the trustee.

Meetings of
creditors to
consider
conduct of
trustee.
R350.

180. Where the Official Receiver is of opinion that any act done by a trustee 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, the Official Receiver may summon a meeting of creditors accordingly to consider the same, and the expense of summoning such meeting shall be paid by the trustee out of any available assets under his control.

Special Manager.

Remunera-
tion of
special
manager.
R351.

181. Where a special manager is appointed, he shall be paid such remuneration as is provided by the scale of allowances contained in Table C of Part III of the Appendix.

Accounts.
R352.
Form 151.

182. 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.

Security by Trustee or Special Manager.

Standing
security to
Registrar.
R353.

183. In the case of a trustee or special manager the following rules as to security shall be observed, namely:—

- (1) The security shall be given to the Registrar.
- (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 trustee 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.

Gazetting.

Gazetting
notices.
R354.

184. All notices requiring publication in the Gazette shall be gazetted by the Official Receiver or trustee as the case may be.

Re-gazetting.
R355.

185. Where any receiving order is amended, and also in any case in which any matter which has been gazetted has been amended or altered, or in which a matter has been wrongly or inaccurately gazetted, the Official Receiver or trustee shall re-gazette such order or matter with the necessary amendments and alterations in the prescribed form, at the expense of the estate.

186. Where an order (other than an order ^{Gazetting} annulling an adjudication or rescinding a receiving ^{annulment} order) which has been gazetted is annulled, revoked, ^{of order} or rescinded, notice of the order of annulment, ^{already} revocation, or rescission shall be published in the ^{gazetted.} Gazette. When the order is annulled, revoked, or rescinded on the application of the Official Receiver or of the trustee the fee for gazetting shall be paid out of the estate, but in any other case such fee shall be paid by the party making the application. R356.

Accounts and Audit.

187. The Official Receiver, until a trustee is ap- ^{Record} pointed, and thereafter the trustee, shall keep a ^{of minutes,} record of all minutes, all proceedings had, and ^{etc.} resolutions passed at any meeting of creditors, ^{R360.} or of the committee of inspection, and all such matters as may be necessary to give a correct view of his 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.

188. The Official Receiver, until a trustee is ap- ^{Cash book.} pointed, and thereafter the trustee, shall keep a book ^{R361.} to be called the "Cash Book" in which he shall (subject to the provisions of these rules as to trading accounts) enter the receipts and payments made by him.

189. The trustee shall submit the said record and ^{Books to be} cash book, together with any other requisite books ^{submitted to} and vouchers, to the committee of inspection (if any) ^{committee of} when required, and not less than once every three ^{inspection.} months. R362.

190. The committee of inspection shall not less ^{Audit of} than once every three months audit the cash book ^{cash book.} and certify therein under their hands the day on ^{R363.} which the said book was audited. Form 145.

191.—(1) Every trustee shall, at the expiration of ^{Official} six months from the date of the receiving order, and ^{Receiver's} at the expiration of every succeeding six months ^{audit} thereafter until his release, transmit to the Official ^{of trustee's} Receiver a copy of the cash book in duplicate for ^{accounts.} such period, together with the necessary vouchers and copies of the certificates of audit by the committee of inspection. 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. R364.

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

(3) The accounts sent in by the trustee shall be ^{Form 146.} certified and verified by him.

192. When the trustee's account has been audited, ^{Accounts to} the Official Receiver shall certify that the account ^{be filed.} has been duly passed, and shall file the same with ^{R365.} the proceedings in the bankruptcy.

193. Where a trustee has not since the date of his ^{Affidavit of} appointment or since the last audit of his accounts, ^{no receipts.} as the case may be, received or paid any sum of ^{R366.} money on account of the debtor's estate, he shall, at the period when he is required to transmit his estate account to the Official Receiver, forward to the Official Receiver an affidavit of no receipts or payments.

Proceedings on resignation, &c., of trustee. R367. **194.** Upon a trustee 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 trustee, all books kept by him, and all other books, papers, documents, and accounts in his possession relating to the office of trustee.

Joint and separate estates accounts. R368. **195.** 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.

Expenses of sales. R369. **196.** When property forming part of a debtor's estate is sold by the trustee through an auctioneer or other agent, the proceeds of the sale shall be paid over by such auctioneer or agent, after the charges and expenses connected with the sale shall have been deducted by such auctioneer or agent.

Allowance to debtor. R370. **197.** In any case in which, under the provisions of section 63 of the Ordinance, a trustee makes an allowance to a bankrupt 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.

Unclaimed Funds.

Application for payment out by party entitled. R372. **198.** An application, under section 130 of the Ordinance for payment out of the Bankruptcy Estates Account of any sum to which any person claims to be entitled, shall be made in such form and manner as the Registrar may from time to time direct, and shall (unless the Registrar dispenses therewith) be supported by the affidavit of the claimant, and such further evidence as he may require.

Accounts by trustees of unclaimed funds. R373. **199.** For the purposes of section 130 (1) of the Ordinance, the court may at any time order the trustee under any bankruptcy, composition or scheme, to submit to it an account verified by affidavit of the sums received and paid by him under or in pursuance of any such bankruptcy, composition or scheme, and may direct and enforce an audit of the account, and payment of any unclaimed or undistributed moneys arising from the property of the debtor in the hands or under the control of such trustee into the Bankruptcy Estates Account in accordance with the terms of the said sub-section.

PART V.

MISCELLANEOUS.

Falsification of documents. R382. **200.**—(1) Any person who knowingly falsifies or fraudulently alters any document in or incidental to any proceedings under the Ordinance or these Rules shall be deemed to be guilty of contempt of court, and shall be liable to be punished accordingly.

(2) 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. R383. **201.** No person shall, as against the Official Receiver or trustee, be entitled to withhold possession of the books of accounts or of any document or paper belonging to the debtor or to set up any lien thereon.

202. The court may, on the application of the Official Receiver, direct that the debtor's books of account and other documents given up by him may be sold, destroyed, or otherwise disposed of.

Disposal of bankrupt's books and papers.
R384.

203. Non-compliance with any of these Rules, or with any rule of 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.

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204. 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 any proceeding.

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R386.

205. When no other provision is made by Ordinance or these Rules the law, procedure, and practice in bankruptcy matters in force on the 31st day of December, 1931, shall, in so far as applicable, remain in force. And save as provided by section 99 (1) of the Ordinance and by these Rules or rules amending them, the Code of Civil Procedure shall not apply to any proceeding in bankruptcy.

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R387.

Dated the 15th day of October, 1932.

J. H. KEMP,
Chief Justice.

Approved by the Legislative Council on the 10th day of November, 1932.

R. A. C. NORTH,
Deputy Clerk of Councils.

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PART I.—FORMS.

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APPENDIX.

PART I.

FORMS.

No. 1.

R. 7.

GENERAL TITLE.

In the Supreme Court of Hong Kong.

In Bankruptcy.

No. of 19

Re [JAMES BROWN].

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

No. 2.

R. 42

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.

Dated this day of 19 .

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.

No. 3.

R.49.

DEBTOR'S PETITION.

(Title.)

I, A.B. [name and description of debtor], residing at [and carrying on business at (a)] 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 may be adjudged bankrupt]. (a) Insert the other address or addresses at which unsatisfied debts or liabilities may have been incurred.

Dated this day of 19 .

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.

No. 4.

R. 43.

REQUEST FOR ISSUE OF BANKRUPTCY NOTICE.

(Title.)

I, , of in the of hereby request that a bankruptcy notice be issued by the court against (a)

(a) Insert description, name, and address of judgment debtor.

2. I produce a sealed copy of a final judgment or order against the said obtained by (b) in the Supreme Court on the day of 19 .

(b) "me," or, as the case may be

4. Execution on the said judgment or order has not been stayed.

Dated this day of 19 .

(c) Or, "Solicitor for the judgment creditor."

Judgment Creditor (c)

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

No. 5.

R. 43.

BANKRUPTCY NOTICE ON JUDGMENT OR ORDER.

(Title.)

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

(a) Strike out if no agent authorised.

(b) Insert name of creditor.

(c) "him" or "them."

(d) "his" or "their"

TAKE NOTICE that within [seven] days after service of this notice on you excluding the day of such service, you must pay to of [or to] of his (or their) agent duly authorised] (a) the sum of \$ claimed by (b) as being the amount due on a final judgment or order obtained by (c) against you in the Supreme Court, dated , whereon execution has not been stayed, or you must secure or compound for the said sum to (d) satisfaction [or the satisfaction of his (or their) said agent](a) or to the satisfaction of the court; or you must satisfy the court that you have a counterclaim, set-off, or cross-demand against(c) which equals or exceeds the sum claimed by(c) and which you could not set up in the action or other proceedings in which the judgment or order was obtained.

Dated this day of 19 .

Registrar.

INDORSEMENT 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 bankruptcy, on which bankruptcy proceedings may be taken against you.

If, however, you have a counterclaim, set-off, or cross-demand which equals or exceeds the amount claimed by(e) in respect of the judgment or order and which you could not set up in the action or other proceedings in which the said judgment or order 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.

(e) Name of creditor.

(f) Name and address of solicitor suing out the notice, or "This notice is sued out by

in person."

(f)

No. 6.

FORM OF AFFIRMATION.

(Alternative form to be used in cases where deponent is affirmed and not sworn, and form of jurat where affirmation has to be interpreted to deponent).

I of do solemnly and sincerely affirm.....

Affirmed at the Courts of Justice, Hong Kong, this day of 19 . the contents of this affirmation having been first duly interpreted to the deponent in the language by

Sworn Interpreter

Before me,

A Commissioner &c.

No. 7.

R. 47.

AFFIDAVIT OF SERVICE OF BANKRUPTCY NOTICE.

(Title.)

In the matter of a bankruptcy notice, issued

I, L.M., of make oath and say:—

1. That I did on day the day of 19 , serve the above-mentioned A.B. [or the partners in the above-mentioned firm of] 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. [or C.D. a partner or E.F. a person having at the time of service the control and management of the partnership business there or of the business carried on under the above-mentioned name or style] at [place] at in the noon.

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

Sworn at, &c.

L.M.

NOTE. If the service is effected on a person having at the time of service the control or management of the partnership business, the affidavit must, after the description of the place of service, contain the words "being the principal place of business of the said "

No. 8.

R. 44, 45.

AFFIDAVIT ON APPLICATION TO SET ASIDE BANKRUPTCY NOTICE.

(Title.)

I, A.B., of make oath and say:—

1. That I was, on the day of , served with the notice hereunto annexed [or, describe the notice.]

That I have satisfied the 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 a sum 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 or order was obtained against me.

Sworn at, &c.

No. 9.

R. 48.

ORDER SETTING ASIDE BANKRUPTCY NOTICE.

(Title)

In the matter of a bankruptcy notice issued.....

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

Dated this day of 19 .

Registrar.

Or,

(Title.)

In the matter of a bankruptcy 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, &c.

Dated this day of 19 .

Registrar.

No. 10.

R. 55.

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 may be made in respect of the estate of (a) of (b) and lately carrying on business at [or residing at] (c), and say,—

(a) Insert name of debtor.

(b) Insert present address and description of debtor.

(c) Insert address or addresses at which the debtor has lately resided or carried on business.

Note.—The address at which the debtor was residing or carrying on business when the petitioning creditor's debt was incurred should in

1. That the said *A.B.* is domiciled in the Colony [or has within a year next preceding the presentation of this petition resided [or carried on business] within the Colony [or, as the case may be, following the terms of section 6].

2. That 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 [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 bankrupt (or and I estimate the value of such security at the sum of \$)].

Or,

No. 12.

R. 55

AFFIDAVIT OF TRUTH OF STATEMENTS IN JOINT PETITION.

(Title.)

We, C.D., E.F., G.H., &c., the petitioners named in the petition hereunto 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 \$ as stated in the said before-mentioned petition.

2. That the said A.B. committed the act [or acts] of bankruptcy stated to have been committed by him in the said before-mentioned petition.

3. That A.B. has within a year before the date of the presentation of the petition ordinarily resided (or carried 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 \$ as stated in the said before-mentioned petition.

And I the said G.H. for myself say—

5. That A.B. is, &c.

C.D.
E.F.
G.H.

Sworn by the deponents C.D., E.F., and G.H., &c.

(See note to last form.)

No. 13.

R. 60

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 \$100 being lodged by the applicant the Official Receiver be thereupon constituted interim receiver of the property of the said A.B., and [here insert directions, if any].

Nature and locality of property to be taken possession of.....

Dated this day of 19

Registrar.

No. 14.

R. 58

AFFIDAVIT OF SERVICE OF PETITION.

(Title.)

In the matter of a petition dated

I, L.M., of , make oath and say:—

1. That I did, on day the day of 19 ,
 serve the above-mentioned A.B. [or the partners in the above-
 mentioned firm of] 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. [or C.D., a
 partner, or E.F., a person having at the time of service the
 control and management of the partnership business there or of
 the business carried on under the above-mentioned name or
 style] at* [place] before the hour of in the noon.

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

Sworn at, &c.

L.M.

*NOTE.—If the service is effected on a person having at the
 time of service the control and management of the partnership
 business, the affidavit must, after the description of the place
 of service, contain the words “being the principal place of
 business of the said .”

No. 15.

R. 47.

SUBSTITUTED SERVICE OF PETITION OR BANKRUPTCY NOTICE.
 NOTICE IN NEWSPAPER.

(Title.)

In the matter of a bankruptcy petition filed the day of
 19 [or in the matter of a bankruptcy
 notice issued on the day of 19].

Take notice that a bankruptcy petition has been presented
 [or a bankruptcy notice has been issued] against you
 by of and the court has ordered
 that the sending of a sealed copy of the petition [or bankruptcy
 notice] together with a sealed copy of the order for substituted
 service by registered post addressed to
 and/or the publication of this notice in the
 newspapers [following the terms of the order for substituted
 service] shall be deemed to be service of the petition [or
 bankruptcy notice] upon you; (a) and further take notice that
 the said petition will be heard at the court on the day of 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.

(a) Add
 this in
 case of a
 petition.

The petition [or bankruptcy notice] can be inspected by you
 on application at the court.

Dated this day of 19 .

Registrar.

To A.B.

No. 16.

R. 47.

ORDER FOR SUBSTITUTED SERVICE OF A PETITION OR BANKRUPTCY NOTICE.

(Title.)

In the matter of a bankruptcy petition filed the _____ day of _____
 [or In the matter of a bankruptcy notice issued on the
 day of _____ 19 .]

Upon the application of _____ and upon reading the
 affidavit of _____ of _____ in the
 of _____

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

Dated this _____ day of _____ 19 .

Registrar.

No. 17.

R. 67.

NOTICE BY DEBTOR OF INTENTION TO OPPOSE PETITION.

(Title.)

In the matter of a bankruptcy petition presented against me on the _____ day of _____ 19 by C.D. of _____
 [or and E.F. of _____ G.H. of _____ &c.]

I, the above A.B., do hereby give you notice that I intend to show cause against the petition, and that I intend to dispute the petitioning creditor's debt [or the act of bankruptcy, or to contend that, _____ or as the case may be.]

Dated this _____ day of _____ 19 .

To the Official Receiver, and to C.D. (*petitioning creditor*).

No. 18.

R. 80.

ORDER TO STAY PROCEEDINGS ON PETITION.

(Title.)

In the matter of a bankruptcy 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 alleging that he is indebted to the petitioner in a sum of a less amount than three hundred dollars], [or alleging 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 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 proceeding taken or continued by him

against the said *A.B.*, together with such costs as shall be given by the court.

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 shall have come to a decision on the proceedings.

Dated this day of 19 .

Registrar.

No. 19. R. 13, 80.

BOND ON STAY OF PROCEEDINGS, SECURITY, &c.

(Title.)

Know all men by these presents, that we, *A.B.* of &c., and *C.D.* of &c., and *E.F.* of &c., are jointly and severally held and firmly bound to *L.M.* of &c., 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.

Sealed with our seals, and dated this day of
one thousand nine hundred and

Whereas a bankruptcy petition against the said *A.B.* having been presented to the 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 of dollars only or as the case may be*].

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 [*or whatever the condition of the bond is*] this obligation shall be void, otherwise it shall remain in full force.

A.B. (L.S.)

C.D. (L.S.)

E.F. (L.S.)

Signed, sealed and delivered 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.

R. 18.

NOTICE OF SURETIES.

(Title.)

In the matter of a bankruptcy petition [or In the matter of a bankruptcy 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 for the last six months, therein mentioning the county or city, places, streets, and numbers, if any].

Dated this day of 19 .

To the Registrar
and to L.M. of

No. 21.

R. 19.

AFFIDAVIT OF JUSTIFICATION.

(Title.)

In the matter of a bankruptcy petition against A.B. of
[or In the matter of a bankruptcy 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 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 Supreme Court in the sum of \$; for G.H., at the suit of I.K., in the Supreme Court in the sum of \$ [specifying the several actions or matters, and courts, 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, &c., 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 propose 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 leasehold property of the value of \$, situate on , 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, &c.

E.F.

No. 22.

ADJOURNMENT OF PETITION.

(Title.)

Upon the hearing of the petition this day, and hearing
for the petitioner and for the debtor and the Official
Receiver, and reading it is ordered that the further
hearing of this petition be adjourned until the day of
19 , at o'clock in the noon.

Dated this day of 19 .

Registrar.

No. 23.

R. 69.

DISMISSAL OF PETITION.

(Title.)

In the matter of a bankruptcy petition filed the [date].
Upon the hearing of this petition this day, and upon reading
and hearing and the Official Receiver it is
ordered that this petition be dismissed [and that the petitioner
do pay to the said A.B. the taxed costs thereof].

Dated this day of 19 .

Registrar.

No. 24.

ORDER RESTRAINING ACTION, &C., 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 number of the action] [or] it is ordered
that the proceedings in the action [or suit] brought by him
against the said A.B. in [here state the number of the action]
may be proceeded with on [here insert the terms fixed by the
court].

Dated this day of 19 .

Registrar.

No. 25

R. 68, 74.

RECEIVING ORDER ON DEBTOR'S PETITION.

(Title.)

On the petition of the debtor himself, filed the day of
19 , a receiving order is hereby made

STATEMENT OF AFFAIRS.

(Title.)

To the Debtor,

You are required to fill up, carefully and accurately, this sheet, and such of the several sheets A, B, C, D, E, F, G, H, I, J, K, L and M (1) as are applicable 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, declaration or affirmation.

| Gross liabilities. | Liabilities (as stated and estimated by Debtor). | Expected to rank. | Assets (as stated and estimated by Debtor). | Estimated to produce. |
|---|---|-------------------|---|-----------------------|
| <p>\$ c.</p> <p>Unsecured creditors as per list (A)</p> <p>Creditors fully secured as per list (B) \$ c.</p> <p>Estimated value of securities</p> <p>Surplus</p> <p>Less amount thereof carried to sheet (C)</p> <p>Balance thereof to contra</p> <p>Creditors partly secured as per list (C)</p> <p>Less estimated value of securities</p> <p>Liabilities on bills discounted other than debtor's own acceptances for value as per list (D), viz. :—</p> <p>On accommodation bills as drawer, acceptor, or indorser \$</p> <p>On other bills as drawer or indorser</p> <p style="text-align: right;">\$</p> <p>Of which it is expected will rank against the estate for dividend</p> <p>Contingent or other liabilities as per list (E)</p> <p style="text-align: right;">\$</p> <p>Of which it is expected will rank against the estate for dividend</p> <p>Creditors for rent, &c., recoverable by distress as per list (F)</p> <p>Creditors for rates, taxes, wages, &c., payable in full as per list (G)</p> <p>Deducted contra</p> <p>(2) Surplus explained in statement (K)</p> <p style="text-align: right;">\$</p> | <p>\$ c.</p> <p>Property as per list (H), viz. :</p> <p>(a) Cash at bankers</p> <p>(b) Cash in hand</p> <p>(c) Cash deposited with solicitor for costs of petition</p> <p>(d) Stock-in-trade (cost \$)</p> <p>(e) Machinery</p> <p>(f) Trade fixtures, fittings, utensils, &c.</p> <p>(g) Furniture</p> <p>(h) Life policies</p> <p>(i) Stocks and shares</p> <p>(j) Reversionary or other interests under wills</p> <p>(k) Other property, viz. :</p> <p style="text-align: right;">Total as per list (H)...</p> <p>Book debts as per list (I), viz. :—</p> <p>Good</p> <p>Doubtful \$ c.</p> <p>Bad</p> <p style="text-align: right;">\$</p> <p style="text-align: right;">Estimated to produce...</p> <p>Bills of exchange, or other similar securities on hand as per list (J)</p> <p style="text-align: right;">\$</p> <p style="text-align: right;">Estimated to produce...</p> <p>Surplus from securities in the hands of creditors fully secured (<i>per contra</i>)</p> <p style="text-align: right;">\$</p> <p>Deduct Creditors for distrainable rent and for preferential rates, taxes, wages, sheriff's charges, &c. (<i>per contra</i>)</p> <p style="text-align: right;">\$</p> <p>(2) Deficiency explained in statement (K)</p> <p style="text-align: right;">\$</p> | | | |

(1) Sheet 'L' should be substituted for any one or more of such of the sheets named as will have to be returned blank.

(2) Strike out words which do not apply.

I of
the above statement and the several lists hereunto annexed marked 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.
make oath and say that

Sworn at the Courts of Justice, Hong Kong, this

day of 19 .

Before me,

A Commissioner &c.

Signature.

Alternative form to be used where affirmation is made, and statements of affairs has to be interpreted to deponent.

I of do solemnly and sincerely affirm that the contents of this my statement
of affairs and of the several lists thereunto annexed and of my affirmation are to the best of my knowledge and belief full,
true and complete.

Affirmed at the Courts of Justice, Hong Kong, this day of 19 the contents of this statement
of affairs and of the several lists hereunto annexed, and the affirmation, having been first duly interpreted to the deponent
in the language by

Sworn Interpreter.

Before me,

A Commissioner &c.

Signature.

A.
UNSECURED CREDITORS.

The names to be numbered consecutively, creditors for \$1000 and upwards being placed first.

| No. | Name | Address and Occupation. | Amount of Debt. | | Date when Contracted. | | Consideration. |
|-----|------|-------------------------|-----------------|----|-----------------------|-------|----------------|
| | | | \$ | c. | Month. | Year. | |
| | | | | | | | |

Signature.

Dated this day of 19 .

NOTES.—1. When there is a contra account against the creditor, less than the amount of his claim against the estate, the amount of the creditor's claim and the amount of the contra account should be shown in the third column, and the balance only be inserted under the heading "Amount of Debt," thus:—

| | | | | | |
|-----------------------|-----|-----|-----|----|----|
| Total amount of claim | ... | ... | ... | \$ | c. |
| Less contra account | ... | ... | ... | " | " |
| | ... | ... | ... | " | " |
| | | | | " | " |

No such set-off should be included in sheet "I."

2. The particulars of any bills of exchange and promissory notes held by a creditor should be inserted immediately below the name and address of such creditor.

B.
CREDITORS FULLY SECURED.

| No. | Name of Creditor. | Address and Occupation. | Amount of Debt. | Date when Contracted. | | Consideration. | Particulars of Security. | Date when given. | Estimated Value of Security. | Estimated Surplus from Security. |
|-----|-------------------|-------------------------|-----------------|-----------------------|-------|----------------|--------------------------|------------------|------------------------------|----------------------------------|
| | | | | Month. | Year. | | | | | |
| | | | \$ c. | | | | | | \$ c. | \$ c. |

Signature.

Dated this _____ day of _____ 19 _____

C.
CREDITORS PARTLY SECURED.

| No. | Name of Creditor. | Address and Occupation. | Amount of Debt. | Date when Contracted. | | Consideration. | Particulars of Security. | Month and Year when given. | Estimated Value of Security. | Balance of Debt Unsecured. |
|-----|-------------------|-------------------------|-----------------|-----------------------|-------|----------------|--------------------------|----------------------------|------------------------------|----------------------------|
| | | | | Month. | Year. | | | | | |
| | | | \$ c. | | | | | | \$ c. | \$ c. |

Signature.

Dated this _____ day of _____ 19 _____

D.
LIABILITIES OF DEBTOR ON Bills discounted other than his own Acceptances for Value.

| No. | Acceptor's Name, Address, and Occupation. | Whether liable as Drawer or Indorser. | Date when due. | Amount. | | Holder's Name, Address, and Occupation (if known). | Amount expected to rank against Estate for Dividend. |
|-----|---|---------------------------------------|----------------|----------------------|--------------|--|--|
| | | | | Accommodation Bills. | Other Bills. | | |
| | | | | \$ | c. | | \$ |
| | | | | | | | c. |

Signature.

Dated this _____ day of _____ 19 _____

E.
CONTINGENT OR OTHER LIABILITIES.

(FULL PARTICULARS of all Liabilities not otherwise Scheduled to be given here.)

| No. | Name of Creditor or Claimant. | Address and Occupation. | Amount Liability or Claim. | Amount expected to rank for Dividend. | Date when Liability incurred. | | Nature of Liability. |
|-----|-------------------------------|-------------------------|----------------------------|---------------------------------------|-------------------------------|-------|----------------------|
| | | | | | Month. | Year. | |
| | | | \$ | c. | | | |
| | | | | \$ | c. | | |

Signature.

Dated this _____ day of _____, 19 _____

F.
CREDITORS FOR RENT, &c., RECOVERABLE BY DISTRESS.

| No. | Name of Creditor. | Address and Occupation. | Nature of Claim. | Period during which Claim accrued due. | Date when due. | Amount of Claim. | Amount recoverable by Distress. | Difference ranking for Dividend (To be carried to List A.) |
|-----|-------------------|-------------------------|------------------|--|----------------|------------------|---------------------------------|--|
| | | | | | | ₹ c. | ₹ c. | ₹ c. |

Signature.

Dated this _____ day of _____ 19 _____

G.
PREFERENTIAL CREDITORS FOR RATES, TAXES, AND WAGES.

| No. | Name of Creditor. | Address and Occupation. | Nature of Claim. | Period during which Claim accrued due. | Date when due. | Amount of Claim. | Amount payable in full. | Difference ranking for Dividend to be carried to List A. |
|-----|-------------------|-------------------------|------------------|--|----------------|------------------|-------------------------|--|
| | | | | | | ₹ c. | ₹ c. | ₹ c. |

Signature.

Dated this _____ day of _____ 19 _____

H.

PROPERTY.

FULL PARTICULARS of every description of PROPERTY in possession and in reversion as defined by section 2 of the Ordinance, not included in any other list, are to be set forth in this list:—

| Full Statement and Nature of Property. | Estimated to produce. | |
|---|-----------------------|----|
| | \$ | c. |
| (a) Cash at bankers | | |
| (b) Cash in hand | | |
| (c) Cash deposited with solicitor for costs of petition.. | | |
| (d) Stock in trade at Cost \$..... | | |
| (e) Machinery at | | |
| (f) Trade fixtures, fittings, utensils, &c., at | | |
| (g) Household furniture and effects at | | |
| (h) Life policies | | |
| (i) Stocks and shares | | |
| (j) Reversionary or other interests under wills, &c.... | | |
| (k) Other property including all property in a tong name or under any alias (state particulars), viz... | | |

Dated this day of 19 .

Signature.

I.
DEBTORS DUE TO THE ESTATE.

| No. | Name of Debtor. | Residence and Occupation. | Amount of Debt. | | | | Folio of Ledger or other Book where Particulars to be found. | When contracted. | | Estimated to produce. | Particulars of any Securities held for debt. | |
|-----|-----------------|---------------------------|-----------------|----|-----------|----|--|------------------|--------|-----------------------|--|-------|
| | | | Good. | | Doubtful. | | | Bad. | Month. | | | Year. |
| | | | \$ | c. | \$ | c. | | | | | | |
| | | | | | | | | | | | | |

Dated this 19 day of 19

Signature.

NOTE.—If any debtor to the estate is also a creditor, but for a less amount than his indebtedness, the gross amount due to the estate and the amount of the contra account should be shown in the third column, and the balance only be inserted under the heading "Amount of Debt," thus:—

Due to estate \$ " "
 Less contra account \$ " "

No such claim should be included in sheet "A."

J.
BILLS OF EXCHANGE, PROMISSORY NOTES, &C., AVAILABLE AS ASSETS.

| No. | Name of Acceptor of Bill or Note. | Address, &c. | Amount of Bill or Note. | | Date when due. | Estimated to produce. | | Particulars of any Property held as Security for Payment of Bill or Note. |
|-----|-----------------------------------|--------------|-------------------------|----|----------------|-----------------------|----|---|
| | | | \$ | c. | | \$ | c. | |
| | | | | | | | | |

Dated this 19 day of

Signature.

K.

DEFICIENCY (OR SURPLUS) ACCOUNT.

| | \$ | c. | \$ | c. | | \$ | c. | \$ | c. |
|---|----|----|----|----|--|----|----|----|----|
| Excess of assets over liabilities on the (1) day of 19 (if any). | | | | | Excess of liabilities over assets on the (1) day of 19 (if any). | | | | |
| Net profit (if any) arising from carrying on business from the (1) day of 19, to date of Receiving Order, after deducting usual trade expenses. | | | | | Net loss (if any) arising from carrying on business from the (1) day of 19, to date of Receiving Order, after charging against profits the usual trade expenses. | | | | |
| Income or profit from other sources (if any) since the (1) day of 19 | | | | | Bad debts (if any) as per Schedule "I" (2) | | | | |
| Gifts from relations and others. | | | | | Depreciation of stock in trade. | | | | |
| (5) Deficiency as per Statement of Affairs. | | | | | Depreciation of machinery | | | | |
| | | | | | Depreciation of trade fixtures, fittings, &c. | | | | |
| | | | | | Expenses incurred since the (1) day of 19, other than usual trade expenses, viz., household and personal expenses of self and family (3) | | | | |
| | | | | | (4) Other losses and expenses (if any). | | | | |
| | | | | | (5) Surplus as per Statement of Affairs. | | | | |
| Total amount to be accounted for (6) | | | | | Total amount accounted for (6) | | | | |
| \$ | | | | | \$ | | | | |

- Notes.—(1) This date should be twelve months before date of receiving order, or such other time as Official Receiver may have fixed.
 (2) This schedule must shew when debts were contracted.
 (3) Specify all dependants.
 (4) Here add particulars of other losses or expenses (if any), including liabilities (if any) for which no consideration received.
 (5) Strike out words which do not apply.
 (6) These figures should agree.

Dated this day of , 19 .

Signature.

L.

IN SUBSTITUTION for such of the sheets named "A" to "J" as will have to be returned blank.

| List. | Particulars, as per front sheet. | DEBTOR'S REMARKS. Where no particulars are entered by the debtor on any one or more of the lists named "A" to "J" the word "Nil" should be inserted in this column opposite the particular list or lists thus left blank. |
|-------|---|--|
| A. | Unsecured creditors | |
| B. | Creditors fully secured | |
| C. | Creditors partly secured | |
| D. | Liabilities of debtor on bills discounted other than his own acceptances for value... | |
| E. | Contingent or other liabilities... | |
| F. | Creditors for rent, &c., recoverable by distress | |
| G. | Preferential creditors for rates, taxes and wages | |
| H. | Property | |
| I. | Debts due to the estate | |
| J. | Bills of exchange, promissory notes, &c., available as assets | |

Dated this day of , 19 .

Signature.

M.

Particulars of all property held by or in name of wife (or of any concubine.)

| Nature of property. | When Acquired. | From whom. | Consideration. | Remarks. |
|---------------------|----------------|------------|----------------|----------|
| | | | | |

Dated this day of , 19 .

Signature.

No. 29.

Ord., First
Sch., r. 1.

APPLICATION FOR EXTENSION OF TIME FOR HOLDING FIRST
MEETING. AND ORDER THEREON.

(Title.)

Ex parte the Official Receiver.

I, _____, the Official Receiver in the above matter,
apply to the court for an extension of time to the
day of _____ 19____, for holding the first meeting of
creditors, on the ground following (a):—

(a) Strike
out such
of the
grounds as
are not
applicable.

That the said debtor has not submitted a statement of and
in relation to his affairs in compliance with section 18
of the Ordinance.

Or,

That the said debtor has obtained an extension of time for
submitting a statement of and in relation to his affairs,
viz., to the _____ day of _____ 19____.

Or,

That the prescribed notice in the Gazette of the first meet-
ing of creditors in the above matter required by Rule 2
of the First Schedule to the Ordinance cannot be given
in time for holding the meeting within 14 days from
the date of the receiving order.

Or,

That there may be sufficient time for the books of the
debtor to be examined and the statement of affairs
investigated.

Dated this _____ day of _____ 19____.

Official Receiver.

Order thereon.

Upon the application of the Official Receiver it is ordered
that the time for holding the first meeting of creditors in the
above matter be extended to the _____ day of _____ 19____.

Dated this _____ day of _____ 19____.

Registrar.

No. 30.

R. 101.

NOTICE TO CREDITORS OF FIRST MEETING, WHERE THE DEBTOR
HAS NOT SUBMITTED A PROPOSAL FOR A COMPOSITION OR SCHEME.

(Title.)

(Under receiving order dated the _____ day of _____ 19____.)

Notice is hereby given, that the first meeting of creditors in
the above matter will be held at the Official Receiver's Office,
Courts of Justice, on the _____ day of _____ 19____, at
o'clock in the _____ noon.

To entitle you to vote thereat your proof must be lodged
with me not later than twenty-four hours before the time
appointed for the meeting.

Proxies to be used at the meeting must be lodged with me not later than twenty-four hours before the time appointed for the meeting.

The public examination of the debtor is fixed for the day of 19 at o'clock in the noon, at the Courts of Justice.

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 .

Official Receiver.

(a) Here insert "has not been lodged," or "has been lodged."

(The debtor's statement of affairs (a) .)

NOTE.

At the first meeting the creditors may amongst other things:—

1. By ordinary resolution resolve that the debtor be adjudged bankrupt, and in that case they may also, by ordinary resolution, appoint a trustee.
2. By ordinary resolution appoint a committee of inspection from among the creditors or the holders or intended holders of general proxies or general powers of attorney for the creditors.
3. A form of proof and forms of general and special proxy are sent herewith.

No. 31.

R. 101.

NOTICE OF FIRST OR OTHER MEETING WHERE DEBTOR SUBMITS AN OFFER OF COMPOSITION OR SCHEME.

(Title.)

[Under receiving order, dated the day of 19 .]

Notice is hereby given that the first [or a general] meeting of the creditors of the above-named debtor will be held at the Official Receiver's Office, Courts of Justice, 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 debt intended to be used at the meeting must be lodged with the Official Receiver not later than twenty-four hours before the time appointed for the meeting.

Proxies to be used at the meeting must be lodged not later than twenty-four hours before the time appointed for the meeting.

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.

The public examination of the debtor is fixed for the
 day of _____ 19____, at _____ o'clock in the _____ noon,
 at the Court of Justice.

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____.

Official Receiver.

NOTES.

1. Creditors who have proved may vote for or against the ac-
 ceptance of the debtor's proposal by means of the voting letter
 attached to the Official Receiver's report.

2. If the proposal be not accepted the meeting may, if the
 debtor has not already been adjudged bankrupt, resolve on his
 adjudication, and in that case they may also by ordinary re-
 solutions appoint a trustee and a committee of inspection.

3. A form of proof and forms of general and special proxy are
 sent herewith.

No. 32.

R. 101.

(Title.)

NOTICE TO CREDITORS OF ADJOURNED MEETING.

Take notice that the meeting of creditors in the above matter
 held on the _____ day of _____ at the Official Re-
 ceiver's Office was adjourned to the _____ day of _____
 and will accordingly be held at the Official Receiver's Office,
 Courts of Justice, on the said day at _____ o'clock in the
 noon.

Agenda.

[Insert here nature of business to be transacted.]

Dated the _____ day of _____ 19____.

Official Receiver.

No. 33.

R. 105.

AFFIDAVIT OF POSTAGE OF NOTICES. FIRST MEETING.

(Title.)

I, _____, a clerk in the office of the Official Receiver,
 made oath and say as follows:—

1. That I did on the _____ day of _____ 19____, send to each
 creditor mentioned in the debtor's statement of affairs, and to
 the above-named debtor a notice of the time and the place of
 the (a) first meeting of creditors.

2. That such notices were addressed to the said creditors re-
 spectively, according to their respective names and addresses

(a) Insert
 here if
 necessary
 "adjourned."

appearing in the statement of affairs of the said debtor, and also to the said debtor at

3. That the post office acknowledgment therefore is hereunto annexed marked "A"

Sworn at, &c.

No. 34.

R. 105

CERTIFICATE OF POSTAGE OF NOTICES. FIRST MEETING.

(Title.)

I, _____, a clerk in the office of the Official Receiver, hereby certify:—

(a) Insert here, if necessary, "adjourned."

1. That I did, on the _____ day of _____ 19 _____, send to each creditor mentioned in the debtor's statement of affairs, a notice of the time and place of the (a) _____ first meeting of creditors.

2. That such notices were addressed to the said creditors respectively according to their respective names and addresses appearing in the statement of affairs of the said debtor.

3. That the Post Office acknowledgment is hereunto annexed marked "A."

4. That I did on the said _____ day of _____ 19 _____, send by registered post notice of the time and place of the said meeting to the said debtor, and that such notice was sent to the following address, viz:—

Dated this _____ day of _____ 19 _____

Clerk to the Official Receiver.

No. 35.

R. 100

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 the Official Receiver's Office, Courts of Justice, 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 _____

To _____ Official Receiver.

the above-named debtor.

No. 36.

RESOLUTIONS WHERE ADJUDICATION RESOLVED ON.

(Title.)

Minutes of resolutions come to and proceedings had at the first meeting of creditors held at this day of 19 , Official Receiver, Chairman

Resolved as follows [unanimously] :—

That *A.B.* shall be adjudged bankrupt, and that the Official Receiver do apply to the court to make the adjudication.

That *G.H.* of [residence and occupation] [or that the Official Receiver] shall be the trustee of the property of the bankrupt.

That *I.K.*, *L.M.*, *N.O.*, *P.Q.*, and *R.S.* be appointed the committee of inspection in this bankruptcy, for the purpose of superintending the administration of the property of the bankrupt by the trustee.

[Here add any other resolutions that may be come to as to the manner of the administration of the property by the trustee, &c.]

Chairman.

| Number. | Assenting Creditors' Signatures. | Amount of Proof. | | Number. | Dissenting Creditors' Signatures. | Amount of Proof. | |
|---------|----------------------------------|------------------|----|---------|-----------------------------------|------------------|----|
| | | £ | c. | | | £ | c. |
| | | | | | | | |

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 signatures must be attached at the meeting. Resolutions should be put separately.

No. 37.

R. 107

MEMORANDUM OF ADJOURNMENT OF FIRST OR OTHER MEETING.

(Title.)

Meeting held at on the day of 19 , at o'clock.

(a) "First" Memorandum.—The (a) meeting of creditors in
 or as the the above matter was held at the time and place above mention-
 case may ed, and the several proofs of debt lodged were produced; but
 be. it appearing that (b) the meeting was adjourned until
 (b) Here the day of 19 , at o'clock in the
 state reason noon, then to be held at the same place.
 for ad-
 journment.

Chairman.

No. 38.

MEMORANDUM OF PROCEEDINGS AT ADJOURNED FIRST MEETING
 WHERE NO QUORUM.

(Title.)

Meeting held at on the day of
 19 , at o'clock.

Memorandum.—The adjourned meeting of creditors in the
 above matter was held at the time and place above mentioned,
 and the several proofs of debt lodged were produced; but it
 appearing that there was not a quorum of creditors qualified to
 vote present or represented no resolution was passed, and the
 meeting was not further adjourned.

Chairman.

No. 39.

R. 10.

ORDER OF COURT FOR GENERAL MEETING OF CREDITORS.

(Title.)

Upon the application of C.D., of , it is ordered that
 the trustee of the property of the bankrupt [or the Official
 Receiver] do summon a meeting of the creditors of the bankrupt
 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 .

Registrar.

No. 40.

R. 10, 101

NOTICE OF MEETING (GENERAL FORM).

(Title.)

Take notice that a meeting of creditors in the above matter
 will be held at on the day
 of 19 , at o'clock in the noon.

(Forms of general and special proxy are enclosed herewith.)

AGENDA.

Dated this

day of

19

[Here insert purpose for which meeting called.]

(Signed) (a)

(a) "Trustee or "Official Receiver."

No. 41.

R. 105.

AFFIDAVIT OF POSTAGE OF NOTICES (GENERAL).

(Title.)

I,

the trustee (or clerk to the trustee, *as the case may be*) in the above matter, make oath and say as follows:—

1. That I did on the _____ day of _____ 19____, send to each creditor who has proved in this matter, and also to all creditors mentioned in the debtor's statement of affairs, a notice of (a)

(a) Insert here "the time and place of a general meeting," or "adjourned general meeting," or *as the case may be.*

2. That such notices were addressed to such of the said creditors who have proved their debts according to the addresses in their respective proofs, and to such as have not proved, according to their respective names and addresses appearing in the statement of affairs of the said debtor.

3. That the Post Office acknowledgement for the same is hereunto annexed and marked "A".

Sworn at, &c.

No. 42.

R. 105

CERTIFICATE OF POSTAGE OF NOTICES (GENERAL).

(Title.)

I,

a clerk in the office of the Official Receiver, hereby certify:—

1. That I did on the _____ day of _____ 19____, send to each creditor who has proved in this matter, and also to all creditors mentioned in the debtor's statement of affairs, a notice of (a)

(a) Insert here "the time and place of a general meeting," or "adjourned general meeting," or *as the case may be.*

2. That such notices were addressed to such of the said creditors who have proved their debts according to the addresses in their respective proofs, and to such as have not proved, according to their respective names and addresses appearing in the statement of affairs of the said debtor.

3. That the Post Office acknowledgment for the same is hereunto annexed and marked "A".

Dated this

day of

19

Clerk to the Official Receiver.

No. 43.

R. 101.

NOTICE TO CREDITORS OF MEETING TO REMOVE TRUSTEE AND TO APPOINT A PERSON TO FILL THE VACANCY.

(Title.)

At the request of one fourth in value of the creditors of the bankrupt 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 G.H., the trustee of the property of the bankrupt, from his office as such trustee, and in the event of his removal to appoint a person to fill the vacancy.

Dated this _____ day of _____ 19____.

L.M.,

A member of the Committee of Inspection
[or Official Receiver].

No. 44.

R. 101.

NOTICE OF MEETING TO BE HELD TO APPOINT NEW TRUSTEE.

(Title.)

I, C.D., Official Receiver, hereby give you 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 a trustee in the place of the late trustee, who has resigned the office [or who has died or against whom a receiving order has been made].

Dated this _____ day of _____ 19____.

Official Receiver.

No. 45.

LIST OF CREDITORS ASSEMBLED TO BE USED AT EVERY MEETING.

(Except a meeting at which a scheme or composition has been considered.)

(Title.)

Meeting held at _____ this _____ day of _____ 19____.

| Number. | Names of Creditors present or represented. | Amount of Proof. | |
|---------|---|------------------|----|
| | | \$ | c. |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 7 | Total number of creditors presented or represented. | | |

No. 46. R. 109.

PROOF OF DEBT. GENERAL FORM.

(Title.)

No. (a) of 19 .

Re (a)

I (b) of oath and say—, make

(c) That I am in the employ of the under-mentioned creditor, and that I am duly authorised by to make this affidavit, and that it is within my own knowledge that the debt herein-after deponed to was incurred, and for the consideration stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

(d) That I am duly authorised, under the seal of the company herein-after named, to make the proof of debt on its behalf.

That the said w , at the date of the receiving order, viz., the day of 19 and still justly and truly indebted to (e) in the sum of dollars and cents (f)

as shown by the* {account endorsed hereon / account hereto annexed, marked "A"} for which sum or any part thereof I say that I have not nor hath (g) or any person by (h) order to my knowledge or belief for (h) use had or received any manner of satisfaction or security whatsoever, save and except the following (i):—

Admitted to vote for \$: : the day of 19 .

Official Receiver.

Admitted to rank for dividend for \$: : this day of 19 . Trustee.

Sworn at this day of 19 . Before me

Deponent's signature.

Where the debt proved for exceeds twenty dollars a one dollar stamp must be affixed here as otherwise the proof cannot be admitted.

Note—The Stamp must not be defaced by the Creditor

(a) Here insert the number of matter, and the name of debtor, as given on the notice of meeting.

(b) Fill in full name, address, and occupation of deponent.

If proof made by creditor strike out clauses (c) and (d).

If made by clerk of creditor strike out (d).

If by clerk or agent of company strike out (e).

(e) Insert "me" or, in case of a firm "me and C.D. and E.F. my co-partners trading as", or if by clerk, insert name, address, and description of principal.

Debt ...\$: : Contra ...\$: : \$: :

NOTE THIS.

(f) State consideration [as— Goods sold and delivered by me] [and my said partner] to him [or them] at his [or their] request between the dates of [or monies advanced by me in respect of the under-mentioned bill of exchange], or as the case may be.

* Strike out the words not applicable.

(g) "my said partners or any of them" or "the above-named creditor", as the case may be.

(h) "my" or "our" or "their" or "his", as the case may be.

(i) Here state 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.

N.B—Bills or other negotiable securities must be produced before the proof can be admitted.

You should attend carefully to these directions.

The proof cannot be admitted for voting at the first meeting unless it is properly completed and lodged with the Official Receiver before the time named in the notice convening such meeting.

PARTICULARS OF ACCOUNT REFERRED TO ON OTHER SIDE.

(Credit should be given for contra accounts)

If space is not sufficient, let the particulars be annexed, but where the particulars are on a separate sheet of paper the same must be marked by the person before whom the affidavit is sworn, thus:—

IN BANKRUPTCY.—“This is the account marked with the letter ‘A’ referred to in the annexed proof of the debt made by
in re _____ day of _____ 19 _____
 sworn before me this _____ day of _____ 19 _____

A Commissioner, etc.

| Date. | Consideration. | Amount. | | Remarks. |
|-------|----------------|---------|----|---|
| | | \$ | c. | * The vouchers (if any) by which the account can be substantiated should be set out here. |
| | | | | * |

Signature of Deponent

No. 47.

R. 109.

PROOF BY TRUSTEE IN PRIOR BANKRUPTCY.

(Title.)

I, _____, of _____, make oath and say:—

1. The said _____ was adjudicated a bankrupt on _____ 19 _____, and I am the trustee under such bankruptcy.

2. There was at the date of the receiving (or administration) order herein, namely, the _____ day of _____, 19 _____, and still is an unsatisfied balance of the debts provable in the aforesaid bankruptcy, of which I am trustee, amounting to \$ _____ as shown in the statement endorsed hereon [or annexed hereto and marked A].

3. I claim to prove in the present bankruptcy for the said amount.

Sworn, &c.,

Before me,

Admitted to vote for \$ _____
 the _____ day of _____
 19 _____

Official Receiver
 or Trustee.

Admitted to rank for dividend
 for \$ _____ this _____
 day of _____ 19 _____

Official Receiver
 or Trustee.

No. 48.

R. 110.

PROOF OF DEBT OF WORKMEN.

(Title.)

I(a)
()
make oath and say:—

1. That(c) _____ of _____ 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.

(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."

Sworn, &c.,

Schedule referred to on the other side.

| 1. No. | 2. Full Name of Workman. | 3. Address. | 4. Description. | 5. Period over which Wages due. | 6. Amount due. |
|-----------|-----------------------------|----------------|--------------------|------------------------------------|-------------------|
| | | | | | \$ c. |

No. 49.

R. 114, 115.

NOTICE OF REJECTION OF PROOF OF DEBT.

(Title.)

Take notice, that, as Official Receiver [or trustee] 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 rejected

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.

strike out words

underlined.

(b) 21 days or 7 days as the case may be.

Dated this _____ day of _____ 19 _____

See Rules 117 and 123 (2).

Official Receiver or Trustee.

To

GENERAL PROXY.

(Title.)

(a) If a firm write "we" instead of "I" and set out the full name of the firm. 1.(a) of , a creditor, hereby appoint(b) to be(c) general proxy in the above matter [excepting as to the receipt of dividend(d)].

Dated this day of 19

(Signed)(c)

(b) Here insert either "Mr of " a clerk, manager, &c. in my regular employ, or "the Official Receiver." The standing of the person appointed must be clearly set out.

(Signature of witness)

(Address)

Notes.

1. When the creditor desires that his general proxy should receive dividends he should strike out the words, "excepting as to the receipt of dividend," putting his initials thereto(f).

(c) "my" or "our".

(d) See footnote 1.

2. The authorised agent of a corporation may fill up blanks, and sign for the corporation thus:—

(e) If a firm, sign the firm's trading title, and add "by A.B., a partner in the said firm".

For the Company, Limited.

J.S. (duly authorised under the seal of the company.)

As to signature by agent, see footnotes 2 and 3.

3. A proxy given by a creditor may be filled up and signed by any person in the employ of the creditor 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 (name of creditor) (g).)

(f) It is not intended that the Official Receiver shall in any case receive dividends on behalf of a creditor.

Certificate to be signed by person other than creditor filling up the above proxy.

(g) The Official Receiver or trustee may require the authority to sign to be produced for his inspection.

I, of , being a [here state whether clerk or manager in the regular employment of the creditor or a commissioner to administer oaths in the Supreme Court], hereby certify that all insertions in the above proxy are in my own handwriting, and have been made by me at the request of the above-named and in his presence, before he attached his signature [or mark] hereto.

Dated this day of 19

(Signature)

The proxy must be lodged with the Official Receiver or trustee not later than twenty-four hours before the time appointed for the meeting at which it is to be used.

No. 51.

R. 119.

SPECIAL PROXY.

(Title.)

I, (a) of , creditor, hereby appoint (b)
 as (c) proxy at the meeting of creditors to be
 held on the day of 19 , or at any ad-
 journment thereof, to vote (d)

(a) If a firm, write "we" instead of "I", and set out the full name of the firm.

Dated this day of 19 .

(b) Here insert either "Mr. of " or "the Official Receiver".

(Signed) (e)

(Signature of witness)

(c) "my" or "our".

(Address)

(d) Here insert the word "for" or the word "against" as the case may require, and specify the particular resolution or name of proposed trustee, remuneration, or other matter.

Notes.

1. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof on all or any of the following matters:—

(e) If a firm, sign the firm's trading title, and add "by A.B., partner in the said firm".

(a) For or against any specific proposal for a composition or scheme of arrangement:

(b) For or against the appointment of any specified person as trustee or as member of the committee of inspection, or for or against the continuance in office of any specified person, as trustee or member of a committee of inspection:

(c) On all questions relating to any matter, other than those above referred to, arising at any specified meeting or adjournment thereof.

As to signature by agent see footnotes 2 and 3.

2. The authorised agent of a corporation may fill up blanks and sign for the corporation, thus:—

"For the Company, Limited.
 J.S. (duly authorised under the seal of the company).

3. A proxy given by a creditor may be filled up and signed by any person in the employ of the creditor 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)] (f).

(f) The Official Receiver or trustee may require the authority to sign to be produced for his inspection.

Certificate to be signed by person other than creditor filling up the above proxy.

I, , of , being a [here state whether clerk or manager in the regular employment of the creditor or a commissioner to administer oaths in the Supreme Court], hereby certify that all insertions in the above proxy are in my own handwriting, and have been made by me at the request of the above-named and in his presence before he attached his signature [or mark] thereto.

Dated this day of 19 .

(Signature)

The proxy must be lodged with the Official Receiver or trustee not later than twenty-four hours before the time appointed for the meeting at which it is to be used.

No. 52.

Ord., s. 19.

APPLICATION BY THE OFFICIAL RECEIVER FOR AN ORDER APPOINTING
A SITTING FOR THE PUBLIC EXAMINATION OF THE DEBTOR.

(Title.)

A receiving order having been made in the above matter, application is hereby made to the court by the Official Receiver for an order appointing the _____ day of _____ at _____ or such other time and place as the court shall direct for holding the public examination of the debtor, and that the debtor do attend such public examination.

Dated this _____ day of _____ 19 .

Official Receiver.

No. 53.

Ord., s. 19.

ORDER APPOINTING A TIME FOR THE PUBLIC EXAMINATION
OF THE DEBTOR.

(Title.)

Upon the application of the Official Receiver in the above matter, it is ordered that the public examination of the above-named debtor be held at the Supreme Court, on the _____ day of _____ at _____ o'clock in the _____ noon.

And it is ordered that the above-named debtor do attend at the place and time above mentioned.

Dated this _____ day of _____ 19 .

Registrar.

NOTE.—Notice is hereby given that if you, the above-named debtor, fail, without reasonable excuse, to attend at the time and place aforesaid you will be liable to be committed to prison without further notice.

No. 54.

R. 86.

NOTICE OF DAY FOR PROCEEDING WITH PUBLIC EXAMINATION
(FOR LOCAL PAPER OR GAZETTE).

(Title.)

Notice is hereby given that the court has appointed _____ day, the _____ day of _____ 19 , at _____ o'clock in the _____ noon, for proceeding with the public examination of the above-named debtor, which, on the _____ day of _____ 19 , was adjourned *sine die*.

Dated this _____ day of _____ 19 .

Official Receiver.

No. 55.

R. 23.

APPOINTMENT OF SHORTHAND WRITER TO TAKE EXAMINATION OF DEBTOR.

(Title.)

Upon the application of the Official Receiver the court hereby pursuant to Bankruptcy Rule 23, appoints of to take the examination of the said at his public examination this day.

Dated this day of 19

Registrar.

No. 56.

R. 23.

DECLARATION BY SHORTHAND WRITER.

(Title.)

I, of the shorthand writer appointed by the 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.

Dated this day of 19

[Declared before me at the time and place above-mentioned.]

A Commissioner.

No. 57.

R. 23.

NOTES OF PUBLIC EXAMINATION OF DEBTOR WHERE A SHORTHAND WRITER IS APPOINTED.

(Title.)

Public examination of the debtor held this day of 19

The above-named debtor, being sworn and examined at the time and place above-mentioned, upon the several questions following being put to him, gave the several answers thereto respectively following each question, that is to say:—

A.

This is a transcript of the notes of the public examination of, held this day of 19

Shorthand writer duly appointed under Rule 23,

or

Shorthand writer attached to the Official Receiver's Office.

No. 58.

R. 23.

NOTES OF PUBLIC EXAMINATION OF DEBTOR WHERE
SHORTHAND WRITER IS NOT APPOINTED.

Public examination of the debtor held this _____ day of _____
19 _____

The above-named debtor being sworn and examined at the time and place above-mentioned, upon his oath saith as follows:—

A.

These are the notes of the examination of _____, held this _____ day of _____, 19 _____.

Clerk to the Chief Justice.

No. 59.

ORDER OF ADJOURNMENT OF PUBLIC EXAMINATION.

(Title.)

(a) Insert here word "further" if necessary. 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 the Official Receiver, and upon hearing _____ and it appearing that _____

It is ordered that the said public examination be adjourned to the day of _____, 19 _____, at _____ in the _____ noon. And it is further ordered that the said _____ do attend at the 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 _____

[Set out any further order of the court.]

Dated the _____ day of _____, 19 _____.

Registrar.

No. 60.

R. 87.

ORDER DISPENSING WITH PUBLIC EXAMINATION OF DEBTOR.

(Title.)

(a) Insert name and address of applicant, and the capacity in which he makes the application. Upon the application of the Official Receiver [or, of (a) _____] 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.

(b) State what the disability is.

Dated this _____ day of _____, 19 _____.

Registrar.

No. 61.

R. 87.

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 trustee and (d) be at liberty to attend such examination and take part therein.

(a) Insert name and address of applicant, and the capacity in which he makes the application.
(b) The part of the order to be adapted to the circumstances of the case.

Dated this day of 19 .

(c) Insert place of examination.

Registrar.

(d) Insert name of any other person authorised by the court to attend.

No. 62.

Ord., s. 19 (8).

MEMORANDUM OF PUBLIC EXAMINATION OF DEBTOR.

(Title.)

Memorandum.—That I, the above-named debtor, being sworn and examined upon my oath say that the notes of my public examination marked "A", and appended hereto, were read over by or 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 the Trustee 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 full disclosure of all my assets and of all my debts and liabilities of whatever kind, and 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, or to conceal the state of my affairs.

[Here insert any special matter.]

Dated this day of 19 .

Debtor

No. 63.

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;

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 and the court is provided for as follows:—

[Set out or indicate by reference to the scheme how it is proposed to provide for fees, costs, charges, &c.]

[Set out any other terms.]

Dated this day of 19 .

(Signed (a)

(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.

No. 66.

Ord., s. 20.

REPORT OF OFFICIAL RECEIVER TO CREDITORS ON PROPOSAL FOR COMPOSITION OR SCHEME.

(Title.)

The Official Receiver 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 .

Official Receiver.

No. 67.

APPLICATION TO EXTEND TIME FOR APPROVING A COMPOSITION OR SCHEME AND ORDER THEREON.

(Title.)

Ex parte the Official Receiver.

The Official Receiver reports to the court:—

That a (a) was on the day of 19 . duly lodged by the debtor in the above matter.

(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 moneys
"or securi-
"ties requir-
"ed for the
"said (a)
"have not
"been
"lodged";
or as the
case may be.

That (b) in
time to allow of the approval of the said (a)
within fourteen days after the conclusion of the examination of
the debtor as required by section 22 of the Ordinance.

Under these circumstances, application is made for an exten-
sion of time to the day of
19 , for obtaining such approval.

Dated this day of 19 .

Official Receiver.

Order.

Upon reading the above report of the Official Receiver, and
hearing it is ordered that
the time for obtaining the approval of the said (a)
in the above matter be extended to the day of
19 .

Dated this day of 19 .

Registrar.

No. 68.

NOTICE TO CREDITORS OF APPLICATION TO COURT TO APPROVE
COMPOSITION OR SCHEME OF ARRANGEMENT.

(Title.)

Take notice that application will be made to the court, on
the day of 19 , at
o'clock in the noon to approve the composition [or scheme
of arrangement] as proposed by the said 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 .

Official Receiver.

No. 69

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 approve the composition [or scheme], accepted on the
day of 19 by the statutory majority
of creditors.

Dated this day of 19 .

Debtor.

ORDER ON APPLICATION TO APPROVE COMPOSITION OR SCHEME.

(Title.)

On the application of _____ and on reading the report of the Official Receiver filed on the _____ day of _____, and hearing the Official Receiver and _____, and the court being satisfied that the creditors in the above matter have duly accepted a composition [or scheme] in the following terms, namely [here insert terms if short; if not, insert "in the terms contained in the paper writing marked A, annexed hereto"]* and being satisfied that 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 bankrupt, 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 twenty-five per cent on all the unsecured debts provable against the debtor's estate, the said composition [or scheme] is hereby approved, and it is ordered—

(a) That the receiving order made against the said _____ on the _____ day of _____, 19____, be and the same is hereby discharged,

or

(b) That the order of adjudication made against the said _____ on the _____ day of _____, 19____, be and the same is hereby annulled.

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 being satisfied)

(a) That the case is one in which the court would be required, if the debtor were adjudged bankrupt, to refuse his discharge.

or

(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 .

Registrar.

No. 71. Ord. s. 20 (15).

APPLICATION FOR ENFORCEMENT OF PROVISION IN A COMPOSITION OR SCHEME.

(Title.)

In a matter of a composition [or scheme of arrangement] made by A.B., of

I, L.M., of , do apply to this court for an order for the enforcement of the provisions of the said composition [or scheme of arrangement] against , on the grounds set forth in the annexed affidavit.

Dated this day of 19 .

L.M.

No. 72. Ord. s. 20 (15).

AFFIDAVIT IN SUPPORT OF APPLICATION FOR ENFORCEMENT OF PROVISIONS OF A COMPOSITION OR SCHEME.

(Title.)

In the matter of a composition [or scheme of arrangement] made by A.B., of

I, L.M., of , make oath and say:—

1. That I am interested in the said composition [or scheme of arrangement], having proved my debt as a creditor of the said A.B. [or as the case may be].

2. That [one of] of the provisions of the said composition [or scheme of arrangement] is [or are] that [here set it or them out].

3. That has failed to comply with the said provision [or as the case may be].

Sworn at, &c.

L.M.

No. 73. Ord. s. 20 (15).

ORDER FOR ENFORCEMENT OF PROVISION IN A COMPOSITION OR SCHEME.

(Title.)

In the matter of a composition [or scheme of arrangement] made by A.B., of

Upon the application of L.M., of , and reading [here insert evidence], and upon hearing the court

being of opinion that the provisions of the said composition [or scheme of arrangement] mentioned in the said affidavit should be enforced, it is ordered that [*here insert order*].

Dated this day of 19 .

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.

No. 74.

CERTIFICATE OF APPROVAL OF COMPOSITION OR SCHEME.

(*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 .

Official Receiver.

No. 75.

APPLICATION FOR ADJUDICATION UNDER SECTION 18.

(*Title.*)

The Official Receiver hereby reports to the court:—

That a receiving order was made against the above-named debtor on the day of 19 .

That the act of bankruptcy on which the petition was founded was the allegation that the debtor had within three months before the date of the presentation of the petition.

That from inquiries made since the receiving order, the statement that the said debtor had appears to have been well founded, and the present place of residence of the debtor has not been ascertained.

That the debtor has failed to attend at the office of the Official Receiver to be examined in respect of his property and creditors, and to give necessary information relative to his estate, affairs, conduct, and dealings, and to receive instructions as to the preparation of a statement of and in relation to his affairs in accordance with the notice (a copy of which is hereto annexed) sent by post addressed to as aforesaid.

That the debtor has not submitted a statement of and in relation to his affairs in pursuance of section 18 of the Ordinance.

The Official Receiver accordingly, in pursuance of the provisions of section 18 of the Ordinance, makes application to the court to adjudge the said debtor bankrupt.

Dated this day of 19 .

Official Receiver.

No. 76.

APPLICATION FOR ADJUDICATION AFTER RESOLUTION FOR
BANKRUPTCY OR BY CONSENT.

(Title.)

The Official Receiver reports to the court:—

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 bankrupt, and that the Official Receiver do apply to the court to make the adjudication”;
[and (or) that the debtor has, in writing, consented to be adjudged bankrupt.]

The Official Receiver accordingly, in pursuance of the provisions of section 22 of the Ordinance, makes application to the court to adjudge the said debtor, _____ bankrupt.

Dated this _____ day of _____ 19____.

Official Receiver.

No. 77.

APPLICATION FOR ADJUDICATION WHERE NO QUORUM AT ADJOURNED
MEETING.

(Title.)

The Official Receiver reports to the court:—

That a receiving order was made against the above-named debtor 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, the said meeting was adjourned to the _____ day _____ of _____ 19____.

That at such adjourned meeting creditors qualified to vote not being present or represented to form a quorum no resolution was passed.

(a) Notice of this application was on the _____ day of _____ 19____, sent by post addressed to the debtor, _____ or, the debtor has consented, in writing, to the court adjudging him bankrupt.

That(a)

The Official Receiver accordingly, in pursuance of section 22 of the Ordinance, makes application to the court to adjudge the said debtor, _____, bankrupt.

Dated this _____ day of _____ 19____.

Official Receiver.

No. 78.

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 the Official Receiver, and on reading _____ and hearing
it is ordered that the debtor be and the said debtor
is hereby adjudged bankrupt.

Dated this _____ day of _____ 19 .

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) at _____, it was duly
resolved that the debtor be adjudged bankrupt. It is ordered
that the debtor be and the said debtor is hereby adjudged bank-
rupt

Dated this _____ day of _____ 19 .

Registrar.

No. 79.

R. 80.

APPLICATION TO ANNUL ADJUDICATION OR RESCIND RECEIVING
ORDER.

(Title.)

I, *R.S.*, of _____, being interested in this matter (or,
I, _____ Official Receiver) do hereby make application to the
court that the order of adjudication (or receiving order) against
A.B. be annulled (or rescinded) [*here state grounds of applica-
tion*].

Dated this _____ day of _____ 19 .

Signature.

No. 80.

ORDER ANNULING ADJUDICATION OR RESCINDING RECEIVING
ORDER.

(Title.)

On the application of *R.S.*, of _____, (or on the appli-
cation of the Official Receiver), and on reading _____ and
hearing _____ it is ordered that the order of adjudication
(or receiving order) dated _____ against *A.B.*, of _____, be
and the same is hereby annulled (or rescinded.)

Dated this _____ day of _____ 19 .

Registrar.

No. 81.

R. 88.

APPLICATION FOR ORDER OF DISCHARGE.

(Title.)

I, A.B., of _____, having been adjudged bankrupt on the day of _____ 19____, and being desirous of obtaining my discharge, hereby apply to the court to fix a day for hearing my application.

My public examination was concluded on the _____ day of _____ of _____.

Annexed hereto is the certificate of the Official Receiver certifying the number of my creditors.

Dated this _____ day of _____ 19____.

Debtor.

To the Registrar.

No. 82.

R. 88.

NOTICE OF DAY FOR HEARING OF APPLICATION FOR DISCHARGE.

(For Local Paper or Gazette).

(Title.)

Notice is hereby given that the court has appointed day, the _____ day of _____, 19____, at _____ o'clock in the _____ noon, for hearing the application of the above-named debtor.

Dated this _____ day of _____, 19____.

Official Receiver.

No. 83.

R. 88.

NOTICE TO OFFICIAL RECEIVER AND TRUSTEE OF APPLICATION FOR DISCHARGE.

(Title.)

The bankrupt having applied to the court for his discharge, the court has fixed the _____ day of _____ 19____, at _____ o'clock in the _____ noon at _____ for hearing the application.

Dated this _____ day of _____ 19____.

Registrar.

To the Official Receiver,
and
trustee of the estate of
the bankrupt.

No. 84.

R. 88.

NOTICE TO CREDITORS OF APPLICATION FOR DISCHARGE.

(Title.)

Take notice that the above-named bankrupt 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.

Dated this _____ day of _____ 19____.

Official Receiver.

No. 85.

R. 94.

ORDER GRANTING DISCHARGE UNCONDITIONALLY.

(Title.)

On the application of *A.B.*, of &c., adjudged bankrupt on the day of 19 , and upon taking into consideration the report of the Official Receiver as to the bankrupt's conduct and affairs, including the bankrupt's conduct during the proceedings under his bankruptcy, and upon hearing the Official Receiver, and *C.D.*, *E.F.*, &c., creditors, and *G.H.*, the trustee [*as the case may be*].

And whereas it has not been proved that the bankrupt has committed any of the misdemeanours or felonies mentioned in section 30 of the Ordinance, and proof has not been made of any of the facts mentioned in section 30 (4) or section 31 of the Ordinance, or that the bankrupt has been guilty of any misconduct in relation to his property and affairs. It is ordered that he be and he hereby is discharged.

Dated this day of 19 .

Registrar.

No. 86.

R. 94.

ORDER REFUSING DISCHARGE.

(Title.)

On the application of

[*Commencement as in Form 85.*]

And whereas it has been proved that the bankrupt has committed the following misdemeanours [*or felonies*], namely,

[*Here state particulars.*]

Or

And whereas it has not been proved that the bankrupt has committed any of the misdemeanours or felonies mentioned in section 30 of the Ordinance, but proof has been made of the following facts under sub-section (4) of that section, (and section 31 of the Ordinance), namely,

[*Here state particulars.*]

^{or} and that he has been guilty of misconduct in relation to his property and affairs, namely,

[*Here state particulars.*]

It is ordered that the bankrupt's discharge be and it is hereby refused.

Dated this day of 19 .

Registrar.

No. 87.

R. 94.

ORDER SUSPENDING DISCHARGE.

(Title.)

On the application of

[Commencement as in Form 85.]

And whereas it has not been proved that the bankrupt has committed any of the misdemeanours or felonies mentioned in section 30 of the Ordinance, [or it has been proved that the bankrupt has committed the following misdemeanours (and 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 section 30 (4) (and section 31 of the Ordinance).

[Here state particulars.]

^{or} and that he has been guilty of misconduct in relation to his property and affairs, namely,

[Here state particulars.]

It is ordered that the bankrupt's discharge be suspended until a dividend of not less than 50% has been paid to the creditors, with liberty to the bankrupt at any time after the expiration of two years from the date of this order to apply for a modification thereof, pursuant to section 30 of the Ordinance.

Or

It is ordered that the bankrupt's discharge be suspended for _____ years, and that he be discharged as from the _____ day of _____ 19 .

Dated this _____ day of _____ 19 .

Registrar.

No. 88.

R. 94.

ORDER OF DISCHARGE WHERE ONLY FACT PROVED THAT ASSETS NOT EQUAL TO 50%.

(Title.)

On the application of

[Commencement as in Form 85.]

And whereas it has not been proved that the bankrupt has committed any of the misdemeanours or felonies mentioned in section 30 of the Ordinance, and whereas the only fact under sub-section (4) of that section and section 31 of which proof has been made is the fact that the bankrupt's assets are not of a value equal to 50% on the amount of his unsecured liabilities.

It is ordered that the bankrupt's discharge be suspended for _____ and that he be discharged as from the _____ day of _____ 19 .

Dated this _____ day of _____ 19 .

Registrar.

No. 89.

R. 94.

ORDER OF DISCHARGE SUBJECT TO CONDITIONS AS TO EARNINGS,
AFTER-ACQUIRED PROPERTY, AND INCOME.

(Title.)

On the application of

[Commencement as in Form 85.]

And whereas it has not been proved(a)

(a) Here
state
particulars
of the
finding of
the court.

It is ordered that the bankrupt be discharged subject to the following conditions as to his future earnings, after-acquired property, and income:—

After setting aside out of the bankrupt's earnings, after-acquired property, and income the yearly sum of \$ for the support of himself and his family, the bankrupt 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 trustee] for distribution among the creditors in the bankruptcy. An account shall, on the 1st day of January in every year, or within fourteen days thereafter, be filed in these proceedings by the bankrupt, 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 bankrupt to the Official Receiver [or trustee] within fourteen days of the filing of the said account.

Dated this day of 19 .

Registrar.

No. 90.

R. 93.

ORDER OF DISCHARGE SUBJECT TO A CONDITION REQUIRING THE
BANKRUPT TO CONSENT TO JUDGMENT BEING ENTERED
UP AGAINST HIM.

(Title.)

On the application of

[Commencement as in Form 85.]

It is ordered that the bankrupt 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 entered against him in the Original Jurisdiction of this court by the Official Receiver [or trustee] for the sum of \$, being the balance [or part of the balance] of the debts provable in the bankruptcy which is not satisfied at the date of this order, and for \$25 for costs of judgment.

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 or after-acquired property of the bankrupt in manner following, that is to say, after setting aside out of the bankrupt's earnings, and after-acquired property a yearly sum of \$ for the support of himself and his family, the bankrupt shall pay the surplus, if any [or such portion of such surplus as the court may determine], to the Official Receiver [or trustee] for distribution among the creditors in the bankruptcy. An account shall on the 1st day of January in each year, or within fourteen days thereafter, be filed in these proceedings by the bankrupt, setting forth a statement of his re-

ceipts 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 bankrupt to the Official Receiver [or trustee] 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 entered against the bankrupt in Original Jurisdiction for the said sum of \$ _____, together with \$25 for costs of judgment.

Dated this _____ day of _____ 19 ____ .

Registrar.

No. 91. R. 93.

CONSENT OF BANKRUPT TO JUDGMENT BEING ENTERED FOR BALANCE OR PART OF BALANCE OF PROVABLE DEBTS.

(Title.)

Re

I, A.B., of _____, the above-named bankrupt, do hereby consent to judgment being entered against me in the Original Jurisdiction of the court by the Official Receiver [or trustee] for the sum of \$ _____, being the balance or part of the balance of the debts provable under my bankruptcy which is not satisfied at the date of my discharge; but this consent is subject to the provision contained in the Ordinance with regard to the issue of execution on such judgment.

Dated this _____ day of _____ 19 ____ .

Debtor.

No. 92. R. 93.

JUDGMENT TO BE ENTERED PURSUANT TO THE CONSENT.

*In the Supreme Court of Hong Kong,
Original Jurisdiction.*

No. _____ of 19 ____ .

Between _____

Plaintiff,

and

A.B., Defendant.

And in the matter of the bankruptcy of the said A.B.,
The _____ day of _____ 19 ____ .

Pursuant to the order of the Court in Bankruptcy dated the _____ day of _____, whereby it was ordered that

[*recite substance of order.*]

And the consent mentioned in the said order having been given and filed in the matter of the said bankruptcy.

It is this day adjudged that the said plaintiff recover against the said defendant _____, together with \$25 for costs of judgment.

Dated this _____ day of _____ 19 ____ .

Registrar.

No. 93.

R. 98.

AFFIDAVIT BY DEBTOR, 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 or 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, &c.

Debtor.

No. 94.

R. 29

APPLICATION BY TRUSTEE FOR COMMITMENT OF BANKRUPT OR
OTHER PERSON.

(Title.)

I, the trustee of the property of the said bankrupt [or as the case may be], do apply to the court for an order of committal for contempt of the court against the said bankrupt [or L.M., _____], on the ground set forth in the annexed affidavit.

Dated this _____ day of _____ 19 ____.

Trustee.

No. 95

R. 29.

AFFIDAVIT OF PERSON INTERESTED IN A COMPOSITION FOR
COMMITMENT.

(Title.)

In the matter of a composition made by A.B., of _____

I, L.M., of _____, make oath and say:--

1. That _____ of _____ was by an order of the court made on the _____ day of _____ 19 ____, ordered to [here set out the 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, &c.

L.M.

No. 96.

R. 29.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR COMMITMENT OF DEBTOR
FOR CONTEMPT UNDER SECTIONS 26 OR 55.

(Title.)

I, _____, the Official Receiver of the estate of the said debtor [the trustee of the property of the said bankrupt] make oath, and say:—

Where debtor does not submit to examination.

[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 Ordinance.

Where debtor fails to attend a meeting other than the first.

[1. That the said [debtor] bankrupt 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 Ordinance.

Where debtor fails to execute a deed.

[or 1. That the said [debtor] bankrupt has wilfully failed to execute [here describe the deed, &c.; that he has failed to execute], the execution of such deed when required by me being a duty imposed upon him by section 26 (or, 55) of the Ordinance.

Where debtor fails to attend a meeting other than the first or to execute a deed.

2. [That the said [debtor] bankrupt 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, &c.]

Where debtor fails to obey special orders of Court.

[or 1. That the said [debtor] bankrupt has wilfully failed to perform the duty imposed upon him by section 26 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] bankrupt was duly served with a copy of such order by leaving the same at his usual place of residence on the _____ day of _____ 19____.]

Where debtor has failed to deliver up property.

[or 1. That the said [debtor] bankrupt 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 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 served upon him on the _____ day of _____ 19____, at _____.]

Sworn at, &c.

Official Receiver
or Trustee.

No. 97.

R. 29

AFFIDAVIT OF TRUSTEE UNDER SECTION 53 (5).

(Title.)

I, G.H., the trustee of the property of the said A.B., a bankrupt, 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 bankrupt] certain moneys [and securities] belonging to the bankrupt, 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 _____, posted a letter to the said *L.M.*, addressed to him at _____, calling upon him to, &c., and that on the _____ day of _____ 19____, I posted another letter, by which I again called upon him, &c., 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 bankrupt or against me as the trustee of the property of the bankrupt.

Sworn at, &c.

Trustee.

No. 98.

R. 30

NOTICE OF APPLICATION FOR COMMITTAL UNDER SECTION 20 OR 110.

(Title.)

To

Take notice that *C.D.*, of _____, will on the _____ day of _____ 19____, at _____ o'clock in the _____ noon, apply to the court for an order for your committal to prison for contempt of this court, you having disobeyed the order of the 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 for your committal should not be made.

Dated this _____ day of _____ 19____

Registrar.

No. 99.

R. 30.

NOTICE OF APPLICATION FOR COMMITTAL UNDER SECTION 26.

(Title.)

To the said *A.B.*, bankrupt.

Take notice that the trustee [or Official Receiver] of the property of the said bankrupt will on the _____ day of _____ 19____, at _____ o'clock in the _____ noon, apply to the court for an order for your committal to prison for contempt of the court, you having failed to perform the duty imposed on you by the twenty-sixth 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____

Registrar.

No. 100.

R. 30.

NOTICE OF APPLICATION FOR COMMITTAL UNDER SECTION 53 (5).

(Title.)

To [here insert name, address, and description of the person to whom the notice is to be sent].

Take notice that the trustee [*or Official Receiver*] of the property of the bankrupt will on the day of 19 , at o'clock in the noon, apply to the court for an order for your committal to prison for contempt of the court, you having failed to pay and deliver to him certain moneys [and securities] belonging to the bankrupt in your possession or power as [*here state whether as treasurer, banker, &c.*], 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 .

Registrar.

No. 101.

ORDER OF COMMITTAL UNDER SECTION 20 OR 110.

(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 .

Registrar.

No. 102.

ORDER OF COMMITTAL UNDER SECTION 26.

(Title.)

Upon the application of the trustee [*or Official Receiver*] of the property of the bankrupt [*or debtor*], and upon hearing the bankrupt [*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 bankrupt has been guilty of a contempt of this court by having failed to [*here follow the notice*], it is ordered that the bankrupt do stand committed to [*here insert prison*] for his said contempt.

Dated this day of 19 .

Registrar.

No. 103

ORDER OF COMMITTAL UNDER SECTION 53 (5).

(Title.)

Upon the application of the trustee of the property of the bankrupt, 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 a contempt of this court by having failed to pay and deliver to the said trustee certain moneys [and securities] [*here follow the notice*], it is ordered that the said *L.M.* do stand committed to [*here insert prison*] for the said contempt.

Dated this day of 19 .

Registrar.

No. 104.

R. 30.

AFFIDAVIT OF NON-COMPLIANCE WITH ORDER OF COURT.

(*Title.*)

I, *L.M.*, of make oath and say:—

1. That *G.H.* of was by an order of the 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 *G.H.*
3. That the said *G.H.* has failed to obey the order.

Sworn, &c.

No. 105.

R. 26

WARRANT OF COMMITTAL FOR CONTEMPT.

(*Title.*)

To the Bailiff of the Supreme Court of Hong Kong and his assistants and to all police officers of this Colony and to the Superintendent of Prisons.

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 the said bailiff and others, to take the said *A.B.* [*or L.M.*] and to deliver him to the Superintendent of Prisons, and you the said Superintendent to receive the said *A.B.*, and him safely to keep in prison in your custody until such time as this court shall order; and you the said Superintendent 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 .

Registrar.

No. 106.

ORDER FOR DISCHARGE FROM CUSTODY ON CONTEMPT.

(*Title.*)

Upon application made this day of 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 trustee [*or Official Receiver*] [*or C.D.* of],

it is ordered that the Superintendent of Prisons do discharge the said A.B. out of his custody, as to the said contempt.

Dated this day of 19 .

Registrar.

No. 107.

ORDER FOR PRODUCTION OF PERSON IN PRISON FOR EXAMINATION
BEFORE THE COURT.

(Title.)

Upon application made this day of 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 , for examination before this court,
it is ordered that the Superintendent of Prisons do cause the
said A.B. to be brought in custody before the court at
on the day of for examination before the court,
and afterwards to be taken back to prison to be there safely kept
pursuant to the said order.

Dated this day of 19 .

Registrar.

Ord., s. 54.
R. 26.

No. 108.

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 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
Ordinance.

Dated this day of 19 .

Registrar.

To the Bailiff of the Supreme Court and his assistants.

Ord., s. 27.
R. 26.

No. 109.

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 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 trustee [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 .

Registrar.

To the Bailiff of the Supreme Court and his assistants.

No. 110.

Ord., s. 27.
R. 26, 27.

WARRANT AGAINST DEBTOR ABOUT TO QUIT THE COLONY.

(Title.)

To the Bailiff of the Supreme Court of Hong Kong and his assistants and to all police officers of this Colony and to the Superintendent of Prisons.

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 , has absconded and gone abroad [or quitted his place of residence], or is about to go abroad [or quit his place of residence] [with a view of avoiding service of a bankruptcy petition] [or of avoiding appearing in a bankruptcy petition], [or of avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings in bankruptcy] [or of avoiding payment of a judgment debt in respect of which a bankruptcy 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 trustee of the property of the bankrupt] [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 bankruptcy of the said *A.B.*]

[Or that 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 fifty dollars, without the leave of the Official Receiver or trustee, 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 made on the day of 19 , directing of being examined, according to the requirements of an order of this court made on the day of 19 , directing him so to attend.]

These are therefore to require you the said bailiff and others, to take the said *A.B.* and to deliver him to the Superintendent of Prisons and you the said Superintendent to receive the said *A.B.*, and him safely to keep in prison until such time as this court may order.

Dated this day of 19 .

Registrar.

No. 111. Ord., s. 28.

ORDER TO POSTMASTER-GENERAL UNDER SECTION 28.

(Title.)

Upon the application of the Official Receiver [or the trustee] of the property of the above debtor, it is ordered that for a period of three months from the day of 19 all post letters, telegrams and postal packets directed or addressed to the said debtor, at (a) shall be re-directed, sent or delivered by the Postmaster-General, or officers acting under him, to (b) except any letter on which there is a specific direction signed by the Official Receiver [or trustee] that it is to be delivered as addressed, if possible, and that a sealed duplicate of this order be forthwith transmitted by the Official Receiver [or trustee] to the Postmaster-General, or officers acting under him.

(a) Here insert the full address or addresses.
 (b) "the said Official Receiver (or trustee) at " or otherwise as the court may direct.

Dated this day of 19 .

Registrar.

No. 112. Ord., s. 29.

SUMMONS UNDER SECTION 29.

(Title.)

To , of

You are hereby required to attend at the Courts of Justice, Hong Kong, on the day of 19 , at o'clock in the noon, to give evidence in the above matter, and then and there to have and produce (a) 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.

(a) State any particular documents required, e.g., all ledgers and books of account, invoices, statements of account, letters, books, papers, and documents of every kind, in any manner relating to your dealings and transactions with A.B. a bankrupt, touching a debt alleged to be due by you to the said bankrupt's estate amounting to the sum of \$

Dated this day of 19 .

Registrar.

NOTE.—This summons is issued on the application of the Official Receiver and trustee, and take notice, that if the sum of \$, stated to be due by you to this estate, be paid to , Official Receiver, at , on or before the day of , this summons will be discharged.

No. 113. Ord., s. 29.

ADMISSION OF DEBT BY DEBTOR OF BANKRUPT.

(Title.)

In the matter of A.B. of , a bankrupt.

I, the undersigned J.K. of , do hereby admit that I am indebted to the said bankrupt in the sum of dollars upon the balance of accounts between myself and the said bankrupt.

J.K.

Dated this day of 19 .

Witness,
 C.D., Registrar,
 [or Official Receiver].

No. 114.

Ord., s. 29.

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 said *J.K.* do pay to the trustee of the property of the debtor, 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 trustee the sum of _____ dollars for costs.

Dated this _____ day of _____ 19 .

Registrar.

No. 115.

Ord., s. 29.
R. 26, 28.

WARRANT TO APPREHEND A PERSON SUMMONED UNDER SECTION 29.

(Title.)

To the Bailiff of the Supreme Court of Hong Kong and his assistants and to all police officers of this Colony and to the Superintendent of Prisons.

Whereas by summons dated the _____ day of _____, and directed to *A.B.*, of _____ [or *F.M.*, of _____], the said *A.B.* [or *F.M.*] was required personally to be and appear on the _____ day of _____ at _____ o'clock in the noon at the court to be examined [and produce such document as hereinafter mentioned] which said summons was afterwards on the _____ day of _____ 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 and allowed by the court at the time of its sitting hath refused to appear before the court at the time appointed [and hath refused to produce a document in his custody or power relating to the debtor, his dealings, or property, which the court has required him to produce]. These are, therefore, to require and authorise you and every of you, the said bailiff and your assistants and police officers and constables immediately upon receipt hereof to take the said *A.B.* [or *F.M.*], and bring him before this court at such time and place as this court shall direct, in order to his being examined as aforesaid, and in the meantime him safely to keep or deliver to the Superintendent of Prisons and forthwith, after such taking and delivery, to report the same to the court, and obtain its direction or order fixing a day, time, and place for the examination of the said *A.B.* [or *F.M.*], and you the said Superintendent of Prisons to receive the said *A.B.* [or *F.M.*], and him safely keep in prison and in your custody to await the direction or order of the court, and to produce him before the court at such time and place as shall be specified in such direction or order, and for so doing this shall be a sufficient warrant to you and every of you.

Dated this _____ day of _____ 19 .

Registrar

No. 116.

Ord., s. 29.
R. 28.

ORDER FOR PRODUCTION OF PERSON APPREHENDED UNDER WARRANT UNDER SECTION 29 FOR EXAMINATION BEFORE THE COURT.

(Title.)

Upon report made to the court the _____ day of _____, that *A.B.* has been apprehended under a warrant issued by the

court on the _____ day of _____, it is ordered that the Superintendent of Prisons do cause the said *A.B.* to be brought in custody before the court sitting on the _____ day of _____ at _____ o'clock in the _____ noon for examination before the court, and in the meantime to be safely kept, and afterwards if the court shall so direct to be taken back to prison and there safely kept pursuant to the said warrant.

Dated this _____ day of _____, 19 _____.

Registrar.

R. 127.

No. 117.

REGISTER OF ASSIGNMENT OF BOOK DEBTS.

| Satisfaction Entered.* | No. | Assignor. | | Assignee. | | Nature of Assignment. | Consideration. | Date. | Date of Registration. | Remarks. |
|------------------------|-----|-----------|------------|-------------|-------|-----------------------|----------------|-------|-----------------------|----------|
| | | Name. | Residence. | Occupation. | Name. | | | | | |
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*For use only in case of assignment by way of security or other charge.

Ord., s. 56.

No. 118.

R. 128.

NOTICE OF APPLICATION FOR PAYMENT TO TRUSTEE OF
PORTION OF PAY OR SALARY.

(Title.)

To A.B.

Take notice that I intend to apply to the court on the
day of 19 , at o'clock in
the noon, for an order under section 56 of the
Ordinance, for the payment of a part of your pay [or salary or
income] to me as trustee for the benefit of the creditors under
your bankruptcy. On the application you are at liberty to show
cause against such order being made.

Dated this day of , 19 .

G.H., Trustee.

Ord., s. 57.

No. 119.

R. 128.

NOTICE OF APPLICATION FOR PAYMENT TO TRUSTEE OF
INCOME OF BANKRUPT MARRIED WOMAN.

(Title.)

Take notice that I intend to apply to the court on the
day of , 19 , at o'clock in
the noon for an order pursuant to section 57 of the
Ordinance, that the whole, or such part as the court may
determine, of the income of the separate property of the said
A.B. arising under an indenture of settlement dated the
day of , and made between
and [or as the case may], notwithstanding the
restraint on anticipation to which such income is subject, may
be paid to me as trustee for distribution among the creditors.

Dated this day of , 19 .

To

Trustee.

No. 120.

ORDER UNDER SECTION 56 (1).

(Title.)

Whereas it appears to the court that the bankrupt is [or, here
state what the bankrupt is], and as such is in the enjoyment of
the monthly pay [or pension allowance or compensation] of
dollars; and whereas upon the application of G.H.
of the trustee of the property of the bankrupt, it
appears to the court just and reasonable that the monthly sum
of dollars, portion of the said pay [or pension allowance
or compensation] ought to be paid to the said trustee during the
bankruptcy, in order that the same may be applied in payment
of the debts of the bankrupt, 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 the
court shall make order to the contrary; it is ordered, with
the consent of His Excellency the Governor, that such portion of
the [here insert pay or pension, allowance or compensation] shall
be paid to the trustee accordingly.

Dated this day of , 19 .

Registrar.

I consent to the above order.

Dated this day of , 19 .

Governor.

No. 121.

ORDER UNDER SECTION 56 (2).

(Title.)

Whereas it appears to the court that the bankrupt is in receipt of or entitled to a salary or income including bonus or commission of _____ and whereas upon the application of the trustee of the property of the bankrupt and upon hearing the bankrupt it appears to the court just and reasonable that the monthly sum of _____ dollars a portion of the said salary or income ought to be paid by the bankrupt by monthly payments to the trustee during the bankruptcy in order that the sum may be applied in payment of the debts of the said bankrupt and that the first of such payments ought to be made on the _____ day of _____ 19____, and be continued monthly until this court should make order to the contrary; it is ordered that the said sum shall be paid by _____ in manner aforesaid out of the bankrupt's said salary or income.

Dated this _____ day of _____, 19____.

Registrar.

No. 122.

ORDER UNDER SECTION 57.

(Title.)

WHEREAS it has been made to appear to the court that the bankrupt under and by virtue of an indenture of settlement, dated the _____ day of _____, and made between _____ and _____ [or as the case may be] is entitled to separate property, the income whereof is subject to a restraint on anticipation, and whereas upon the application of the trustee in the bankruptcy and having regard to the means of subsistence available for the bankrupt and her children it appears to the court just and reasonable that the whole [or the annual sum of \$ _____ part] of such income should be paid to the trustee in the bankruptcy during the bankruptcy for distribution among the creditors by equal monthly [or quarterly or half-yearly] payments of \$ _____, and that the first of such payments ought to be made on the _____ day of _____, 19____, and be continued monthly [or quarterly or half-yearly] until the court shall make order to the contrary. It is ordered that the said income [or part of income] shall be paid by _____ to the trustee in the bankruptcy in manner aforesaid.

Dated this _____ day of _____, 19____.

Registrar.

No. 123.

R. 130.

NOTICE TO LANDLORD OF INTENTION TO DISCLAIM LEASEHOLD
PROPERTY NOT SUBLET OR MORTGAGED.

(Title.)

Take notice that I intend to disclaim the (a) dated (a) Lease or
whereby (b) tenancy as
was let to the above-named bankrupt at a rent of \$ the case may
be.

If you require the matter to be brought before the court, you (b) Here
must give notice thereof to me in writing within seven days of specify pro-
the receipt by you of this notice. perty left.

Dated this day of 19 .

Trustee.

To

The landlord of the above-mentioned
property.

No. 124.

R. 130.

NOTICE OF INTENTION TO DISCLAIM LEASEHOLD PROPERTY SUBLET
OR MORTGAGED.

(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 .

(a) Here
insert
particulars
of demised
property.
(b) The
above named
bankrupt or
as the case
may be.

Trustee.

To

The landlord of the above-mentioned
premises and

To

The sub-tenant, or mortgagee.

No. 125.

R. 130.

DISCLAIMER WITHOUT NOTICE.

(Title.)

I, the trustee of the property of the above-
named bankrupt, hereby disclaim the (a) of the (a) Lease
premises (b) which were let to the above-named dated the
bankrupt (c) at a rent of \$ per

Notice of this disclaimer has been given to (d)

Dated this day of 19 .

Trustee.

or as the
case may be.
(b) Insert
description
of the
property.
(c) On a
tenancy or
for a term
of years or
as the case
may be.
(d) Insert
names and
addresses of
persons to
whom notice
given.

No. 126.

R. 130.

DISCLAIMER OF LEASEHOLD PROPERTY AFTER NOTICE TO LANDLORD,
MORTGAGEES, &c.

(Title.)

Pursuant to notice dated the _____ day of _____ 19____,
I, _____, the trustee of the property of the above-named bankrupt, hereby
disclaim the lease dated the _____ day of _____ 19____,
whereby (b) _____ were let to (c) _____ at a rent of \$ _____ for a
term of _____

(a) Here insert names and addresses of persons to whom notice of intention to disclaim has been given.

Notice of this disclaimer has been given to (d) _____

Dated this _____ day of _____ 19____.

(b) Here insert particulars of demised property.

Trustee.

(c) The above named bankrupt or as the case may be.

(Address)

(d) Insert names and addresses of persons to whom notice of disclaimer has been given.

No. 127. R. 130.

DISCLAIMER OF LEASE WITH LEAVE OF COURT.

(Title.)

Pursuant to an order of court dated the _____ day of _____ 19____,
I, _____, the trustee of the property of the above-named
bankrupt, hereby disclaim all interest in the lease dated the
day of _____ 19____, whereby the premises (a) _____
were demised to _____ at a rent of \$ _____
per annum, for a term of _____

(a) Insert description of the property disclaimed.

Notice of this disclaimer has been given to _____

Dated this _____ day of _____ 19____.

Trustee.

No. 128.

R. 130.

NOTICE OF DISCLAIMER WITHOUT LEAVE OF COURT.

(Title.)

Take notice that, by writing under my hand, bearing date
the _____ day of _____, 19____, I, _____, the
trustee of the property of the above-named bankrupt, disclaimed
(a) _____ of the premises known as (b) _____
which were let to _____ (c) _____ at a rent of
\$ _____ per _____ (d) _____

(a) The lease dated the _____ day of _____ or as case may be.

(b) Insert description of property disclaimed.

The above-mentioned disclaimer has been filed in court with the proceedings in the bankruptcy (and has been registered in the Land Office).

(c) On a tenancy or for a term of years or as the case may be.

Your attention is directed to the provisions of the Bankruptcy Ordinance, on the back hereof.

Dated this _____ day of _____, 19____.

(d) Add where necessary "pursuant to notice dated the _____ day of _____ 19____."

To _____ (Address)

NOTE.—On the back of this notice the provisions of section 59 (2) and (6) of the Ordinance 1931, should appear.

No. 129.

R. 130.

NOTICE OF DISCLAIMER OF LEASE WITH LEAVE OF COURT.

(Title.)

Take notice that pursuant to an order of court dated the
 day of 19 , I , the
 trustee of the property of the above-named bankrupt, by writing
 under my hand bearing date the day of
 disclaimed all interest in the lease dated the
 day of 19 , whereby the premises
 were demised to at a rent of
 \$ per annum, for a term of

The above-mentioned disclaimer has been filed in court with
 the proceedings in bankruptcy (and has been registered in the
 Land Office).

Dated this day of , 19 .

Trustee.

To (Address)

No. 130.

R. 130.

FORM OF NOTICE BY LANDLORD OR OTHER PERSON REQUIRING
 TRUSTEE TO BRING MATTER OF INTENDED DISCLAIMER OF
 PROPERTY BURDENED WITH ONEROUS COVENANTS BEFORE THE
 COURT.

(Title.)

To

Trustee of the property of the above-named bankrupt.

SIR,

I HEREBY give you notice that the bankrupt was, at the
 date of the receiving order, interested as lessee [or, as the case
 may be] in the property described in the schedule to this notice,
 and that as such lessee [or, as the case may be] the bankrupt
 was liable in respect of [set out nature of the bankrupt's
 liability] which liability has devolved on you as trustee in bank-
 ruptcy of his property, and I hereby require you to bring the
 matter of your intended disclaimer of the bankrupt's interest in
 the said property before the court.

I am, &c.,

(Signed) A.B.

[State how interested in the property.]

No. 131.

R. 174

APPLICATION FOR DIRECTIONS BY TRUSTEE.

(Title.)

I desire to make application to the court for its directions [here state the particular matter in relation to which they are sought].

Trustee.

Let this application be heard on the day of at o'clock in the noon, and let the trustee give notice to [here insert the persons to whom it is to be given.]

Dated this day of , 19 .

Registrar.

No. 132.

R. 174

ORDER ON APPLICATION OF TRUSTEE FOR DIRECTIONS.

(Title.)

Whereas at a court (or in chambers) held this day the trustee of the property of the bankrupt applied to the 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 trustee do pay out of the property of the bankrupt the sum of the costs 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.]

Dated this day of , 19 .

Registrar.

No. 133.

Ord., s. 97 (2).

ISSUES OF FACT FOR TRIAL BY JURY.

(Title.)

On the application of and on hearing it is ordered that the following issues of fact be tried with a jury on [add any other necessary directions].

Issucs.

- 1.
2.

Dated this day of , 19 .

Registrar.

No. 134.

R. 144.

CREDITOR'S PETITION FOR ADMINISTRATION OF ESTATE OF DECEASED DEBTOR UNDER SECTION 113.

(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 bankruptcy 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. for the greater part of the six months next preceding his decease resided [or carried on business] within the jurisdiction of this court [or, as the case may be].

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, &c. [or, as in Form No. 10, Creditor's Petition].

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

5. That the will of the said A.B. was on the day of 19 , proved by J.S., of , and G.H., of

Or,

That letters of administration were on the day of 19 , granted to J.S., of , and G.H., of

Or,

That no probate or administrator in respect of the said estate has been applied for

Dated this day of 19 .

(Signed) C.D.

E.F.

Signed by the petitioner in my presence.

Signature of witness.

Address.

Description.

Indorsement.

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 show cause against the petition, you must file with the Official Receiver a notice showing the grounds upon which you intend to show cause, and post a copy of the notice to the petitioner or his solicitor, in each case three days before the day on which the petition is to be heard.

Registrar.

No. 135.

R. 144.

PETITION BY LEGAL PERSONAL REPRESENTATIVE OR OFFICIAL
ADMINISTRATOR FOR ORDER OF ADMINISTRATION UNDER
SECTION 113.

(Title.)

1. *C.D.*, of [or we, *C.D.*, of , and *E.F.*, of], hereby petition the court that an order made for the administration in bankruptcy 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 I am the Official Administrator of the estate [or we are] the legal personal representative [or representatives] of the said [debtor] and that his will was on the day of 19 , proved by [or that letters of Administration of his estate were on the day of 19 , granted to].

2. That the said [debtor] for the greater part of the six months next preceding his decease resided [or carried on business] within the jurisdiction of the court [or as the case may be.

3. That the estate of [debtor] is according to my [or our] information and belief insufficient to pay his debts.

(Signed)

Signed by the petitioner in my presence.

Signature of witness.

Address.

Description.

No. 136.

R. 146

ORDER FOR ADMINISTRATION IN BANKRUPTCY OF ESTATE OF
DECEASED DEBTOR UPON PETITION.

(Title.)

Upon the petition of *C.D.*, dated , and numbered of 19 , and upon reading and hearing , it is ordered that the estate of *A.B.*, of , who died insolvent, be administered in bankruptcy, and that the Official Receiver be the trustee, and the costs of this application be

Dated this day of , 19

Registrar.

STATEMENT TO ACCOMPANY APPLICATION FOR RELEASE.

(Title.)

Statement showing position of estate at date of application for release.

| Dr. | | Cr. | | | | | |
|---|--|-----------|----|---|-----------|-------|-------|
| | Estimat- ed to produce per debtor's state- ment. | Receipts. | | | Payments. | | |
| | \$ c. | \$ | c. | | \$ | c. | |
| To total receipts from date of receiving order, viz. :— (State particulars under the several headings specified in the debtor's Statement of Affairs.) Receipts per trading account Other receipts. Total | \$ c. | | | By court fees Law costs of petition Other law costs Trustee's remuneration, viz. :— per cent. on \$ assets realised. per cent. on \$ assets distributed in dividend Special manager's charges Person appointed to assist debtor under section 78 of the Ordinance Auctioneer's charges as taxed Other taxed costs Costs of possession Costs of notices in Gazette and local papers Incidental outlay Total cost of realisation \$ Allowance to debtor... .. (a) Dividend now declared of \$ per cent. on \$ Dividends previously declared... .. Balance | \$ c. | \$ c. | \$ c. |
| Less :— Deposit returned to petitioner Payments to redeem securities Costs of execution Payments per trading account | \$ c. | | | | | | |
| Net realisations | \$ | | | | | | |
| | \$ | | | | | | |

(a) Ist, or as the case may be.

Note.—Creditors :—

(b) Insert number of creditors.

| | | |
|------------------------|----|----|
| (b) Preferential | \$ | c. |
| (b) Unsecured | | |

The debtor's estimate of amount expected to rank for dividend was \$

Assets not yet realised are estimated to produce \$

(Add here any special remarks which the trustee thinks desirable.)

Creditors can obtain any further information by inquiry at the office of the trustee.

Dated this day of 19 .

Trustee.

Address.

No. 138.

R. 123.

NOTICE TO CREDITORS OF INTENTION TO DECLARE DIVIDEND.

(Title.)

A(a) dividend is intended to be declared in the above matter. You are mentioned in the debtor's statement of affairs, but you have not yet proved your debt. (a) Insert here "first," or "second," or "final," or as the case may be.

If you do not prove your debt by the _____ day of _____ 19____ you will be excluded from this dividend.

Dated this _____ day of _____, 19____.

Trustee.

Address.

No. 139.

R. 123.

NOTICE TO PERSONS CLAIMING TO BE CREDITORS OF INTENTION TO DECLARE FINAL DIVIDEND.

(Title.)

Take notice that a final dividend is intended to be declared in the above matter, and that 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____.

Trustee.

Address.

No. 140.

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 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____.

Official Receiver.

No. 141.

R. 123

NOTICE OF DIVIDEND.

(Title.)

(Please bring this dividend notice with you).

Dividend of _____ per cent

Notice is hereby given that a _____ dividend of _____ per cent has been declared in this matter, and that the same may be received at my office, as above, on the _____ day of _____ 19____, or on any subsequent _____ between the hours of _____ and _____

Upon applying for payment *this Notice must be produced entire* together with any bills of exchange, promissory notes or other negotiable securities held by you. If you do not attend personally you must fill up and sign the subjoined forms of receipt and authority, when a cheque or money order payable to your order will be delivered in accordance with the authority.

Dated this _____ day of _____ 19____

(Signed) G.H.,

Trustee.

Address.

Receipt.

19____

Received of _____ the sum of _____ dollars and _____ cents, being the amount payable to me/us in respect of the _____ dividend of _____ per cent on my/our claim against this estate.

\$: : _____

(Creditor's Signature)

(Authority.)

SIR,

Please deliver (a) to me/us by post, at my/our risk or (a) to the bearer, Mr. _____ the cheque or money order for the dividend payable to me/us in this matter.

(a) Strike out words inapplicable. If not to be sent by post strike out words in italics, and insert the name of the person who is to receive the cheque or money order.

(Creditor's Signature)

Date _____ 19____

To _____

No. 142.

Ord., s. 73.

APPLICATION BY CREDITOR FOR ORDER FOR TRUSTEE 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 trustee to pay the dividend in this bankruptcy 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 trustee for its payment to me, and also to pay to me the costs of this application.

Dated this _____ day of _____ 19____.

F.K.

Order.

Upon the reading of this application, and upon hearing it is ordered that the trustee do forthwith pay to the said *F.K.* the sum of _____ dollars, the amount of such dividend.

And it is further ordered that the trustee do pay to the said creditor at the same time the sum of _____, for interest on such dividend, being at the rate of 8 per cent. 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____.

Registrar.

(If the court does not order payment, then, after the words "it is ordered," insert the order made).

No. 143.

REQUEST TO DELIVER BILL FOR TAXATION.

(Title.)

I hereby request that you will, within seven days of this date, or such further time as the court may grant, deliver to me for taxation by the registrar your bill of costs (or charges) as (a) _____ failing which I shall, in pursuance of the statute, proceed to declare and distribute a dividend without regard to any claim you may have against me or against the estate of the debtor.

(a) Here state capacity in which person employed or engaged.

Dated this _____ day of _____ 19____.

G.H.,

Trustee.

No. 144.

ALLOCATUR FOR COSTS OF DEBTOR'S PETITION.

(Title.)

I hereby certify—

(1.) That I have taxed the bill of costs of _____, the debtor's solicitor, for filing the petition herein, and have allowed the same at the sum of _____ dollars and _____ cents.

(a) "is" or "is not". (2.) That the deposit of _____ paid to the Official Receiver on the filing of the petition (a) included in the above-mentioned sum.

(3.) That credit has been given in the said bill for the sum of _____ received on account of such costs.

Dated this _____ day of _____ 19 .

\$: _____

Registrar.

No. 145.

R. 190.

CERTIFICATE BY COMMITTEE OF INSPECTION AS TO AUDIT OF TRUSTEES' ACCOUNTS.

We, the undersigned, members of the committee of inspection in the matter of _____, a bankrupt, 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 trustee's receipts and payments on account of the estate.

Dated this _____ day of _____ 19 .

A.B. } Committee of Inspection. C.D. } E.F. }

No. 146.

R. 191.

AFFIDAVIT VERIFYING TRUSTEE'S ACCOUNT.

(Title.)

I, G.H., of _____, the trustee of the property of the above-named bankrupt, make oath and say:

That **the account hereunto annexed marked B. contains a full and true account of my receipts and payments on account of the bankrupt's estate from the _____ day of _____ to the _____ day of _____ 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 in the said account.*

Sworn at, &c. }

* NOTE.—If no receipts or payments, strike out the words in italics.

No. 147.

R. 168.

TRUSTEE'S TRADING ACCOUNT.

(Title.)

G.H., the trustee of the property of the bankrupt in account with the estate.

RECEIPTS.

PAYMENTS.

| Date. | \$ | c. | Date. | \$ | c. |
|-------|----|----|-------|----|----|
| | | | | | |
| | | | | | |

G.H., Trustee

(Date)

We have examined this account with the vouchers and find the same correct, and we are of opinion that the expenditure has been proper.

Dated this day of 19

Committee of Inspection
[or member of the Committee of Inspection.]

No. 148.

R. 163.

PROFIT AND LOSS ACCOUNT (TRADING ACCOUNT).

(Title.)

PROFIT and Loss ACCOUNT.

Dr.

Cr

| | \$ | c. | | \$ | c. |
|--|----|----|------------------------------------|----|----|
| Stock on hand on day | | | Sales | | |
| of 19 | | | Other receipts, if any | | |
| Purchases | | | Stock on hand on day | | |
| Trade expenses, viz. :— | | | of 19 | | |
| Rent and taxes... \$ c. | | | | | |
| Wages | | | | | |
| Miscellaneous | | | | | |
| Balance being profit | | | | | |

G.H., Trustee.

(Date)

NOTE.—This account to be submitted when the committee of inspection require, and in any case at the end of the trading business carried on by the trustee.

No. 152.

R. 169

NOTICE TO CREDITORS OF INTENTION TO APPLY FOR RELEASE.

(Title.)

Take notice that I, the undersigned trustee [*or late trustee*] of the property of the bankrupt, 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 hereof.

A summary of my receipts and payments as trustee is here annexed.

Dated this day of 19 .

G.H.,

Trustee.

To

K.L.,

Creditor.

NOTE.—Section 94 (3) of the Bankruptcy Ordinance, 1931, enacts that “An order of the court releasing the trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee, but such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.”

No. 153.

R. 169.

APPLICATION BY TRUSTEE TO COURT FOR RELEASE.

(Title.)

I, G.H., the trustee of the property of the bankrupt, do hereby report to the court as follows:—

1. That the whole of the property of the bankrupt has been realised for the benefit of his creditors [and a dividend to the amount of \$ per cent has been paid as shown by the statement hereunto annexed];

[*or That so much of the property of the bankrupt as can, according to the joint opinion of myself and the committee of inspection, hereunto annexed in writing under our hands, be realised without needlessly protracting the bankruptcy, has been realised, as shown by the statement hereunto annexed, and a dividend to the amount of \$ per cent has been paid*];

[*or That a composition [or scheme] under section 25 of the Ordinance has been duly approved by the court*].

2. I therefore request the court to grant me a certificate of release.

Dated this day of 19 .

G.H.,

Trustee.

No. 154.

Ord., s. 38 (6).

NOTICE OF TRANSFER OF SEPARATE ESTATE TO JOINT ESTATE FOR GAZETTE.

(Title.)

Notice is hereby given that there being in the hands of the trustee in the above bankruptcy a surplus estimated at \$ arising from the separate estate of [*name of separate partner*]

one of the bankrupts, and there being no separate creditors of such bankrupt, it is the intention of such trustee, 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 bankruptcy.

Dated this day of 19 .

G.H.,

Trustee.

PART II.

R. 31.

Regulations as to Costs.

1. The scale of costs and the amount and the mode of taxation thereof shall be that applicable from time to time in the Original Jurisdiction of the Supreme Court.

2. In respect of business connected with sales, purchases, leases, mortgages, and other matters of conveyancing, and in respect of other business not being business transacted in court or in chambers, and not being otherwise contentious business, the solicitor's remuneration shall (in the absence of any agreement to the contrary) be regulated by the conveyancing scale charges for the time being in force; provided that, in cases of sales of mortgaged properties, the trustee's solicitor shall be entitled to percentage only upon so much of the proceeds of sale as shall not be chargeable by the mortgagee's solicitor with the percentage, and such percentage shall be payable only out of the proceeds of sale.

3. All court fees and other proper disbursements shall be allowed in addition to the remuneration in the authorised scale.

4. Extra allowance for length of sittings, or other increased allowances not inconsistent with the scale, may be allowed; provided that any such allowances shall have been ordered and certified by the court at the time, or all such charges shall be disallowed.

5. Vouchers shall be produced on taxation for all payments, or such payments shall be disallowed.

6. As to all fees or allowances which are discretionary, the same are, unless otherwise provided, to be allowed at the discretion of the registrar, who in the exercise of such discretion is to take into consideration other fees and allowances to the solicitor and counsel, if any, in respect of the work to which any such allowance applies, the nature and importance of the matter, the amount involved, the interest of the parties, the estate or person to bear the costs, the general conduct and costs of the proceedings, and all other circumstances.

7. The allowances to witnesses in bankruptcy proceedings in the court shall be in accordance with those from time to time ordinarily made in proceedings in the Original Jurisdiction of the Supreme Court.

Courts of Justice, Hong Kong, this 15th day of October, 1932.

J. H. KEMP,
Chief Justice.

Approved by the Legislative Council this 10th day of November, 1932.

R. A. C. NORTH,
Deputy Clerk of Councils.
