



THE
OFFICIAL GAZETTE
OF THE
COLONY AND PROTECTORATE OF KENYA.
(SUPPLEMENT.)

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Colony and Protectorate of Kenya.

GOVERNMENT NOTICE NO. 74.

THE BANKRUPTCY ORDINANCE, 1925.

(No. 1 of 1926.)

NOTICE.

DATE OF COMING INTO OPERATION.

IN EXERCISE of the power conferred upon him by section 1 of the above-mentioned Ordinance, His Excellency the Acting Governor has been pleased to declare that the said Ordinance shall come into force on the first day of March, 1927.

By Command of His Excellency the Acting Governor.

Nairobi,

This 26th day of January, 1927.

J. E. S. MERRICK,

for Acting Colonial Secretary.

GOVERNMENT NOTICE NO. 75.

THE BANKRUPTCY ORDINANCE, 1925.

(No. 1 of 1926.)

RULES.

IN EXERCISE of the powers conferred upon them by section 118 of the Bankruptcy Ordinance, 1925, the following Rules have been made by the Rules Committee with the concurrence of the Governor in Council :—

PART I.

PRELIMINARY.

1. These Rules may be cited as "the Bankruptcy Rules, 1927." They shall come into operation on the first day of March, 1927, and shall also apply, as far as practicable, and unless otherwise expressly provided, to all matters arising and to all proceedings taken on any matters under the Ordinance, or any Ordinance amending the same, on or after the said day.

Short title and commencement.

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

Interpretation of terms.

(a) "The Ordinance" means the Bankruptcy Ordinance, 1925;

"Court" includes a Judge exercising jurisdiction in Chambers;

“ Court of Appeal ” means His Majesty’s Court of Appeal for Eastern Africa;

“ 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;

“ Receiver ” means the Official Receiver appointed under the Ordinance;

“ Registrar ” means the Registrar of the Supreme Court and includes a deputy registrar;

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

“ Sealed ” means sealed with the seal of the Court;

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

“ Writing ” includes typewriting and print, and “ written ” includes typewritten and printed;

(b) The provisions of section 2 of the Ordinance shall apply to these Rules, and any other terms or expressions defined by the Ordinance shall, in these Rules, have the meanings thereby assigned to them.

Computation
of time.

3. (1) The provisions of section 127 of the Ordinance shall apply to these Rules.

(2) Where by the Ordinance or these Rules the time limited for doing any act or thing is less than six days, Sunday, New Year’s Day, Good Friday, Easter Monday, Empire Day, the Anniversary of the Birthday of His Majesty, the first Monday in August, Christmas Day, Boxing Day, and any other day on which the offices of the Court are wholly closed, shall be excluded in computing such time.

(3) For the purposes of these Rules and of section 127 of the Ordinance, “ a day on which the Court does not sit ” shall mean a day on which the offices of the Court are closed.

FORMS.

Use of Forms
in Appendix.

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

(2) Provided that the Chief Justice may from time to time, by notice in the Gazette, alter any of the said forms or substitute new forms in lieu thereof.

PART II.

GENERAL PROCEDURE.

COURT AND CHAMBERS.

Matters to be
heard in Court.

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

(a) The public examination of debtors.

(b) Applications to approve a composition or scheme of arrangement.

(c) Applications for orders of discharge or certificates of removal of disqualifications.

(d) 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.

(e) Applications for the committal of any person to prison for contempt.

(f) Appeals against the rejection of a proof, or applications to expunge or reduce a proof, when the amount in dispute exceeds two hundred pounds.

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

6. Subject to the provisions of the Ordinance and these Rules, any matter or application may at any time, if the Judge thinks fit, be adjourned from Chambers to Court or from Court to Chambers; and if all the contending parties require any matter or application to be adjourned from Chambers into Court it shall be so adjourned.

Adjournment
from Chambers
into Court and
vice versa.

PROCEEDINGS.

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

Proceedings,
how entitled.
Form 1.

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

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

8. All proceedings in Court shall be written or printed, or partly written and partly printed, on paper of foolscap size; but no objection shall be allowed to any proof, affidavit, or proxy on account of its being written or printed on paper of other size.

Written
proceedings.

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

Records of the
Court.

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

Notices to be
in writing.

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

Process to be
sealed.

12. Where the Court orders a general meeting of creditors to be summoned under Rule 5 of Schedule I to the Ordinance, it shall be summoned as the Court directs, and in default of any direction by the Court the Registrar shall transmit a sealed copy of the order to the trustee (or, as the case may be, the Receiver); and the trustee or Receiver 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 Receiver.

Meetings
summoned
by Court.

Form 47

Office copies.

13. All office copies of petitions, proceedings, affidavits, books, papers, and writings, or any parts thereof required by any trustee, or by any debtor, or by any creditor, or by the advocate of any such trustee, debtor, or creditor, shall be provided by the Registrar; and shall, except as to figures, be fairly written at length and be sealed and delivered out without any unnecessary delay, and in the order in which they shall have been bespoken.

Filing,
Gazetting, etc.

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

Form 176.

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

(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 Registrar by the person inserting the advertisement.

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

MOTIONS AND PRACTICE.

Application to
be by motion.

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

Notice of
motion and
ex parte
application.

16. Where any party other than the applicant is affected by the motion, no order shall be made unless upon the consent of such party duly shown to the Court, or upon proof that notice of the intended motion and a copy of the affidavits in support thereof have been duly served upon such party: Provided that the Court, if satisfied that the delay caused by proceeding in the ordinary way would or might entail serious mischief, may make any order *ex parte* upon such terms as to costs and otherwise, and subject to such undertaking, if any, as the Court may think just; and any party affected by such order may move to set it aside.

Length of
notice.

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

Affidavits
against motion.

18. Where a respondent intends to use affidavits in opposition to a motion, he shall deliver copies of such affidavits to the applicant not less than two days before the day appointed for the hearing.

Notice not
served on all
proper parties.

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

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

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

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

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

24. A party intending to move shall, previous to the public sitting of the Court, deliver to the Registrar a copy of his notice of motion. There shall be indorsed on such copy the name of the applicant's advocate (if any), and also if known the name of the respondent's advocate (if any). Notice of motion to be filed.

PREPARATION OF ORDERS.

25. (1) If within one week from the making of any order of adjudication, order annulling adjudication, order on application to approve a composition or scheme, order annulling a composition or scheme, or order on application for discharge, such order has not been completed, it shall be the duty of the Registrar to prepare 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 for discharge is granted subject to the condition that judgment shall be entered against the bankrupt, nothing in this Rule shall require the Registrar to prepare and complete the order until the bankrupt has given a consent to judgment being entered against him. Preparation of orders.
Form 96.

(2) A person who has the carriage of an order shall obtain from the Registrar an appointment to settle the order, and shall give reasonable notice of the appointment to all persons who may be affected by the order or to their advocates. Notice of appointment to settle order.

SECURITY IN COURT.

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

27. 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. Amount of bond.

Deposit in lieu
of bond.

28. 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 or his advocate or agent, setting forth the conditions on which the money is deposited.

Money lodged
in Court.

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

Security of
guarantee
society.

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

Notice of
sureties.

Form 20.

31. 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 shall forthwith give notice to both parties of the time and place at which he proposes that the bond shall be executed, and shall state in the notice that, should the proposed obligee have any valid objection to make to the sureties, or either of them, it must be made at that time.

Justification
by sureties.
Form 21.

32. The sureties shall make an affidavit of their sufficiency unless the opposite party shall dispense with such affidavit, and such sureties shall attend to be cross-examined, if required.

Execution of
bond.

33. The bond shall be executed and attested in the presence of the Registrar or the Receiver, or before a justice of the peace or an advocate.

Notice of
deposit.

34. 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.

STAMPS.

Defacement
of stamp.

35. Every officer of the Court who receives any document to which an adhesive stamp shall be affixed, shall immediately upon the receipt of such document deface the stamp thereon in the manner for the time being prescribed for the defacement of stamps or in such other manner as the Governor may from time to time direct; and no such document shall be filed or delivered until the stamp thereon shall have been defaced in manner aforesaid, and it shall be the duty of the party presenting or receiving such document to see that such defacement has been duly made.

Application of
section 130.

36. For the purposes of section 130 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.

AFFIDAVITS.

Cost of
unnecessary
matter.

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

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

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

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

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

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

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

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

45. (1) In cases in which, by the present practice an original affidavit is allowed to be used, it shall before it is used be stamped with a proper filing stamp, and shall at the time when it is used be delivered and left in Court or in Chambers with the proper officer, who shall send it to be filed. Filing office copies, etc.

(2) An office copy of an affidavit may in all cases be used, the original affidavit having been filed, and the copy duly authenticated with the seal of the Court.

46. (1) No affidavit (other than a proof of debt) shall be sufficient if sworn before the advocate acting for the party on whose behalf the affidavit is to be so used, or before the party himself. Swearing of affidavit.

(2) Any affidavit which would be insufficient if sworn before the advocate himself shall be insufficient if sworn before his clerk or partner.

(3) An affidavit may be sworn to either in print or in manuscript, or partly in print and partly in manuscript.

Time for filing. **47.** (1) Where a special time is limited for filing affidavits, no affidavit filed after that time shall be used unless by leave of the Court.

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

Proof of affidavit. **48.** The Court shall take judicial notice of the seal or signature of any person authorised by or under any Ordinance to take affidavits or to certify to such authority.

WITNESSES AND DEPOSITIONS.

Subpoena. **49.** A subpoena for the attendance of a witness shall be issued by the Court at the instance of the Receiver, a trustee, a creditor, a debtor, or any applicant or respondent in any matter, with or without a clause requiring the production of books, deeds, papers, documents, and writings in his possession or control, and in such subpoena the name of several witnesses may be inserted.

Service of subpoena. **50.** A sealed copy of the subpoena shall be served personally on the witness by the person at whose instance the same is issued, or by his advocate, or by an officer of the Court, or by some person in their employ, within a reasonable time before the time of the return thereof.

Proof of service. **51.** Service of the subpoena may, where required, be proved by affidavit.

Limit of witnesses' costs. **52.** The Court may in any matter limit the number of witnesses to be allowed on taxation of costs, and their allowance for attendance shall in no case exceed the highest rate of the allowances mentioned in the scale of costs.

Costs of witnesses. **53.** The costs of witnesses, whether they have been examined or not, may, in the discretion of the Court, be allowed.

Depositions, etc. **54.** The Court may, in any matter where it appears necessary for the purposes of justice, make an order for the examination upon oath before the Court or any officer of the Court or any other person, and at any place, of any witness or person, and may empower any party to any such matter to give such deposition in evidence therein on such terms (if any) as the Court may direct.

Shorthand notes. **55.** If the Court shall in any case, and at any stage of the proceedings, be of opinion that it would be desirable that a person (other than the person before whom the examination is taken) should be appointed to take down the evidence of the debtor, or of any witness examined at any public sitting or private meeting under the Ordinance, in shorthand or otherwise, it shall be competent for the Court to make such appointment; and every person so appointed shall be paid such sum as the Court may direct, and, where the Court appoints a

shorthand writer, a sum not exceeding one shilling per folio of one hundred words for any transcript of 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.

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

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

58. Any person wilfully disobeying any subpoena or order requiring his attendance for the purpose of being examined or producing any document shall be deemed guilty of contempt of Court, and may be dealt with accordingly. Disobedience of order.

59. Any witness (other than the debtor) required to attend for the purpose of being examined or of producing any document shall be entitled to the like conduct-money and payment for expenses and loss of time as upon attendance at a trial in Court. Conduct money.

DISCOVERY AND EXAMINATION UNDER SECTION 27.

60. 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 practice of the Supreme Court for the time being in force in relation to discovery and inspection. An application for leave under this Rule may be made *ex parte*. Discovery.

61. Every application to the Court under section 27 of the Ordinance shall be in writing and shall state shortly the grounds upon which the application is made. Where the application is made on behalf of the Receiver or trustee it need not be verified by affidavit. Application under section 27.

ACCOUNTS AND SALE OF MORTGAGED PROPERTY.

62. Upon application by motion by any person claiming to be a mortgagee of any part of the bankrupt's real or leasehold estate, and whether such mortgage shall be by deed or otherwise, and whether the same shall be of a legal or equitable nature, the Court shall proceed to inquire whether such person is such mortgagee and for what consideration and under what circumstances; and if it shall be found that such person is such mortgagee, and if no sufficient objection shall appear to the title of such person to the sum claimed by him under such mortgage, the Court shall direct such accounts and inquiries to be taken as may be necessary for ascertaining the principal, interest, and costs due upon such mortgage, and of the rents and profits, or dividends, interest, or other proceeds received by such person, or by any other person by his order or for his use in case he shall have been in possession of the property over which the mortgage shall extend, or any part thereof, and the Court, if satisfied that there ought to be a sale, shall direct notice to be given in such newspapers as the Court shall think fit, when and where, and by whom and in what way the said premises or property, or Inquiry into mortgage, etc.

the interest therein so mortgaged, are to be sold, and that such sale be made accordingly, and that the trustee (unless it be otherwise ordered) shall have the conduct of such sale; but it shall not be imperative on any such mortgagee to make such application. At any such sale the mortgagee may bid and purchase.

Conveyance.

63. All proper parties shall join in the conveyance to the purchaser, as the Court shall direct.

Proceeds
of sale.

64. The moneys to arise from such sale shall be applied in the first place in payment of the costs, charges, and expenses of the trustee, of and occasioned by the application to the Court, and of such sale and attendance thereat, and in the next place in payment and satisfaction, so far as the same shall extend, of what shall be found due to such mortgagee, for principal, interest, and costs, and the surplus of the said moneys (if any) shall be paid to the trustee. But in case the moneys to arise from such sale shall be insufficient to pay and satisfy what shall be found due to such mortgagee, then he shall be entitled to prove as a creditor for such deficiency, and receive dividends thereon rateably with other creditors, but so as not to disturb any dividend then already declared.

Proceedings
on inquiry.

65. For the better taking of such inquiries and accounts, and making a title to the purchaser, all parties may be examined by the Court upon interrogatories or otherwise as the Court shall think fit, and shall produce before the Court upon oath all deeds, documents, papers, books, and writings in their respective custody or power relating to the estate or effects of the bankrupt, as the Court shall direct.

Accounts, etc.

66. In any proceedings between a mortgagor and mortgagee, or the trustee of either of them, the Court may order all such inquiries and accounts to be taken in like manner as in the Supreme Court.

WARRANTS, ARRESTS, AND COMMITMENTS.

Custody and
production
of debtor.

67. Where a debtor is arrested under a warrant issued under section 25 of the Ordinance, he shall be given into the custody of the Superintendent of the Prison mentioned in the warrant, who shall produce such debtor before the Court as it may from time to time direct, and shall safely keep him until such time as the Court shall otherwise order; and any books, papers, moneys, goods and chattels in the possession of the debtor which may be seized shall forthwith be lodged with the Receiver or trustee, as the case may be.

Execution of
warrant.

Forms 138, 139

68. (1) When a person is apprehended under a warrant issued under section 27 (2) of the Ordinance, the officer apprehending him shall forthwith bring him before the Court issuing the warrant 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 the Prison mentioned in the warrant, who 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.

(2) The officer executing a warrant issued under section 27 (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 the Prison, as the case may be, report such apprehension or delivery to the Court issuing the warrant, 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 Receiver, trustee, or other person who shall have applied for the examination or warrant.

69. An application to the Court to commit any person for contempt of Court shall be supported by affidavit and be filed in Court. Applications to commit.

70. Subject to the provisions of the Ordinance and Rules, upon the filing of an application to commit, the Registrar shall fix a time and place for the Court 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. Notice and hearing of application.

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

SERVICE AND EXECUTION OF PROCESS.

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

73. Service of notice, orders, or other proceedings shall be effected before the hour of four in the afternoon, except on Saturdays when it shall be effected before the hour of one in the afternoon. Service effected after four in the afternoon on any week-day except Saturday shall for the purpose of computing any period of time be deemed to have been effected on the following day. Service effected after one in the afternoon on Saturday shall for the like purpose be deemed to have been effected on the following Monday. Hours for service.

74. It shall be the duty of the Sheriff to serve such orders, summonses, petitions, and notices as the Court may require him to serve, to execute warrants and other process, and to do and perform all such things as may be required of him by the Court. Notices, by whom served.

But this Rule shall not be construed to require any order, summons, petition, or notice to be served by the Sheriff which is not specifically by the Ordinance or the Rules required to be so served, unless the Court shall in any particular proceeding by order specially so direct.

Service
by post.

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

Enforcement
of order.

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

COSTS AND TAXATION.

Awarding
costs.

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

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

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

Orders to be
sealed, signed
and filed.

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

Scale of costs
and charges.

79. (1) In all proceedings under the Ordinance and these Rules advocates' costs shall be allowed in accordance with Rules of Court (Advocates' Remuneration and Taxation of Costs) No. 2 of 1926, and any Rules amending the same.

(2) Where the estimated assets of the debtor do not exceed the sum of three hundred pounds, a lower scale of advocates' costs shall be allowed in all proceedings under the Ordinance and these Rules in which costs are payable out of the estate, namely, three-fifths of the charges ordinarily allowed, disbursements being added.

Advocate's
costs in case of
petition by
debtor.

80. The advocate 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 on the bill of costs.

Costs paid
otherwise than
out of estate.

81. When a bill of costs is taxed under any special order of the Court, and if it appears by such order that the costs are to be paid otherwise than out of the estate of the bankrupt, the taxing officer shall state at the foot of the bill by whom or the manner in which such costs are to be paid.

Filing bills
of costs.

82. Upon the taxation of any bill of costs, charges, or expenses being completed, the Registrar shall forthwith file such bill with the proceedings in the matter.

Certificate of
employment.

83. Before the bill or charges of any advocate, manager, accountant, auctioneer, broker, or other person employed by the Receiver or trustee is taxed, there shall be produced a certificate in writing signed by the Receiver or trustee, as the case may be, 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 an advocate, a copy of the authority sanctioning the employment.

84. In any case in which, pursuant to section 43 (1) of the Ordinance, the Sheriff is required to deliver goods to the Receiver or trustee, such Sheriff shall without delay bring in his bill of costs for taxation, which shall be taxed; and unless such bill of costs is brought in for taxation within one month from the date when the Sheriff makes such delivery, the Receiver or trustee may decline to pay the same.

Sheriff's costs.

85. If the Receiver or trustee shall, in writing, require any costs which the Sheriff has deducted under section 43 (2) of the Ordinance to be taxed, the Sheriff shall, within seven days from the date of the request, bring in such costs for taxation, which shall be taxed; and any amount disallowed on such taxation shall forthwith be paid over by the Sheriff to the Receiver or trustee, as the case may require.

Taxation of Sheriff's costs after deduction.

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

Notice of appointment.

87. The bill or charges, if incurred prior to the appointment of a trustee, shall be lodged with the 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 Receiver or trustee, as the case may be, shall forthwith, on receiving notice of taxation, lodge such bill or charges with the Registrar.

Lodgment of bill.

88. Every person whose bill or charges is or are to be taxed shall, on application of the Receiver or the trustee, furnish a copy of his bill or charges to be so taxed, on payment at the rate of fifty cents per folio, which payment may be charged to the estate. The 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.

Copy of bill.

89. 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.

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

90. The assets in every matter remaining, after payment of the actual expenses incurred in realising any of the assets of the debtor, shall, subject to any order of the Court, be liable to the following payments, which shall be made in the following order of priority, namely :—

Priority of costs and charges payable out of estate.

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

Next.—The fees, percentages, and charges payable to, or costs charges and expenses incurred or authorised by, the Receiver;

„ The deposit or deposits lodged by the petitioning creditor pursuant to these Rules;

„ The deposit or deposits lodged on any application for the appointment of an interim Receiver;

„ The remuneration of the special manager (if any);

„ The taxed costs of the petitioner;

„ The remuneration and charges of the person (if any) appointed to assist the debtor in the preparation of his statement of affairs;

„ Any allowance made to the debtor by the Receiver;

„ The taxed charges of any shorthand writer appointed by the Court;

„ The trustee's necessary disbursements other than actual expenses of realisation heretofore provided for;

„ The costs of any person properly employed by the trustee with the sanction of the committee of inspection;

Next. Any allowance made to the debtor by the trustee with the sanction of the committee of inspection;

„ The remuneration of the trustee;

„ The actual out-of-pocket expenses necessarily incurred by the committee of inspection, subject to the approval of the Court.

Disallowance of costs of unnecessary petition.

91. 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 advocate out of the estate.

Apportionment of costs in case of partnership.

92. 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 Receiver may in his discretion determine.

Costs out of joint or separate estates.

93. (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 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 Receiver may think fit. The 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.

(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 estates of such co-debtors or one or more of them. He may also, with the said consent, 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 the committee withhold or refuse their consent, without an order of the Court.

APPEALS.

94. No appeal shall be brought—

Restrictions
on appeals.

- (a) without the leave of the Court or of the Court of Appeal from any order made by consent or as to costs only, or from any order relating to property when it is apparent from the proceedings that the money or money's worth involved does not exceed fifty pounds;
- (b) from an omission by the Court to exercise a discretionary power, unless on application made to it the Court shall have refused to exercise such power, in which latter case an appeal from the refusal may be brought.

95. Subject to the powers of the Court of Appeal to extend the time under special circumstances, no appeal from any order of the Court shall be brought after the expiration of three months or after such other period as the Court of Appeal may from time to time prescribe. The period shall be calculated from the time at which the order is signed, entered, or otherwise perfected, or, in case of the refusal of an application, from the date of such refusal.

Time for
appeal.

96. Security for costs shall be given in accordance with the Eastern Africa Court of Appeal Rules, 1925, and any Rules amending the same.

Security for
costs.

97. Subject to the foregoing Rules, appeals to the Court of Appeal shall be regulated by the Eastern African Court of Appeal Rules, 1925, and any Rules amending the same.

Procedure on
appeals

PART III.

PROCEEDINGS IN BANKRUPTCY.

DECLARATION OF INABILITY TO PAY DEBTS.

98. A declaration by a debtor of his inability to pay his debts shall be dated, signed, and witnessed. The witness shall be an advocate, a justice of the peace, the Receiver, or the Registrar.

Form of
declaration.
Form 2.

BANKRUPTCY NOTICE.

Issue of
notice.
Forms 4 and 5.

99. A creditor desirous that a bankruptcy notice may be issued shall produce to the Registrar an office 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, etc.

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

(2) There shall be also 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.

(3) In the case of each notice the Registrar when issuing the notice shall fix such time.

Application
to set aside

101. The filing of such affidavit shall operate as an application to set aside the bankruptcy notice, and thereupon the Registrar shall fix a day for hearing the application, and not less than three days before the day so fixed shall give notice thereof both to the debtor and the creditor and their respective advocates, 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.

102. 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.

Service of
notice.

103. A bankruptcy notice shall be served and service thereof shall be proved in the like manner as is by these Rules prescribed for the service of a creditor's petition.

Setting aside
notice.

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

BANKRUPTCY PETITIONS.

Form of
petition.
Forms 3, 9.

105. Every petition shall be fairly written or printed, or partly written and partly printed, and no alterations, interlineations, or erasures shall be made without the leave of the Registrar, except so far as may be necessary to adapt a printed form to the circumstances of the particular case.

Description
and address
of debtor.

106. (1) Where a petition is presented by a debtor he shall, besides inserting therein his name and description and his address at the date when the petition is presented, further describe himself as lately residing or carrying on business at the address or several addresses, as the case may be, at 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.

107. Every bankruptcy petition shall be attested. If it be attested in the Colony, the witness must be an advocate or justice of the peace or the Receiver or the Registrar. If it be attested out of the Colony, the witness must be a Judge or Magistrate or a British Consul or Vice-Consul or a Notary Public. Attestation.

108. (1) Upon the presentation of a petition either by the debtor or by a creditor, the petitioner shall deposit with the Receiver the sum of five pounds, 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 Receiver; and no petition shall be received unless the receipt of the Receiver for the deposit payable on the presentation of the petition is produced to the proper officer of the Court. Deposit by petitioner.

(2) The 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 Receiver) out of the proceeds of the estate in the priority prescribed by these Rules.

CREDITOR'S PETITION.

109. A petitioning creditor who is resident abroad, 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. Security for costs.

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

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

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

113. After the presentation of a creditor's petition and before sealing the copies of the petition for service, the statements in the petition shall be investigated by the Registrar, and where some of the statements in the petition cannot be verified by affidavit, witnesses may be summoned to prove the same. Investigation of petition.

SERVICE OF CREDITOR'S PETITION.

Personal
service.

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

Substituted
service.

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

Form 16.

Proof of
service.

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

Service out of
jurisdiction.

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

Service after
death of
debtor.

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

INTERIM RECEIVER.

Appointment
of Interim
Receiver.

119. After the presentation of a petition, upon the application of a creditor or of the debtor himself, and upon proof by affidavit of sufficient grounds for the appointment of the Receiver as an Interim Receiver of the property of the debtor, or any part thereof, the Court may, if it thinks fit, and upon such terms as may be just, make such appointment.

Form and
contents of
order.

120. Where an order is made appointing the Receiver to be Interim Receiver of the property of the debtor, such order shall bear the number of the petition in respect of which it is made, and shall state the locality of the property of which the Receiver is ordered to take possession, and may direct him to take immediate possession of all books of accounts and other papers and documents belonging to the debtor and relating to his business.

Deposit.

121. Before any order is issued, the person who has made the application therefor shall deposit with the Receiver the sum of five pounds towards the prescribed fee for the Receiver, and such further sum as the Court shall direct for the expenses which may be incurred by him.

Further deposit
necessary.

122. If the sum of five pounds, and such further sum so to be deposited for the expenses which may be incurred by the Receiver, shall prove to be insufficient, the person on whose application the order has been made shall from time to time deposit with the Receiver such additional sum as the Court may, on the application of the Receiver, from time to

time direct ; and such sum shall be deposited within twenty-four hours after the making of the order therefor. If such additional sum shall not be so deposited, the order appointing the Interim Receiver may be discharged by the Court.

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

124. 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 damage or claim thereto arising out of the appointment, and shall make such order as the Court thinks fit ; and such decision or order shall be final and conclusive between the parties, unless the order be appealed from. Damages if petition dismissed.

HEARING OF PETITION.

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

(2) A creditor's petition shall not be heard until the expiration of eight days from the service thereof : Provided that where the act of bankruptcy alleged is that the debtor has filed a declaration of inability to pay his debts, or where it is proved to the satisfaction of the Court that the debtor has absconded, or in any other case for good cause shown, the Court may, on such terms, if any, as the Court may think fit to impose, hear the petition at such earlier date as the Court may deem expedient.

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

127. 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.

128. Where a debtor intends to show cause against a petition he shall file a notice with the Registrar, specifying the statements in the petition which he intends to deny or dispute, and transmit by post to the petitioning creditor and his advocate, if known, a copy of the notice three days before the day on which the petition is to be heard. Debtor intending to show cause.
Form 17.

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

Appearance of
debtor to
show cause.

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

Non-appearance
of creditor.

131. 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.

Personal
attendance of
creditor, when
dispensed with.

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

Proceedings
after trial of
disputed
question.

133. Where proceedings on a petition have been stayed for trial of the question of the validity of the petitioning creditor's debt, and such question has been decided in favour of the validity of the debt, the petitioning creditor may apply to the Registrar to fix a day on which further proceedings on the petition may be had, and the Registrar, on production of the judgment or an office copy thereof, shall give notice to the petitioner by post of the time and place fixed for the hearing of the petition, and a like notice to the debtor at the address given in his notice to dispute, and also to their respective advocates, if known.

Application
to dismiss.

134. Where proceedings on a petition have been stayed for the trial of the question of the validity of the petitioning creditor's debt, and such question has been decided against the validity of the debt, the debtor may apply to the Registrar to fix a day on which he may apply to the Court for the dismissal of the petition with costs, and the Registrar, on the production of the judgment or an office copy thereof, shall give notice to both the petitioner and debtor (and to their respective advocates, if known) by post of the time and place fixed for the hearing of the application.

Application
for extension
of time.

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

Order for
extension of
time.

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

Adjournments
of hearing.

137. After the expiration of one month from the day appointed for the first hearing of a petition (provided such petition shall have been duly served) no further adjournment of the hearing merely by consent of the parties shall be allowed, except for the reasons set forth in Rule 130 of these Rules, or for such other sufficient reason to be stated in the order for adjournment as the Court thinks fit; but in every such case, unless an order for adjournment is made, the Court shall either make a receiving order or dismiss the petition.

RECEIVING ORDER.

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

Contents.
Forms 26, 27.

139. Every receiving order, and order for the appointment of the Receiver as Interim Receiver of a debtor's property, shall be prepared or, if otherwise prepared, settled by the Registrar, and, in cases in which printed forms can be conveniently used, may be partly in print and partly in writing. Where the petitioner is represented by an advocate the receiving order shall be indorsed with the name and address of such advocate.

Preparation.

140. A copy of every receiving order, and order for the appointment of the Receiver as Interim Receiver of the debtor's property, sealed with the seal of the Court, shall forthwith be sent by post or otherwise by the Registrar to the Receiver.

Transmission
of copy to
Receiver.

141. The Receiver shall cause a copy of the receiving order sealed with the seal of the Court to be served on the debtor.

Service of
receiving order.

142. 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.

Service where
debtor abroad.

143. A receiving order shall not be made against the 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 has 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.

Receiving order
on bankruptcy
notice.

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

Stay of
proceedings.

145. Where a receiving order is made, the Receiver shall forthwith send notice thereof for insertion in the Gazette, and in one of the local papers.

Advertisement.
Forms 29, 30,
and 176 (1).

146. (1) The costs of all proceedings under the Ordinance, down to and including the making of a 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.

Costs of
petition, etc.

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

Notice of application to rescind receiving order, etc.
Form 99.

147. An application to the Court to rescind a receiving order or to stay proceedings thereunder, or to annul an adjudication, shall not be heard except upon proof that notice of the intended application, and a copy of the affidavits in support thereof, have been duly served upon the Receiver. Unless the Court gives leave to the contrary, notice of any such application shall be served on the 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.

STATEMENTS OF AFFAIRS.

How made out.
Form 31.

148. Every debtor shall be furnished by the Receiver with instructions for the preparation of his statement of affairs. The statement of affairs shall be made out in duplicate, and one copy shall be verified. The Receiver shall file in Court the verified statement of affairs submitted to him by the debtor.

Extension of time.

149. Where any debtor requires any extension of the time for the filing by him of his statement of affairs, he shall apply to the 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 16 of the Ordinance unnecessary.

PUBLIC EXAMINATION.

Time for holding public examination.

150. When a receiving order has been made against a debtor, it shall be the duty of the Receiver to make an application to the Court to appoint a day and hour for holding the public examination of the debtor, and, upon such application being made, the Court shall, by an order, appoint the day and hour for such public examination, and shall order the debtor to attend the Court upon such day and at such hour.

Default by debtor in attending.

151. If the debtor fails to attend the public examination at the time and place appointed by any order for holding or proceeding with the same, and no good cause is shown by him for such failure, it shall be lawful for the Court, upon its being proved to the satisfaction of the Court that the order requiring the debtor to attend the public examination was duly served, and without any further notice to the debtor, to issue a warrant for his arrest as provided by section 25 (1) (d) of the Ordinance, or to make such other order as the Court shall think just.

Notice to creditors.

152. Where any order is made appointing the time and place for holding the public examination of a debtor, the Receiver shall serve a copy thereof on the debtor, and shall give to the creditors notice of such order, and of the time and place appointed thereby. The Receiver shall also send a notice of such order to one of the local papers and shall forward notice of such order to be gazetted.

153. The holder of a general proxy or general power of attorney from a creditor who has tendered a proof may question the debtor at his public examination concerning his affairs and the causes of his failure.

General proxy holders may question debtor.

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

Adjournments *sine die*.

155. The Court may on the application either of the Receiver or of the debtor appoint a day for proceeding with a public examination which has been adjourned *sine die*.

Application to proceed.

156. Where an examination has been adjourned *sine die*, and the debtor desires to have a day appointed for proceeding with his public examination, the expenses of gazetting, advertising, and giving notice to creditors of the day to be appointed for proceeding with such examination shall, unless the 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 Receiver such sum as the Receiver shall think sufficient to defray the expenses aforesaid. The balance of the deposit, after defraying the expenses aforesaid, shall be returned to the debtor.

Proceedings after adjournment *sine die*.

157. 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 Receiver, and notice shall also be inserted in the Gazette and in the local paper in which the notice of the first holding of the public examination was inserted, seven days before the day appointed.

Notice of proceedings after adjournment *sine die*.

158. (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 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.

Public examination of debtor who is a lunatic, etc.
Forms 70, 71.

(2) Where the application is made by the Receiver, it may be made *ex parte*, and the evidence in support of the application may be given by a report of the 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 Receiver, it shall be made by motion, of which notice shall be given to the 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 Receiver, the expense of holding the examination shall be deemed to be an expense incurred by the Receiver within the meaning of Rule 90. Where the application is made by any other person, he shall, before any order is made on the application, deposit with the Receiver such sum as the Receiver shall certify to be necessary for the expenses of the examination.

COMPOSITION OR SCHEME.

Forms where proposal submitted by the debtor.
Forms 38, 39, 74-76.

159. Where a debtor intends to submit a proposal for a composition or scheme, the prescribed forms of proposal, notice, and report shall be used by the Receiver for the purpose of the meeting of creditors for consideration of the proposal.

Application by debtor or Receiver for approval of the Court.

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

Notice to Receiver.

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

Notice to creditors.

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

Receiver's report to be filed.

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

Hearing and appeal.

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

Costs of application by debtor.

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

Evidence and order.
Form 85.

166. (1) The Court before approving a composition or scheme shall, in addition to investigating the other matters as required by the Ordinance, require proof that the provisions of section 18 (1) and (2) of the Ordinance have been complied with.

Form 176 (5).

(2) The Registrar shall forthwith cause a notice of every order made on an application to approve a composition or scheme to be gazetted.

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

Provision in composition or scheme for costs and charges.

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

Fees on application.

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

Correction of formal slips, etc.

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

Proceedings if scheme approved.

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

Cases in which Receiver is to be trustee.

172. Where under a composition or scheme a trustee is appointed, he shall, after the composition or scheme has been approved by the Court, give security to the satisfaction of the Court in like manner as if he were a trustee in bankruptcy. If the trustee fail to give such security within the time required he may be removed by the Court.

Security by trustee under composition or scheme.

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

Default in payment of composition.

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

Vesting of property on annulment of composition.

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

Annulment of composition or scheme.

Dividends
under
composition or
scheme.

176. Where under any composition or scheme provision is made for the payment of any moneys to creditors entitled thereto, and any claim, in respect of which a proof has been lodged, is disputed, the Court may, if it thinks fit, direct that the amount which would be payable upon such claim, if established, shall be secured in such manner as the Court directs, until the determination of the claim so disputed, and on the determination thereof, the sum so secured shall be paid as the Court may direct.

Proof of debts
in composition
or scheme.

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

Compositions
and schemes
under
section 18.

178. All Rules relating to compositions or schemes shall apply to compositions or schemes under section 18 of the Ordinance, and, so far as applicable, also to compositions or schemes under section 23 of the Ordinance.

ADJUDICATION.

Adjudication
on application
of debtor.
Form 96.

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

Adjudication on
application of
other parties.
Form 92.

180. When a receiving order has been made, and a quorum of creditors do not attend at the time and place appointed for the first meeting, or one adjournment thereof, or where the Receiver satisfies the Court that the debtor has absconded, or that the debtor does not intend to propose a composition or scheme, or in any of the other cases mentioned in the Ordinance, the Court may, either on the application of a creditor or of the Receiver, forthwith adjudge the debtor bankrupt.

Adjudication on
failure of
composition
or scheme

181. Where a composition or scheme is not accepted by the creditors at the first meeting or at one adjournment thereof, the Court may, on the application of the Receiver or of any person interested, adjudge the debtor bankrupt.

Adjudication
where public
examination
adjourned
sine die.

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

Notice of
order of
adjudication.
Form 96.

183. When a debtor is adjudged bankrupt, notice thereof shall be advertised and gazetted, in the like manner as is provided in the case of a receiving order.

Order annulling
adjudication.

184. (1) When an adjudication is annulled the Registrar shall forthwith cause the amendment to be gazetted.

(2) The order of the Court annulling an adjudication shall not relieve a trustee from the liability imposed on trustees by the Ordinance and Rules to account to the Court for all transactions of such trustee in connection with the estate.

DISCHARGE.

185. A bankrupt intending to apply for his discharge shall produce to the Registrar a certificate from the Receiver specifying the number of his creditors of whom the Receiver has notice (whether they have proved or not). The Registrar shall, not less than twenty-eight days before the day appointed for hearing the application, give notice of the time and place of the hearing of the application to the Receiver and trustee. The Registrar shall forthwith cause a copy of such notice to be gazetted, and the Receiver shall send a copy of such notice to each creditor not less than fourteen days before the day so appointed.

Application.
Form 102.

Form 103.

186. An appeal to the Court of Appeal shall lie at the instance of the Receiver, and at the instance of the trustee (if any), from any order of the Court made upon such an application.

Appeals.

187. In every case of an application by a bankrupt for his discharge, the report of the Receiver shall be filed not less than seven days before the time fixed for hearing the application.

Report of
Receiver.

188. Where a bankrupt intends to dispute any statement with regard to his conduct and affairs contained in the Receiver's report, he shall, not less than two days before the hearing of the application for discharge, give notice in writing to the 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 Receiver's report, shall give notice of the intended opposition, stating the grounds thereof, to the Receiver and to the bankrupt not less than two days before the hearing of the application.

Evidence in
answer to
report.

189. A bankrupt shall not be entitled to have any of the costs of or incidental to his application for his discharge allowed to him out of his estate. This Rule shall not apply to costs of a successful appeal from a refusal to grant a discharge.

Costs of
application.

190. (1) Where the Court grants an order of discharge conditionally upon the bankrupt consenting to judgment being entered against him by the 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.

Orders
conditional on
consent to
judgment.
Forms 109, 110.

(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 Receiver or trustee, revoke the order or make such other order as the Court may think fit.

191. The order of the Court made on an application for discharge shall be dated of 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 Court of Appeal thereon.

Order.

Forms 104-108.

Gazetting
order.
Form 178 (9).

192. When the time for appeal has expired, or, as the case may be, when the appeal has been decided by the Court of Appeal, the Registrar shall forthwith cause a notice of the order to be gazetted.

Execution on
judgment in
case of
conditional
discharge.

193. (1) An application by the 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 Receiver or trustee shall give notice of the application to the debtor not less than eight days before the day appointed for the hearing, and shall at the same time furnish him with a copy of the application.

Accounts of
after-acquired
property.

194. When 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 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
statements of
after-acquired
property.

Form 111.

195. 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 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 Receiver or trustee, rescind the order of discharge.

Application for
modification
of order.

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

MEETINGS OF CREDITORS.

Notice to
debtor of
first meeting.

Form 41.

197. The Receiver shall give three days' notice to the debtor of the time and place appointed for the first meeting of creditors. The notice may be either delivered to him personally or sent to him by prepaid post letter, as may be convenient. It shall nevertheless be the duty of the debtor to attend such first meeting although the notice is not sent to or does not reach him.

Notice to
creditors of
first meeting.

198. The Receiver shall fix the day for the first meeting and shall forthwith cause the same to be gazetted, and shall also give notice to the creditors.

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

Notices of other meetings.
Form 48

200. Where a meeting of creditors is called by notice, the proceedings had and resolutions passed at such meeting shall, unless the Court otherwise orders, be valid, notwithstanding that some creditors shall not have received the notice sent to them.

Non-reception of notice by creditors.

201. Where a trustee summons a meeting of creditors he shall send the Receiver a copy of the notice convening the meeting.

Notice to Receiver.

202. A certificate by the Receiver or other officer of the Court or by the clerk of any such person, or an affidavit by the trustee or his advocate or by the clerk of either of such persons, that the notice of any meeting of creditors or sitting of the Court has been duly posted, shall be sufficient evidence of such notice having been duly sent to the person to whom the same was addressed.

Proof of notice.
Form 49.

203. The Receiver, or as the case may be, the trustee, shall send to the Registrar a copy, certified by him, of every resolution of a meeting of creditors.

Copy of resolution for Registrar.

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

Adjournment.

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

Quorum.

PROOF OF DEBTS.

206. An affidavit of proof of debt may be sworn before the Receiver or any clerk of the Receiver duly authorised by the Court in that behalf.

Swearing of proof.

207. In any case in which it shall appear from the debtor's statement of affairs that there are numerous claims for wages by workmen and others employed by the debtor, it shall be sufficient if one proof for all such claims is made either by the debtor, or his foreman, or some other person on behalf of all such creditors. Such proof shall have annexed thereto, as forming part thereof, a schedule setting forth the names of the workmen and others, and the amounts severally due to them. Any proof made in compliance with this Rule shall have the same effect as if separate proofs had been made by each of the said workmen and others.

Workmen's wages.
Form 57.

208. 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 Receiver, chairman of a meeting, or trustee, as the case may be, before the proof can be admitted either for voting or for dividend.

Production of bills of exchange and promissory notes.

Time for
lodging proofs.

209. A proof intended to be used at the first meeting of creditors shall be lodged with the Receiver not later than the time mentioned for that purpose in the notice convening the meeting, which time shall not be earlier than twelve o'clock at noon of the day but one before, nor later than twelve o'clock at noon of the day before, the day appointed for such 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 fixed for holding the adjourned meeting.

Transmission
of proofs to
trustee.

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

Proofs to be
sent by Receiver
to Registrar.

211. The Receiver, where no other trustee is appointed, shall, forthwith after the final payment has been made in a composition or scheme of arrangement duly approved by the Court, and in a bankruptcy after a final dividend has been declared, send to the Registrar all proofs tendered in the proceeding, with a list thereof certified to be correct, distinguishing in such list the proofs which were wholly or partly admitted, and the proofs which were wholly or partly rejected.

Proofs to be
sent by trustee
to Registrar.

212. Every trustee in bankruptcy, other than the Receiver, shall, on the first day of every month, send to the Registrar a certified list of all proofs, if any, received by him from the Receiver, or otherwise tendered during the month next preceding, distinguishing in such lists the proofs admitted, those rejected, and such as stand over for further consideration; and in the case of proofs admitted or rejected, he shall transmit the proofs themselves for the purpose of being filed.

Procedure
where creditor
appeals.

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

Time for
admission or
rejection of
proofs by
Receiver.

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

Time for
admission or
rejection of
proofs by
trustee.

215. Subject to the power of the Court to extend the time, the trustee, other than the Receiver, within twenty-eight days after receiving a proof which has not been previously dealt with by the 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 fourteen 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.

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

217. Subject to the power of the Court to extend the time, no application to reverse or vary the decision of the 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.

218. The Receiver shall in no case be personally liable for costs in relation to an appeal from his decision rejecting any proof wholly or in part. Costs of appeal from decision as to proofs.

PROXIES AND VOTING LETTERS.

219. (1) A proxy shall be lodged with the Receiver or trustee not later than four o'clock on the day before the meeting or adjourned meeting at which it is to be used. Form and filing of proxies.
Forms 59, 60.

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

220. 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 for such creditor if resident abroad; such authority shall be in writing, and shall be produced to the Receiver, if required. Signature of proxy.

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

222. No person shall be appointed a general or special proxy who is a minor. Minors not to be proxies.

DIVIDENDS.

223. (1) Not more than two months before declaring a dividend, the trustee shall give notice of his intention to do so 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. The trustee shall also cause such notice to be gazetted. Notice of intention to declare dividend.
Forms 157, 158, 160, 162.

(2) Where any creditor, after the date mentioned in the notice of intention to declare a dividend as the latest date upon which proof may be lodged, appeals against the decision of the Receiver or trustee rejecting a proof, such appeal shall, subject to the power of the Court to extend the time in special cases, be commenced, and notice thereof given to the Receiver or trustee within seven days from the date of

the notice of the decision against which the appeal is made, and the 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 shall cause the same to be gazetted, and shall also send a notice of dividend to each creditor whose proof has been admitted, accompanied by a statement showing the position of the estate.

(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 two months, the trustee shall cause a fresh notice of his intention to declare a dividend to be forthwith gazetted; 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, etc.

224. Subject to the provisions of section 70 of the Bills of Exchange Act, 1882, or of any enactment amending or substituted for the same, and subject to the power of the Court in any other case on special grounds to allow 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.

225. 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.

226. 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.

APPROPRIATION OF PAY, SALARY, PENSIONS, ETC.

Notice to
bankrupt of
application.
Form 140.

227. When a trustee intends to apply to the Court for an appropriation order under section 52 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 head
of department.

228. When the application is made under section 52 (1) of the Ordinance, a copy of the proposed order shall be sent by the Registrar to the head of the department under which the pay or salary is enjoyed, and the application shall stand adjourned until the consent of such head of department is obtained as required by the Ordinance.

Copy of order
to department.

229. Where an order is made under section 52 (2) of the Ordinance, the Registrar shall give to the trustee a sealed copy of the order, who shall communicate the same to the head

of the department or other person under whom the pay, half-pay, salary, income, emolument, pension, or compensation is enjoyed.

230. 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, 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. Review of order.

DISCLAIMER OF LEASE.

231. (1) A lease may be disclaimed without the leave of the Court in any of the following cases, *viz.* :— Disclaimer of lease.

- (i) Where the bankrupt has not sub-let the demised premises or any part thereof or created a mortgage or charge thereon; and Forms 145, 147, 150, 151.
 - (a) the rent reserved and real value of the property leased are less than twenty pounds per annum; or
 - (b) the estate is administered under the provisions of section 116 of the Ordinance; or
 - (c) 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 a notice of his intention to disclaim, and neither the lessor nor the sub-lessee nor the mortgagees, 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 leave of the Court shall be void.

232. (1) Where the trustee disclaims a leasehold interest, he shall forthwith file the disclaimer with the proceedings in the Court; and the disclaimer shall contain particulars of the interest disclaimed, and a statement of the persons to whom notice of disclaimer has been given. Until the disclaimer is filed by the trustee the disclaimer shall be inoperative. Procedure on disclaimer.

(2) Where, in pursuance of notice by the trustee of his intention to disclaim a leasehold interest, 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.

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

(4) 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 Receiver or trustee, furnish a statement of the interest so claimed by him.

PROCEEDINGS BY OR AGAINST FIRM.

Attestation of
signature
firm.

233. 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 and Co., by James Green, a partner in the said firm."

Service on firm.

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

Individual
trading as
of firm.

235. The provisions of the last preceding Rule shall, so far as the nature of the case will admit, apply in the case of any person carrying on business within the jurisdiction in a name or style other than his own.

Debtor's
petition by firm.

236. Where a firm of debtors file a declaration of inability to pay their debts or a 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.

Receiving order
against firm.

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

Statement
of affairs.

238. 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.

Adjudication
against
partners.

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

First meeting.

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

Acceptance of
composition,
etc., by joint
and separate
creditors.

241. 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 entertained by joint creditors may be approved in the prescribed manner, notwithstanding that the proposals or proposal of some or one of the debtors made to their or his separate creditors may not be accepted.

Voting on
composition.

242. 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.

243. On the adjudication in bankruptcy of a partnership, the trustee appointed by the joint creditors, or by the Court under section 21 (5) or section 77 (3) of the Ordinance, as the case may be, shall be the trustee of the separate estates. Each set of 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.

244. 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.

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

Apportionment
of trustee's
remuneration.

LUNATICS.

246. (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 to do so, without any previous application.

Lunatics.

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

SMALL BANKRUPTCIES.

247. Where an estate is ordered to be administered in a summary manner under section 116 of the Ordinance, the provisions of the Ordinance and Rules shall, subject to any special direction of the Court, be modified as follows, namely :—

- (1) There shall be no advertisement of any proceedings in a local paper unless the Court otherwise directs.
- (2) The title of every document in the proceedings subsequent to the making of the order for summary administration shall have inserted thereon the words "Summary Case."
- (3) If no proposal for a composition or scheme is lodged with the Receiver within the time specified for that purpose in section 18 of the Ordinance, or within such time thereafter as the Receiver may fix, or if the Receiver satisfies the Court that the debtor has absconded, or that the debtor does not intend to propose a composition or scheme, or that the composition or scheme proposed is not reasonable or calculated to benefit the general body of creditors, the Court may forthwith adjudge the debtor bankrupt. A report by the Receiver under this paragraph shall be *prima facie* evidence of the facts therein stated.
- (4) If during or at the conclusion of the public examination of the debtor it appears to the Court that a composition or scheme ought not to be sanctioned by reason of the conduct of the debtor, the Court may forthwith adjudge the debtor bankrupt.
- (5) All payments shall, unless the Court otherwise orders, be made into and out of such bank as may be directed by the Court.
- (6) The first meeting of creditors may, where it is expedient, be held on the day appointed for the public examination, or on any other day fixed by the Receiver. If a quorum of creditors be not present, it shall not be necessary to adjourn the meeting.
- (7) Meetings of creditors shall, unless the Receiver for special reasons otherwise determines, be held in the office of the Receiver.
- (8) On an application by a bankrupt for his discharge the certificate of the Receiver shall not include, nor shall notices be sent to, creditors whose debts do not exceed two pounds.

- (9) In lieu of the copy of the account to be filed with the Court, as prescribed by section 90 (4) of the Ordinance, a statement showing the position of the estate analogous, as nearly as may be, to that prescribed by Form No. 168 shall be filed.
- (10) Notices of meetings, other than of first meetings, or of sittings of the Court, shall only be sent to creditors whose debts or claims exceed the sum of two pounds.
- (11) The time mentioned in section 63 (2) of the Ordinance shall be extended to six months.
- (12) The estate shall be realised with all reasonable despatch, and, where practicable, distributed in a single dividend when realised.
- (13) The costs or charges payable out of the debtor's estate of any person other than of an advocate may be paid and allowed without taxation where such costs or charges are within the prescribed scale: Provided that the Receiver may require such costs or charges to be taxed.

ADMINISTRATION OF ESTATE OF DECEASED INSOLVENTS.

248. A creditor's petition and a petition by the legal personal representative of the deceased under section 117 of the Ordinance shall be verified by affidavit. Verification of petition.
Form 10.

249. Where an administration order under section 117 of the Ordinance is made, such order shall be gazetted and advertised in the same manner in all respects as an order of adjudication is gazetted and advertised. Gazetting.

250. (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. The Court may also, if the Court thinks fit, order the petition to be served on any other person. Service.

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

251. When an administration order under section 117 of the Ordinance has been made, it shall be the duty of the executor or legal personal representative of the deceased debtor to lodge with the 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, and such executor or legal personal representative 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 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 Supreme Court in suits for the administration of the estates of deceased persons. Duties of executor, etc.
Form 41.

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 an office copy of the taxed bill.

Executor
de son tort.

252. In any case in which an administration order under section 117 of the Ordinance has been made, and it appears to the Court, on the report of the Receiver, that no executor or legal personal representative exists, the account, list, and statement mentioned in the last preceding Rule shall be made, verified, and lodged by such person as in the opinion of the Court, upon such report, may have taken upon himself the administration of, or may otherwise have intermeddled with, the property of the deceased, or any part thereof.

Meetings of
creditors,
trustees, etc.

253. 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—

- (1) the provisions of the First Schedule to the Ordinance, relating to the mode of summoning a meeting of creditors and to the persons entitled to a vote at a meeting;
- (2) the provisions of the Bankruptcy 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.

Modifications
where summary
order made.

254. Where under an administration order under section 117 of the Ordinance the estate is ordered to be administered in a summary way, the modifications imposed by section 116 and Rule 247 shall not apply, but in lieu thereof the modifications following shall apply:—

- (1) The Receiver shall be trustee under the order unless the creditors at any time by special resolution resolve that some person other than the Receiver shall be appointed trustee, in which case the administration shall proceed as if an order for summary administration had not been made.
- (2) There shall be no committee of inspection, but the Court shall exercise the powers of a committee of inspection.
- (3) There shall be no advertisement of any proceedings in a local paper unless the Court otherwise directs.
- (4) The title of every document in the proceedings subsequent to the making of the order for summary administration shall have inserted thereon the words "Summary Case."
- (5) All payments shall, unless the Court otherwise orders, be made into and out of such bank as may be directed by the Court.
- (6) Meetings of creditors shall, unless the Receiver for special reasons otherwise determines, be held in the office of the Receiver.
- (7) In lieu of the copy of the account to be filed with the Court, as prescribed by section 90 (4) of the Ordinance, a statement showing the position of the estate analogous, as nearly as may be, to that prescribed by Form No. 168 shall be filed.
- (8) Notices of meetings, other than of first meetings, or of sittings of the Court, shall only be sent to creditors whose debts or claims exceed the sum of two pounds.
- (9) The time mentioned in section 63 (2) of the Ordinance shall be extended to six months.

- (10) The estate shall be realised with all reasonable despatch, and, where practicable, distributed in a single dividend when realised.
- (11) The costs or charges, payable out of the debtor's estate, of any person other than of an advocate may be paid and allowed without taxation where such costs or charges are within the prescribed scale: Provided that the Receiver may require such costs or charges to be taxed.

PART IV.

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

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

Duties as to
debtor's
statement
of affairs.

Form 31.

(2) The Receiver or some person deputed by him shall also forthwith hold a personal interview with the debtor for the purpose of investigating his affairs and determining whether the estate should be administered under section 116 of the Ordinance.

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

256. Subject to any general or special directions of the Court, the 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.

257. Whenever, under the powers given by section 73 of the Ordinance, the Receiver employs any person to assist the debtor in the preparation of his statement of affairs, he shall forthwith report the matter to the Court in writing, justifying his action therein, and specifying the remuneration (if any) to be allowed to such person.

Special report
as to person
employed to
assist debtor.

258. Where the Receiver holds any proxies and cannot conveniently attend any meeting of creditors, at which such proxy or proxies might be used, he may depute some person in his employment or under his official control, or some Government officer, by writing under his hand, to attend such meeting and use such proxies on his behalf and in such manner as he may direct.

Use of proxies
by deputy.

259. The Court may, by general or special directions, determine what acts or duties shall be performed by the Receiver in person, and in what cases he may discharge his functions through the agency of his clerks or other persons in his regular employ or under his official control.

Personal
performance
of duties.

260. In any case of sudden emergency, where the Receiver is incapable of acting, any act or thing required or authorised to be done by the Receiver may be done by the Registrar.

Registrar to
act in sudden
emergency.

261. Where the 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.

Removal of
special
manager.

Mode of
application to Court.

262. Applications by the 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 on
application by
Receiver.

263. Where for the purposes of any application to the Court by the Receiver for directions, or to adjudge a debtor bankrupt, 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 application, such evidence may be given by a report of the Receiver to the Court, and need not be given by affidavit, and any such report of the Receiver to the Court shall be received by the Court as *prima facie* evidence of the matters reported upon.

Application for
directions.

264. 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 Receiver may apply to the Court for directions.

Duties where
no assets.

265. Where a debtor against whom a receiving order has been made has no available assets, the Receiver shall not be required to incur any expense in relation to his estate without the express directions of the Court.

Accounting
by Receiver.

266. (1) Where a composition or scheme is sanctioned by the Court, the Receiver shall account 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 Receiver shall account to the trustee in the bankruptcy.

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

(4) The provisions of this Part of these Rules as to trustees and their accounts shall not apply to the Receiver when acting as trustee, but he shall account in such manner as the Court may from time to time direct.

Trading account
of debtor.

267. The debtor shall, on the request of the Receiver, furnish him with trading and profit and loss accounts, and a cash and goods account for such period not exceeding two years prior to the date of the receiving order as the Receiver shall specify: Provided that the debtor shall, if ordered by the Court so to do, furnish such accounts as the Court may order for any longer period. If the debtor fails to comply with the requirements of this Rule the 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.

268. The following provisions shall apply to every case in which proceedings are taken either by action, motion, or in any other manner, against the 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 a Receiver by the Ordinance :—

- (1) Subject to the provisions of the next following subsection, the costs, damages, and expenses which the Receiver may have to pay, or to which he may be put under such proceedings, shall be paid out of the estate of the debtor.
- (2) As soon as any such proceedings are commenced it shall be the duty of the Receiver to report the same to the Governor, who shall determine whether or not such proceedings shall be resisted or defended.
- (3) The 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 Governor shall have determined that such proceedings shall be resisted or defended.
- (4) The Receiver shall, if necessary, apply to the Court for any reasonable adjournment of any motion or other summary proceedings before it, pending the determination of the Governor upon the question whether such motion or proceedings should 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 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 Governor shall in each case direct, to meet the damages, costs, or expenses which the 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 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.

TRUSTEES.

269. Where the appointment of a trustee is certified, the trustee shall forthwith insert notice of his appointment in the Gazette and in a local paper. The expense of such gazetting and notice shall be borne by the trustee, and may be charged by him to the estate.

Notice of
appointment.

Form 113

Notice of
objection.

270. (1) Where the Receiver objects to the appointment of a trustee, and is required by a majority in value of the creditors to notify the objection to the Court, the Receiver on receipt of the requisition shall forthwith transmit a copy thereof to the Registrar, who shall fix a time for the hearing of the matter.

(2) Notice of the time fixed for hearing the matter shall be given to the Receiver, to the person objected to, and to the person objecting.

(3) At the hearing the person objected to, the Receiver, and every creditor shall be entitled to be heard.

Trustee not
accounting
under section
133.

271. It shall be sufficient objection to the appointment of a trustee that he has not complied with the requirements of section 133 of the Ordinance, or of any order of the Court made thereunder in respect of any matter as to which he was under an obligation to comply.

Removal of
trustee.

272. It shall be a sufficient reason for refusing to certify the appointment of a person as trustee that in any other proceeding under the Ordinance such person has either been removed under section 93 (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.

Failing to
keep up
security.

273. 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, if it thinks fit, remove him from his office.

Notice of
resignation.

274. 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 Receiver.

Remuneration
of trustee.

275. The creditors, or, as the case may be, the committee of inspection, in voting the remuneration of the trustee, shall distinguish between the commission or percentage payable on the amount realised, and the commission or percentage payable on the amount distributed in dividend.

Limit of
remuneration.

276. Except as provided by the Ordinance or 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 Rules he is entitled as trustee.

Remuneration
of trustee
appointed by
the Court.

277. In any case in which, under the provisions of section 21 (5) or section 77 (3) of the Ordinance, the Court appoints a trustee, the trustee shall receive out of the estate such remuneration as the Court shall determine.

Trustee carrying
on business.

278. (1) Where the trustee 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 every month, 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.

- 279.** A trustee before making application to the Court for his release shall give notice of his intention so to do 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 23 of the Ordinance, such notice and summary shall be sent to the debtor only.
- Application for release
Form 170.
- 280.** Where the Court has granted to a trustee his release, a notice of the order granting such release shall be gazetted. The trustee shall be required to provide the requisite stamp fee, which may be charged to the estate.
- Gazetting of release
- 281.** The release of a trustee shall not take effect unless and until he has delivered over to the Receiver all the books, papers, documents, and accounts which by the Rules he is required to deliver over on his release.
- Delivery of books, etc., on release of trustee.
- 282.** Where one-sixth 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 Receiver, on the deposit of a sum sufficient to defray the expenses of summoning such meeting.
- Meeting to consider removal of trustee.
- 283.** All payments out of the Bankruptcy Estates Account shall be made in such manner as the Receiver may from time to time direct.
- Payments out of Bankruptcy Estates Account
- 284.** Where a trustee desires to apply 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 and direct the trustee to apply by motion.
- Application for directions.
Form 154.
- 285.** 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 thirty cents per folio he shall be entitled to have such copy accordingly.
- Copy of trustee's accounts.
- 286.** Where in pursuance of section 84 of the Ordinance the Receiver or trustee is required to transmit to creditors a statement of the accounts, the cost of furnishing and transmitting such statement shall be calculated at the rate of thirty cents per folio for each statement where the creditors do not exceed ten, and where the creditors exceed ten, one shilling per folio, for the preparation of the statement and the actual cost of printing.
- Statements of accounts to be furnished to creditors.
Form 166.
- 287.** Neither the trustee nor any member of the committee of inspection of an estate shall, while acting as trustee or member of such committee, except by leave of the Court, either directly or indirectly, by himself or any partner, clerk, agent, or servant, become purchaser of any part of the estate. Any such purchase made contrary to the provisions of this Rule may be set aside by the Court on the application of the Receiver or any creditor.
- Purchase of part of estate by trustee or committee forbidden.

Dealings with
estate by
trustee and
committee of
inspection.

288. (1) Where the trustee carries on the business of the debtor, he shall not, without the express sanction of the Court, purchase goods for the carrying on of such business from his employer (if any), or from any person whose connection with the trustee is of such a nature as would result in the 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 connection 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, the Court may direct the Receiver to disallow such payment or recover such profit, as the case may be, on the audit of the trustee's account.

Sanction of
payments to
members of
committee of
inspection

(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 connection with the administration of the estate is obtained, the order 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 his duties attaching to his office as a member of such committee.

(4) In any case in which the sanction of the Court is obtained under this Rule or under Rule 287, the costs of obtaining such sanction shall be borne by the person in whose interest such sanction is obtained, and shall not be payable out of the debtor's estate.

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

289. (1) Where a debtor is adjudged bankrupt, and a trustee is appointed, the Receiver shall forthwith put the trustee in possession of all the property of the bankrupt of which the Receiver may be possessed: Provided that such trustee shall have, before the estate is handed over to him by the Receiver, discharged any balance due to the 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 four pounds per centum per annum, and shall have discharged or undertaken to discharge all guarantees which have been properly given by the Receiver for the benefit of the estate; and the trustee shall pay all fees, costs, and charges of the 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 Receiver shall be deemed to have a lien on the estate until such balance shall have been paid, and such guarantees and other liabilities have been discharged.

(3) It shall be the duty of the 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.

290. Where the Receiver is of opinion that any act done by the 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 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.

Meetings of creditors to consider the conduct of trustee.

SPECIAL MANAGER.

291. Where a special manager is appointed, and his remuneration is not fixed by the creditors, he shall be paid such remuneration as the Court shall think fit.

Remuneration of special manager.

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

Accounts.

SECURITY BY TRUSTEE OR SPECIAL MANAGER.

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

Standing security.

(1) The security shall be given to such officers or persons and in such manner as the Court may from time to time direct.

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

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

ACCOUNTS AND AUDIT.

294. The Receiver, until a trustee is appointed, and thereafter the trustee, shall keep a book to be called the "Record Book," in which he shall record all minutes, all proceedings had, and resolutions passed at any meeting of creditors, or of the committee of inspection, and all such matters as may be necessary to give a correct view of 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.

Record Book.

295. The Receiver, until a trustee is appointed, and thereafter the trustee, shall keep a book to be called the "Cash Book," which shall be in such form as the Receiver may from time to time direct, in which he shall (subject to the provisions of these Rules as to trading accounts) enter from day to day the receipts and payments made by him.

Cash Book.

Books to be
submitted to
committee of
inspection.

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

Audit of Cash
Book.
Form 163.

297. The committee of inspection shall, not less than once every three months, audit the Cash Book and certify therein under their hands the day on which the said book was audited.

Audit of
trustee's
accounts.

298. (1) Every trustee shall, at the expiration of six months from the date of the receiving order, and at the expiration of every succeeding six months, thereafter until his release, transmit to the Receiver a copy of the Cash Book in duplicate for 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, in such form as the Receiver may direct, showing thereon in red ink the amounts realised, and explaining the cause of non-realisation of such assets as may be unrealised.

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

Form 164.

(3) The accounts sent in by the trustee shall be certified and verified by him.

Copy of
accounts to
be filed.

299. When the trustee's account has been audited, the Receiver shall certify that the account has been duly passed, and thereupon the duplicate copy, bearing a like certificate, shall be transmitted to the Registrar, who shall file the same with the proceedings in the bankruptcy.

Affidavit of
no receipts.

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

Proceedings on
resignation,
etc., of trustee.

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

Joint and
separate estates
accounts.

302. 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

303. Where property forming part of a debtor's estate is sold by the trustee through an auctioneer or other agent, the gross proceeds of the sale shall be paid over by such auctioneer or agent, and the charges and expenses connected with the sale shall afterwards be paid to such auctioneer or agent on the production of his taxed bill of charges. Every trustee by whom such auctioneer or agent is employed, shall be accountable for the proceeds of every such sale, unless the Court otherwise orders.

304. In any case in which, under the provisions of section 59 of the Ordinance, the 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.

Allowance to debtor.

UNCLAIMED FUNDS.

305. Any person whose duty it is, pursuant to section 133 of the Ordinance, to pay into the Bankruptcy Estates Account any unclaimed funds or dividends, shall first apply to the Receiver for a paying-in order. The paying-in order shall be an authority to the bank to receive the payment.

Mode of payment into bank.

306. An application, under section 133 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 Court may from time to time direct, and shall (unless the Court dispenses therewith) be supported by the affidavit of the claimant and such further evidence as the Court may require.

Application for payment out by party entitled.

307. For the purposes of section 133 (1) of the Ordinance, the Court may at any time order the trustee under any bankruptcy, composition, or scheme, to submit to the Court 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.

Accounts by trustees of unclaimed funds.

PART V.

JUDGMENT DEBTORS.

308. (1) When a receiving order is made under section 99 of the Ordinance, the creditor shall pay the like fee and deposit as are prescribed in the case of a bankruptcy petition.

Fee on receiving order.

(2) Where the Court is of opinion that a receiving order ought to be made in lieu of committal, and the judgment creditor does not consent to pay the required fee and deposit, the Court may dismiss the application or adjourn it on such terms, as to costs and otherwise, as may be just.

309. When a receiving order is made under section 99 of the Ordinance, the Court may, if satisfied by affidavit or otherwise, or by the report of the Receiver, that the property of the debtor (after deduction of any property in the hands of secured creditors, debts enforceable by distraint, the costs of execution under section 43 (1) of the Ordinance, and all debts which under the Ordinance are directed to be paid in priority to other debts), is not likely to exceed in value three hundred pounds, make an order that the debtor's estate be administered in a summary manner pursuant to section 116 of the Ordinance and these Rules.

Summary administration.

PART VI.

MISCELLANEOUS.

Power of
Receiver to
make orders.

310. The Receiver may from time to time issue general orders or regulations for the purpose of regulating any matters under the Ordinance or these Rules, which are of an administrative and not of a judicial character. All such orders and regulations shall be gazetted and shall be judicially noticed.

Falsification
of documents.

311. (1) Any person who knowingly falsifies or fraudulently alters any document in or incidental to any proceeding under the Ordinance or these Rules shall be deemed to be guilty of contempt of Court and shall be liable to be punished accordingly.

(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.

312. No person shall, as against the Receiver or trustee, be entitled to withhold possession of the books of accounts belonging to the debtor, or to set up a lien thereon.

Disposal of
debtor's books.

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

Effect of
non-compliance
with Rules.

314. 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.

Abridgment or
enlargement
of time.

315. 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.

Saving for
existing law.

316. When no other provision is made by the Ordinance or the Rules, the present law, procedure, and practice in bankruptcy matters shall, in so far as applicable, remain in force. Save as provided by these Rules or Rules amending them, the Rules of the Supreme Court shall not apply to any proceeding in bankruptcy.

Approved by His Excellency the Governor in Council.

Nairobi,

11th January, 1927.

J. E. S. MERRICK,
Clerk to the Executive Council.

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APPENDIX.

No. 1.

GENERAL TITLE

In the Supreme Court of Kenya.

In Bankruptcy.

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

Re [James Brown]*Ex parte* [here insert "the debtor" or "J.S., a creditor," or "the Receiver" or "the Trustee."]

No. 2.

DECLARATION OF INABILITY TO PAY.

(Title.)

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

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

(Signature)

A.B.

Signed by the debtor in my presence.

*Signature of witness.**Address.**Description.*

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

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

No. 3.

DEBTOR'S PETITION.

(Title.)

I (a).....lately residing at.....[and carrying on business at (b).....] having for the greater part of the past six months resided at.....[and carried on business at.....] within the jurisdiction of the Court 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 name address, and description of debtor.

(b) Insert the other address or addresses at which unsatisfied debts or liabilities may have been incurred.

Dated the.....day of.....19.....

(Signature).

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.

REQUEST FOR ISSUE OF BANKRUPTCY NOTICE.

In the Supreme Court of Kenya.

In Bankruptcy.

1. I, C.D., of....., hereby request that a bankruptcy notice be issued by this Court against [here insert name, description, and address of judgment debtor].

2. The said A.B. has for the greater part of the past six months resided at..... [or carried on business at.....] within the jurisdiction of this Court.

3. I produce an office copy of a final judgment against the said A.B. obtained by [me] in the.....Court on the.....day of.....

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

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

C.D., judgment creditor

or,

[E.F., solicitor for the judgment creditor.]

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

Sworn, &c.

No. 8.

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 *C.D.* (if present)], it is ordered that this notice be set aside, and that *C.D.* [or as the case may be] pay to *A.B.* the sum of £..... [or the costs of this matter].

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

By the Court,
Registrar.

Or

(Title.)

In the matter of a bankruptcy notice issued :—

Upon the application of *A.B.* to set aside this notice, and upon readingand hearing.....and upon the said *A.B.* having entered in 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.....

By the Court,
Registrar.

No. 9.

CREDITORS' PETITION.

(Title.)

(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 all cases appear in the petition.
(See Rule 116).

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 :—

1. That the said *A.B.* has for the greater part of six months next preceding the presentation of this petition resided [or carried on business] at.....within the jurisdiction of this Court.

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, debtors 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 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

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

Or

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

4. That *A.B.* within three months before the date of the presentation of this petition has committed the following [act or acts] of bankruptcy namely [*here set out the nature and date or dates of the act or acts of bankruptcy relied on.*]

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

(Signed) *C.D.*

Signed by the petitioner in my presence

E.F.

Signature of witness.

Address.

Description.

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

INDORSEMENT.

This petition having been presented to the Court on the.....day of.....19....., it is ordered that this petition shall be heard at (*a*) [*insert the place at which the debtor is to attend on the Receiver*] on the.....day of.....19....., at.....o'clock in the.....noon.

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

No. 10.

CREDITOR'S PETITION FOR ADMINISTRATION OF ESTATE OF DECEASED DEBTOR UNDER SECTION 117 OF THE BANKRUPTCY ORDINANCE.

(*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*] at.....within the jurisdiction of this Court.

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 the 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. 9, Creditor's Petition*].

4. That *A.B.* within three months next before the said date of his decease committed the following act [*or acts*] of bankruptcy, namely [*here set out the nature and date or dates of the act or acts of bankruptcy relied on*].

Or

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

Or

That letters of administration [*or as the case may be*] were on the.....day of.....19....., granted to *J.S.* of....., and *G.H.* of....., and that the estate of the said *A.B.* is [according to my information and belief] insufficient to pay his debts.

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.....noon.

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

No. 11.

AFFIDAVIT OF TRUTH OF STATEMENTS IN PETITION.

(*Title.*)

I, the petitioner named in the petition hereunto annexed, make oath [*if the petitioner declare or affirm, alter the form accordingly*] and say :—

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

Sworn at, &c.

C.D.

NOTE.—If the petitioner cannot depose that the truth of all the several statements in the petition is within his own knowledge he must set forth the statements the truth of which he can depose to, and file a further affidavit by some person or persons who can depose to the truth of the remaining statements.

No. 12.

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 for the greater part of the past six months 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.

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 some fit and proper person as Interim Receiver of the property of the said *A.B.* and [*here insert any special directions to the Receiver that may be desired*].

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

(Signed) *C.D.*

ORDER THEREON.

Upon reading this application and the affidavit therein referred to, and hearing.....it is ordered that upon a deposit of £..... being lodged by the applicant, *X.Y.*, of.....be thereupon constituted interim receiver of the property of the said *A.B.* and [*here insert directions, if any*].

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

By the Court,
Registrar.

No. 14.

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.* with a copy of the above-mentioned petition, duly sealed with the seal of the Court, by delivering the same personally to the said *A.B.* at [*place*] before the hour of.....in the.....noon.

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

Sworn at, &c.

L.M. Sheriff, creditor,
Advocate or his clerk.

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

No. 15.

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

In the Supreme Court of Kenya.

In Bankruptcy.

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

To *A.B.*

TAKE NOTICE that a bankruptcy petition has been presented [or a bankruptcy notice has been issued] against you in this Court 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 Official Gazette and/or 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 this Court at.....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 in
case of a
Petition.

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

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

Registrar.

No. 16.

ORDER FOR SUBSTITUTED SERVICE OF A PETITION OR BANKRUPTCY NOTICE.

(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.....].

Upon the application of....., and upon reading the affidavit
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 Official Gazette and/or 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.

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

By the Court,
Registrar.

No. 17.

NOTICE BY DEBTOR OF INTENTION TO OPPOSE PETITION.

(Title.)

In the matter of a bankruptcy petition presented against me *A.B.*
of.....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 oppose
the making of a receiving order as prayed and that I intend to dispute the
petitioning creditor's debt [or the act of bankruptcy, or as the case may be].

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

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

No. 18.

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.....] [or that he is
indebted to *C.D.*, one of the petitioners, in a sum less than the sum stated
to be due from him in the petition], it is ordered that the said *A.B.* shall
within.....days enter into a bond in the penal sum of [the amount
of the alleged debt and probable costs, or such other sum as the Court may
direct], with such two sufficient sureties as the Court shall approve of to
pay [or deposit with the Registrar the sum of.....as security for the
payment of] such sum or sums as shall be recovered against the said *A.B.*
by *C.D.* the petitioner [or one of the petitioners] in any 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 in which the proceedings shall be taken shall have come to a
decision thereon.

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

By the Court,
Registrar.

No. 19.

BOND ON STAY OF PROCEEDINGS, SECURITY, ETC.

(Title.)

Know all men by these presents, that we, *A.B.* of, etc., and *C.D.* of, etc., and *E.F.* of, etc., are jointly and severally held and firmly bound to *L.M.* of, etc., in £....., 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 one 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 alleged that he was indebted to the petitioner in the sum of £..... 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 shall remain in full force.

<i>A.B.</i>	[L.S.]
<i>C.D.</i>	[L.S.]
<i>E.F.</i>	[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.

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 proceedings which have rendered the sureties necessary*] are [*here state the full names and descriptions of the sureties, and their residence, therein mentioning the places, streets, and numbers, if any*].

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

A.B.

To the Registrar of the Court.....

And to *L.M.* of.....

No. 21.

AFFIDAVIT OF JUSTIFICATION.

In the matter of a bankruptcy petition against *A.B.* [*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 sum for which I am now security].

3. That I am not bail or security in any other matter, action or proceeding, or for any other person [*or if security in any other action or actions, add*] except for C.D. at the suit of E.F. in the Court ofin the sum of £.....; for G.H. at the suit of I.K. in theCourt of.....in the sum of £..... [*specifying the several actions with the Courts in which they are brought and the sums in which he has become bound*].

4. That my property, to the amount of the said sum of £..... [*and if security in any other action, etc., over and above all other sums for which I am now security as aforesaid*], consists of [*here specify the nature and value of the property in respect of which the deponent proposes to become bondsman, as follows* : stock-in-trade, in my business of..... carried on by me at.....of the value of £....., of good book debts owing to me of the amount of £....., of furniture in my house at.....of the value of £....., of a freehold [*or leasehold*] farm of the value of £..... situate at....., occupied by....., or of a dwelling house of the value of £....., situate at..... occupied byor 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 in the same manner as above directed*].

Sworn at, etc.....

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

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

By the Court,
Registrar.

No. 23.

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.....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.....

By the Court,
Registrar.

No. 24.

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

(Title.)

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

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

By the Court,
Registrar.

No. 25.

ORDER RESTRAINING ACTION, ETC., BEFORE RECEIVING ORDER.

(Title.)

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

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

By the Court,
Registrar.

No. 26.

RECEIVING ORDER ON DEBTOR'S PETITION.

(Title.)

On the petition of the debtor himself, filed the.....day of19....., and numbered.....of 19....., a receiving order is hereby made against *A.B.* [insert name, addresses, and descriptions of debtor as set out in the petition], and *Mr. C.D.* is hereby constituted Receiver of the estate of the said debtor.

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

By the Court,
Registrar.

NOTE.—The above-named debtor is required, immediately after the service of this order upon him, to attend the Receiver appointed by the Court at his offices at (a).....

The Receiver's offices are open (except on holidays) every week-day from 9 a.m. to 4 p.m., except on Saturdays, when they close at 1 p.m.

(a) Insert the place at which the debtor is to attend on the Receiver.

Indorsement on Order.

The name and address of the advocate (if any) to the debtor are [insert name and address].

No. 27.

RECEIVING ORDER ON CREDITOR'S PETITION.

(Title.)

On the petition (dated the.....day of.....19....., and numbered..... of 19.....) of *J.S.*, of, a creditor, filed the [insert date] and on reading.....and hearing....., and it appearing to the Court that the following act or acts of bankruptcy has or have been committed, viz.: [set out the nature and date or dates of the act or acts of bankruptcy on which the order is made].

A receiving order is hereby made against *A.B.* [insert name, addresses, and descriptions of debtor as set out in petition] and *Mr. C.D.* is hereby constituted Receiver of the estate of the said debtor.

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

By the Court,
Registrar.

NOTE.—The above-named debtor is required, immediately after the service of this order upon him, to attend the Receiver appointed by the Court at his offices at (a).....

The Receiver's offices are open (except on holidays) every week-day from 9 a.m. to 4 p.m., except Saturdays, when they close at 1 p.m.

(a) Insert the place at which the debtor is to attend on the Receiver.

Indorsement on Order.

The name and address of the advocate to the petitioning creditor are [insert name and address].

No. 28.

RECEIVING ORDER UNDER SECTION 99 OF THE BANKRUPTCY ORDINANCE.

(Title.)

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

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

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

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

It is ordered that a receiving order be made against the debtor in lieu of an order of commitment to prison, and a receiving order is hereby made against the debtor, and the Official Receiver is hereby constituted Receiver of the estate of the said debtor.

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

By the Court,
Registrar.

NOTE.—The above-named debtor is required, immediately after the service of this order upon him to attend the Receiver at his offices at

The Receiver's offices are open, except on holidays, every week-day from 9 a.m. to 4 p.m., except Saturdays, when they close at 1 p.m.

Indorsement.

The name and address of the advocate to the judgment creditor are [insert name and address].

No. 29.

NOTICE OF RECEIVING ORDER, ETC. (FOR LOCAL PAPER).

(Title.)

Receiving Order made.....
Date of Adjudication (if any).....
Date and place of first meeting.....
Date of Public Examination.....

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

(Signed).....Official Receiver.
(Address.)

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

No. 30.

NOTICE OF RECEIVING ORDER, ETC., IN SUMMARY CASES
(FOR LOCAL PAPER).

In Bankruptcy.

Re A.B., of [insert here as concisely as possible, name, address, and description of debtor, and add where Court held and No. of proceedings].

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

(Signed).....Official Receiver.
(Address.)

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

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, and K (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..... Such sheets, when filled up, will constitute your statement of affairs.

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

When completed such statement must be verified by oath or declaration.

Gross Liabilities.			Liabilities (as stated and estimated by Debtor).			Expected to Rank.			Assets (as stated and estimated by Debtor).			Estimated to produce.		
£	s.	c.		£	s.	c.	£	s.	c.		£	s.	c.	
			Unsecured Creditors, as per list (A)							Property as per list (H), viz:—				
			Creditors fully secured, as per list (B)							(a) Cash at Bankers				
			Estimated value of securities.							(b) Cash in hand				
			Surplus							(c) Cash deposited with solicitor for costs of petition				
			Less amount thereof carried to sheet (C)							(d) Stock-in-trade (cost £)				
			Balance thereof to contra							(e) Machinery				
			Creditors partly secured as per list (C)							(f) Trade fixtures, fittings, utensils, &c.				
			Less estimated value of securities							(g) Farming stock				
			Liabilities on bills discounted other than debtor's own acceptances for value, as per list (D), viz:—							(h) Growing crops and tenant right				
			On accommodation bills as drawer, acceptor, or indorser £							(i) Furniture				
			On other bills as drawer or indorser £							(j) Life policies				
			Of which it is expected will rank against the estate for dividend							(k) Stocks and shares				
			Contingent or other liabilities as per list (E) £ : :							(l) Reversionary or other interests under wills				
			Of which it is expected will rank against the estate for dividend							(m) Other property, viz:—				
			Creditors for rent, &c., recoverable by distress as per list (F)							Total as per list (H)				
			Creditors for rates, taxes, wages, &c., payable in full as per list (G)							Book Debts as per list (I) viz:—				
			Sheriff's charges payable under section 43 of the Ordinance estimated at							Good £ s. c.				
			Deducted contra							Doubtful £ s. c.				
			Surplus explained in statement (K)							Bad £ s. c.				
										Estimated to produce				
										Bills of exchange or other securities on hand, as per list (J) £ : :				
										Estimated to produce				
										Surplus from securities in the hands of creditors fully secured (per contra) £				
										Deduct creditors for dis-trainable rent and for preferential rates, taxes, wages, Sheriff's charges, &c. (per contra)				
										Deficiency explained in statement (K)				

I,.....of.....make oath and say that 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.

Sworn at
 this.....day of..... 19.....
 before me Signature.....

A.

Unsecured Creditors.

The names to be arranged in alphabetical order and numbered consecutively, creditors for £10 and upwards being placed first.

No.	Name.	Address and Occupation	Amount of Debt			Date when Contracted.		Consideration.

Signature.....

Dated.....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 :—

£ s. c.

Total amount of claim

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					

Signature.....

Dated.....19.....

C.

Creditors Partly 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.	Balance of Debt unsecured.
				Month.	Year.					

Signature.....

Dated.....19.....

D.

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 of Liability or Claim.	Date when Liability incurred.		Nature of Liability.
				Month.	Year.	

Signature.....

Dated.....19.....

E.

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.

Signature.....

Dated.....19.....

F.

Liabilities of Debtor on Bills other than his own Acceptances.

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.				
				£	s.	c.	£	s.	c.		

Signature.....

Dated.....19.....

G.

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 payable in full.			Difference ranking for Dividend (to be carried to list A).
						£	s.	c.	£	s.	c.	

Signature.....

Dated.....19.....

H.

Property.

Full particulars of every description of property in possession and in reversion as defined by Section 2 of the Bankruptcy Ordinance, not included in any other list, are to be set forth in this list.

Full Statement and Nature of Property.						Estimated to Produce.		
						£	s.	c.
(a)	Cash at Bankers	..	..	..	..
(b)	Cash in hand	..	..	..	..
(c)	Cash deposited with Advocate for Costs of Petition	..	..	..	..
(d)	Stock in trade in the Colony (cost £ )	..	..	..	..
(e)	Stock in trade out of the Colony (cost £ )	..	..	..	..
(f)	Stock in trade and Goods in transit (cost £ )	..	..	..	..
(g)	Machinery, trade fixtures, fittings, utensils, &c.	..	..	..	..
(h)	Farming stock	..	..	..	..
(i)	Growing crops (where not owner of the land) at	..	..	..	..
(j)	Household Furniture and Effects at	..	..	..	..
(k)	Life Policies	..	..	..	..
(l)	Other Property (state particulars), viz.	..	..	..	..

Signature.....

Dated.....19.....

I.

Debts 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.
			£	s.	c.	£	s.	c.							£	s.	c.

Signature.....

Dated.....19.....

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:—

£. s. c.

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 of Note.	Address, &c.	Amount of Bill of Note.	Date when due.	Estimated to produce.	Particulars of any Property held as Security for payment of Bill of Note.
			£		£	
			s.		s.	
			c.		c.	

Signature.....

Dated.....19.....

K.

Deficiency Account.

£	s.	c.	£	s.	c.	£	s.	c.	£	s.	c.
Excess of assets over liabilities on the (a) day of 19 , (if any)						Excess of liabilities over assets on the (a) day of 19 , (if any)					
Net profit (if any) arising from carrying on business from the (a) day of 19 , to date of receiving order, after deducting usual trade expenses						Net loss (if any) arising from carrying on business from the (a) day of 19 , to date of receiving order, after deducting from profits the usual trade expenses					
Income or profit from other sources (if any) since the (a) day of 19						Bad debts (if any) as per Schedule I (b)					
Deficiency as per statement of affairs						Expenses incurred since the (a) day of 19 , other than usual trade expenses, viz: household expenses of self and (c)					
						(d) Other losses and expenses (if any)					
						Surplus as per Statement of affairs					
Total amount to be accounted for (e) £						Total amount accounted for (e) £					

Signature.....

Dated.....

NOTE.—(a) The date should be twelve months before date of receiving order or such other time as the Receiver may have fixed.

(b) This schedule must show when the debts were contracted.

(c) Add "wife and children" (if any) stating the number of the latter.

(d) Here add particulars of other losses or expenses (if any) including depreciation in the value of stock and effects or other property as estimated for realization, and liabilities (if any), for which no consideration received.

(e) These figures should agree.

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.	

Signature.....

Dated.....19.....

No. 32.

APPLICATION FOR SUMMARY ADMINISTRATION UNDER SECTION 116
OF THE BANKRUPTCY ORDINANCE.

(Title.)

I,, the Official Receiver, hereby report to the Court that the property of the debtor is not likely to exceed in value £300 and I apply that the Court may order the estate to be administered in a summary manner pursuant to Section 116 of the Bankruptcy Ordinance.

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

Official Receiver.

No. 33.

ORDER FOR SUMMARY ADMINISTRATION.

(Title.)

Upon the application of.....and reading.....it is ordered that the estate of the above-named debtor be administered in a summary manner pursuant to Section 116 of the Bankruptcy Ordinance.

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

By the Court,
Registrar.

No. 34.

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

(Title.)

Ex parte the Official Receiver.

I, A.B., 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 16 of the Bankruptcy Ordinance, 1925.

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 of19.....

Or

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

Or

That there may not be sufficient time for the books of the debtor to be examined, the statement of affairs investigated, and the summary and the observations thereon prepared, pursuant to Rule 3 of the First Schedule to the Ordinance.

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.....

By the Court,
Registrar.

No. 35.

NOTICE TO CREDITORS OF FIRST MEETING WHEN NO ORDER FOR SUMMARY ADMINISTRATION HAS BEEN MADE, AND THE DEBTOR HAS NOT SUBMITTED A PROPOSAL FOR 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.....on the.....day of.....19....., at.....o'clock in the.....noon.

To entitle you to vote threat your proof must be lodged with me not later than.....o'clock on the.....day of.....19.....

Forms of proof and of general and special proxy are enclosed herewith. Proxies to be used at the meeting must be lodged with me not later than.....o'clock on the.....day of.....19.....

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

Any creditor who has tendered a proof, or his representative, authorised in writing, or the holder of a general proxy or general power of attorney from a creditor may question the debtor on his public examination concerning his affairs and the causes of his failure.

Official Receiver.

Address

(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 fix the remuneration of the trustee, or resolve that the same be left to the committee of inspection.

3. By ordinary resolution appoint a committee of inspection from among the creditors or the holders or intended holders of general powers of attorney for the creditors.

(a) Here insert "has not been lodged" or "has been lodged and summary is enclosed."

No. 36.

NOTICE TO CREDITORS OF FIRST MEETING IN SUMMARY CASE WHERE DEBTOR HAS NOT SUBMITTED AN OFFER OF COMPOSITION.

(Title.)

SUMMARY CASE.

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

Notice is hereby given that the first meeting of the creditors in the above matter will be held at.....on the.....day of.....19..... at.....o'clock in the.....noon, for the purpose of receiving a report by the Official Receiver upon the position of the estate.

(a) The debtor has been adjudged bankrupt, and an order for summary administration has been made by the Court. Under Section 116 of the Bankruptcy Ordinance, 1925, the Official Receiver is the trustee in the bankruptcy, but the creditors can, by special resolution, appoint a trustee in his place.

(a) Strike out this paragraph if adjudication order not made.

(b) Strike out this paragraph if adjudication order has been made.

(b) An order for summary administration has been made by the Court. If the creditors resolve that the debtor shall be adjudged bankrupt the Official Receiver will become the trustee in the bankruptcy, but the creditors can, by special resolution, appoint some other person to be trustee.

To entitle you to vote thereat your proof must be lodged with me not later than.....o'clock on the.....day of.....19.....

Forms of proof and of general and special proxy are enclosed herewith.

Proxies to be used at the meeting must be lodged with me not later than.....o'clock on the.....day of.....19.....

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

Any creditor who has tendered a proof, or his representative, authorised in writing, or the holder of a general proxy or general power of attorney from a creditor, may question the debtor on his public examination concerning his affairs and the causes of his failure.

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

Official Receiver.

Address.

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

(c) Here insert "has not been lodged" or "has been lodged and summary is enclosed."

No. 37.

NOTICE OF FIRST OR OTHER MEETING WHERE DEBTOR SUBMITS AN OFFER OF COMPOSITION OR SCHEME (WHERE NO ORDER FOR SUMMARY ADMINISTRATION HAS BEEN MADE).

(Title.)

(Under receiving order, dated the.....day of.....19.....)

Notice is hereby given that a general meeting of creditors of the above-named debtor will be held at.....on the.....day of.....19....., at.....o'clock in the.....noon precisely.

Creditors required to vote at such meeting may, by a resolution passed by 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.

Proof of debts intended to be used at the meeting must be lodged with the Official Receiver not later than.....o'clock on the.....day of.....19.....

Proxies and voting letters to be used at the meeting must be lodged not later than.....o'clock on the.....day of.....19.....

Creditors who prove their debts, and whose proofs are admitted, and who do not vote on the debtor's proposal, will be reckoned as voting *against* it.

A sitting of the Court for the public examination of the debtor will be held at.....on the.....day of.....19....., at.....o'clock in the.....noon.

Any creditor who has tendered a proof, or his representative authorised in writing, or the holder of a general proxy or general power of attorney from a creditor, may question the debtor on his public examination concerning his affairs and the causes of his failure.

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

Official Receiver.

Address.

NOTES.

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

2. If the proposal is 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 resolutions appoint a trustee and a committee of inspection, and fix the remuneration of the trustee or resolve that it be left to the committee of inspection.

3. A form of proof and forms of general and special proxy and a summary of the statement of affairs are sent herewith.

No. 38.

NOTICE OF MEETING IN SUMMARY CASE WHERE DEBTOR SUBMITS AN OFFER OF COMPOSITION, &c.

(Title.)

(Under receiving order dated.....)

Notice is hereby given that a general meeting of the creditors of the above-named debtor will be held at.....on the.....day of.....19....., at.....o'clock in the.....noon precisely.

Creditors qualified to vote at such meeting may, by a resolution passed by a majority in number, and three-fourths in value, of those 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 Receiver, is calculated to benefit the general body of creditors.

Proofs of debts intended to be used at the meeting must be lodged with the Official Receiver not later than.....o'clock on the.....day of.....19.....

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 will be held at.....on the.....day of.....19....., at.....o'clock in the.....noon.

Any creditor who has tendered a proof, or his representative, authorised in writing, may question the debtor on his public examination concerning his affairs and the causes of his failure.

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

Official Receiver.

Address.....

NOTES.

1. Creditors who have proved may vote for or against the acceptance of the debtor's proposal by means of the voting letter attached to the 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, when the Official Receiver will become the trustee, unless the creditors by special resolution appoint a trustee.

3. Forms of proof and of general and special proxy and a summary of the statement of affairs are sent herewith.

No. 39.

NOTICE TO CREDITORS OF ADJOURNED MEETING.

(Title.)

TAKE NOTICE that the meeting of creditors in the above matter held on the.....day of.....at.....was adjourned to the.....day of.....and will accordingly be held at.....on the said day at.....o'clock in the.....noon.

Agenda.

[Insert here nature of business to be transacted.]

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

Official Receiver.

Address.....

No. 40.

AFFIDAVIT OR CERTIFICATE OF POSTAGE OF NOTICES. FIRST MEETING.

(Title.)

I,, a clerk in the office of the Official Receiver, in the above matter (a) make oath and say as follows (b) :—

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 (c) first meeting of creditors, accompanied by summary of the debtor's statement of affairs in the form[s] hereunto annexed marked "A" and "B" respectively (d).

(a) or as the case may be.
(b) or "hereby certify."
(c) Insert here if necessary "adjourned" or "new" or "adjourned new."
(d)

(d) Strike out the words in italics if summary not sent.

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, and also to the said debtor at.....

3. That I sent the said notice by putting the same into the Post Office before the hour of.....o'clock in the.....noon on the said day.

(e) or signed this.....day of.....19....

Sworn, &c. (e).

No. 41.

NOTICE TO DEBTOR TO ATTEND FIRST MEETING OF CREDITORS.

(Title.)

(a) Here insert place where meeting will be held.

TAKE NOTICE that the first meeting of your creditors will be held on the.....day of.....19....., at.....o'clock at (a)..... 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 the above-named debtor.

Official Receiver.

No. 42.

AUTHORITY TO DEPUTY TO ACT AS CHAIRMAN OF MEETING AND USE PROXIES.

(Title.)

I,, the Official Receiver in Bankruptcy in the above matter, do hereby nominate Mr....., of.....to be the chairman of the first meeting of creditors in the above matter, appointed to be held at.....on the.....day of.....19....., and I depute him (a)....., to attend such meeting and use, on my behalf, any proxy or proxies held by me in this matter.

(a) being a person in my employment or under my official control.

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

Official Receiver.

No. 43.

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....., Chairman, the Official Receiver [or, the Official Receiver being absent, *F.K.*, of....., 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, shall be the trustee of the property of the bankrupt at [here state remuneration] [or that the appointment of a trustee be made by the committee of inspection].

That *I.K.*, *L.M.*, *N.O.*, etc., 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.

[Add any other resolution, if any.]

Official Receiver, or *F.K.*, Chairman.

Number.	Assenting Creditors' Signatures.	Amount of Proof.			Number	Dissenting Creditors' Signatures.	Amount of Proof.		
		£	s.	c.			£	s.	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. 44.

MEMORANDUM OF PROCEEDINGS AT FIRST MEETING IN SUMMARY CASES.
SUMMARY CASE.

(Title.)

Before.....at.....on the.....day of.....,
19....., at.....o'clock.

Memorandum.—The first meeting of creditors in the above matter was held at the place and time above mentioned, and the several proofs of debt lodged were produced; but no resolution was passed.

Chairman.

No. 45.

MEMORANDUM OF ADJOURNMENT OF FIRST OR OTHER MEETING.

(Title.)

Before.....at.....on the.....day of.....,
19....., at.....o'clock.

Memorandum.—The (a).....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 (b)..... the meeting was adjourned until the.....day of....., 19....., at.....o'clock in the.....noon, then to be held at the same place.

(a) "First" or as the case may be.
(b) Here state reason for adjournment.

Chairman.

No. 46.

MEMORANDUM OF PROCEEDINGS AT ADJOURNED FIRST MEETING WHERE
NO QUORUM.

(Title.)

Before.....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. 47.

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 theday of....., 19....., at.....o'clock in the.....noon [here state the purpose for which meeting called].

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

By the Court,
Registrar.

No. 48.

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. (a)

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

Official Receiver or Trustee.
Address.

(a) Here insert purpose for which meeting called.

No. 49.

AFFIDAVIT AND CERTIFICATE OF POSTAGE OF NOTICES (GENERAL).

(Title.)

(a) Or as the case may be.
(b) or "hereby certify."

I,, a clerk in the office of C.D., Official Receiver (a) make oath and say as follows:—(b)

(c) Insert here "general," or "adjourned general," as the case may be.

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 the time and the place of a (c).....meeting, in the form hereunto annexed, marked "A."

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 I sent the said notices by putting the same into the Post Office at....., before the hour of.....o'clock in the.....noon on the said day.

(d) or Dated this.....day of.....19...

Sworn, etc. (d)

Signature.....

No. 50.

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 aton 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. 51.

NOTICE OF MEETING TO BE HELD TO APPOINT A NEW TRUSTEE.

(Title.)

I, C.D., the Official Receiver in the above matter, 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 his office [or who has died or against whom a Receiving Order has been made].

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

C.D.,

Official Receiver.

To X.Y.

No. 52.

MINUTES OF MEETING FOR RECEIVING RESIGNATION OF TRUSTEE, ETC.

(Title.)

Minutes of proceedings had at a meeting of creditors of the said bankrupt held at.....on the.....day of....., 19.....

Chairman of the meeting, E.F., of.....

Resolved [here should follow resolutions]

E.F., Chairman of this meeting.

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

(Title.)

Meeting held at.....this.....day of....., 19.....

Number.	Names of Creditors present or assembled.	Amount of Proof.		
		£	s.	d.
1				
2				
3				
4				
5				
6				
7				
7	Total number of Creditors present or assembled.			

No. 54.

LIST OF CREDITORS FOR USE AT MEETING HELD FOR CONSIDERATION OF
COMPOSITION OR SCHEME.

(Title.)

Meeting held at.....this.....day of....., 19.....

No.	Names of all Creditors whose proofs have been admitted.	Here state as to each Creditor whether he voted, and if so, how, whether personally, by Proxy, or Voting Letter.	Amount of Assets.			Amount of Proof admitted.		
			£	s.	c.	£	s.	c.
	Total Number.	Total amount ..						

Required number for majority

Required value

No. 55.

PROOF OF DEBT (GENERAL FORM).

(Title.)

Re (a)..... No. (a)..... of 19

I, (b)....., of....., make oath and say :—

(c) That I am in the employ of the undermentioned creditor, and that I am duly authorised by.....to make this affidavit, and that it is within my own knowledge that the debt hereinafter 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.....was, at the date of the receiving order, viz., the.....day of....., 19....., and still..... justly and truly indebted to (e).....in the sum of.....for (f)..... as shown by the account endorsed hereon, or by the following account, viz.,

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).....

(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's strike out clauses (c) and (d). If made by clerk of creditor's strike out (d). If by clerk or agent of company strike out (e). (e) Insert "me" or, in case of a firm "we" and "C.D. and E.F. my co-partners in trade" (if any), or, if by clerk insert name, address and description of principal.

You should attend carefully to these instructions.

(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.

Date.	Drawer.	Acceptor.	Amount.			Due date.
Admitted to vote for £ . . . the day of 19 .			£	s.	c.	
Official Receiver						
Admitted to rank for dividend for £ . . . this day of 19 .						
Official Receiver						

Sworn at
this day of
19 ,
Before me

(g) Deponent's signature.
(g) _____

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.

No. 56.

PROOF BY TRUSTEE IN PRIOR BANKRUPTCY.

(Title.)

I,, of, make oath and
say :—

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

2. There was at the date of the receiving order herein, namely, theday 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, etc., 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.

A.

Particulars of Account referred to on other side.

(Credit should be given for contra accounts.)

If space 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.

(a) The Voucher (if any) by which the account can be substantiated should be set out here.

Date.	Consideration.	Amount.			Remarks.
		£	s.	c.	(a)

Signature of Deponent.....

No. 57.
PROOF OF DEBT TO WORKMEN.
(Title.)

No. (a).....of.....19...
Re (a).....
I, (b)....., of....., 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] make oath and say :—
That I [or the said.....] was 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 hereunder written [or hereunto annexed], in the sums severally set against their names in the sixth column of such schedule for wages due to them respectively as workmen or others in my employ [or the employ of the above-named debtor] in respect of services rendered by them respectively to me [or to the above-named debtor] 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) 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

SCHEDULE (above referred to).

1. No.	2. Full Name of Workman.	3. Address.	4. Description.	5. Period over which wages due.	6. Amount due.
					£ s. c.

Sworn at.....this.....
day of....., one thousand nine
hundred and.....
Before me.....

Deponent's signature.....

No. 58.
NOTICE OF REJECTION OF PROOF OF DEBT.
(Title.)

Take notice that, as Official Receiver of the above estate, I have this day rejected your claim against such estate (a) [to the extent of £.....], on the following grounds :—

(a) If proof wholly rejected strike out words in italics.

And further take notice that if you are dissatisfied with my decision in respect of your proof you may apply to the Court to reverse or vary the same but, subject to the power of the Court to extend the time, no application to reverse or vary my decision in rejecting your proof will be entertained after the expiration of (b).....days from this date.

(b) 21 days or 7 days as the case may be. See Rules 201 and 204.

Dated this.....day of....., 19.....
To.....
Address.....

Official Receiver or Trustee.

No. 59.
GENERAL PROXY.
(Title.)

I, (a) C.D., of....., creditor, hereby appoint the Official Receiver in the above matter [or Mr. A.B., of....., a clerk in my regular employ] to be my (or our) general proxy in the above matter [excepting as to the receipt of dividend].

(a) If a firm write "we" and set out the full name of the firm.
(b) If a firm, sign the firm's trading title, and add "by X.Y. a partner in the said firm."

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

(Signed) (b) C.D.

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.

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

"For the.....Company."

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 having a general authority in writing to sign for such firm or person. Such person shall sign—

J.S. (duly authorised by a general authority in writing to sign on behalf of [name of firm or person]) (c).

(c) The 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....., 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 four o'clock on the day before the meeting at which it is to be used.

No. 60.

SPECIAL PROXY.

(Title.)

(a) If a firm, write "we" instead of "C.D." and set out the full name of the firm. (a) C.D., of....., a creditor, hereby appoint the (b)..... as my (or our) proxy at the meeting of creditors to be held on the..... day of....., 19..., or at any adjournment thereof, to vote (c).....

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

(Signed) (d) C.D.

(b) Here insert either "Mr....." or "the Official Receiver in the above matter."

Signature of witness.....

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

Address.....

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

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 :-

(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 at a specified rate of remuneration, 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.

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

"For the.....Company,

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]) (e)”

(e) The Receiver 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, 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 four o'clock on the day before the meeting at which it is to be used.

No. 61.

APPLICATION BY THE 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. 62.

ORDER APPOINTING A TIME FOR 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 (a).....on the.....day of.....at.....o'clock in the And it is ordered that the above-named debtor do attend at the place and time above mentioned.

(a) Insert the place for the examination.

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

By the Court,
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. 63.

REPORT OF REGISTRAR WHERE DEBTOR OR WITNESS REFUSE TO ANSWER TO HIS SATISFACTION.

(Title.)

At the [public] examination of (a).....held before me thisday of.....19....., the following question was allowed by me to be put to the said [.....].

(a) The above-named debtor, or, A.B., a witness in the above matter.

Q. (b).....

(b) Here state question.

The (c) refused to answer the said question.....
(or) The (c) answered the said question as follows:

(c) Debtor or witness.

A. (d).....

(d) Here insert answer (if any).

I thereupon named the.....day of.....19....., at..... as the time and place for such [refusal to] answer to be reported to His Honour Judge

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

Registrar.

No. 64.

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

(Title.)

Notice is hereby given that the above-named Court has appointedday, the.....day of.....19....., at.....o'clock in thenoon, 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. 65.

APPOINTMENT OF SHORTHAND WRITER TO TAKE EXAMINATION OF DEBTOR.

(Title.)

Upon the application of the Official Receiver.....the Court hereby appoints.....of.....to take the examination of the said.....at his public examination this day pursuant to Rule 55 of the Bankruptcy Rules, 1926.

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

By the Court,
Registrar.

No. 66.

DECLARATION BY SHORTHAND WRITER.

(Title.)

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

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

Declared before me at the time and place above mentioned.

Registrar.

No. 67.

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

(Title.)

Public Examination of the Debtor.

Before.....at the Court House 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 and propounded to him, gave the several answers thereto respectively following each question, that is to say :—

A.

These are the notes of the public examination referred to in the memorandum of public examination of....., taken the.....day of19.....

Shorthand Writer.

No. 68.

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

(Title.)

Public Examination of the Debtor.

Before.....at the.....Court, 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 public examination referred to in the
memorandum of public examination of....., taken the.....day of
.....19.....

Registrar.

No. 69.

ORDER OF ADJOURNMENT OF PUBLIC EXAMINATION.

(Title.)

This being the day appointed for the (a) public examination of the
above-named....., and the said.....having submitted himself
for such examination now upon hearing Mr....., the Official
Receiver in the above matter, and upon hearing.....and it appearing
that..... It is ordered that the said public examination be
adjourned to the.....day of.....19....., at.....in the.....noon
at..... And it is further ordered that the said.....do
attend at the said Court on the said.....day of.....19....., for the
purpose of being further examined as to his conduct, dealings, and property.
And it is further ordered that the said..... [set out any further order
of the Court.]

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

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

Registrar.

No. 70.

ORDER DISPENSING WITH PUBLIC EXAMINATION OF DEBTOR.

(Title.)

Upon the application of the Official Receiver (or, of (a).....of
.....) in the above matter and, upon reading.....and upon
hearing....., and it appearing to the Court that the debtor is (b).....,
it is ordered that the public examination of the debtor be dispensed with.

(a) Insert name
and address of
applicant, and
capacity in
which he
makes the
application.

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

(b) State what
the disability
is

By the Court,
Registrar.

No. 71.

ORDER AS TO EXAMINATION OF DEBTOR WHO IS SUFFERING FROM MENTAL OR
PHYSICAL AFFLICTION OR DISABILITY.

(Title.)

Upon 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.....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) This part
of the order to
be adapted to
circumstances
of the case.

(c) Insert
place of
examination.

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

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

By the Court,
Registrar.

No. 72.

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, movable or immovable, nor any books of account, 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.]

(Signature.)

Sworn before me this.....day of.....19.....

No. 73.

ORDER OF COURT THAT EXAMINATION IS CONCLUDED.

(Title.)

Whereas the above-named A.B. has duly attended before the Court, and has been publicly examined as to his conduct, dealings, and property :

And whereas the Court is of opinion that the affairs of the said A.B. have been sufficiently investigated, and it is hereby ordered that the examination of the said A.B. is concluded.

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

By the Court,
C.D. Registrar.

No. 74.

PROPOSAL FOR A COMPOSITION.

(Title.)

I,, the above-named debtor, hereby submit the following proposal for a composition in satisfaction of my debts :—

1. That payment in priority to all other of my debts of all debts directed to be so paid in the distribution of the property of a bankrupt shall be provided for as follows :—

[Set out terms of proposal so far as relates to preferential claims.]

2. That provision for payment of all proper costs, charges, and expenses of and incidental to the proceedings, and all fees and percentages payable shall be made in the following manner :—

[Set out proposal for provisions for fees, charges, costs, &c.]

3. That the following composition shall be paid as hereinafter mentioned on all provable debts :—

[Set out terms of composition.]

4. That the payment of the composition be secured in the following manner :—

[Set out full names and address of sureties (if any) and complete particulars of all securities intended to be given].

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

Signed (a)

(a) To be signed by the debtor; in case of joint debtors to be signed in the firm's name by such of the debtors as the Receiver shall require.

No. 75.

PROPOSAL FOR A SCHEME.

(Title.)

I,, the above-named debtor, hereby submit the following proposal for a scheme of arrangement of my affairs in satisfaction of my debts.

1. That.....

[Set out terms of Scheme.]

2. That payment in priority of all other of my debts of all debts directed to be so paid in the distribution of the property of a bankrupt is provided for as follows:—

[Set out or indicate by reference to the scheme, how it is proposed to satisfy preferential claims.]

3. That provision for the payment of all proper costs, charges, and expenses of and incidental to the proceedings and all fees and percentages payable 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; in case of joint debtors to be signed in the firm's name by such of the debtors as the Receiver shall require.

No. 76.

REPORT OF OFFICIAL RECEIVER ON PROPOSAL FOR COMPOSITION OR SCHEME AND VOTING LETTER.

(Title.)

The Official Receiver of the above estate hereby reports:—

That the debtor has lodged with him a proposal for a composition [or scheme] to be submitted to the creditors, of which the following is a copy:—

[Here set out fully the terms of proposal.]

That the liabilities, as shown by the debtor's statement of affairs, amount to the sum of £..... and the assets are estimated by the debtor at the sum of £..... after payment of preferential debts.

That the value of the assets is [fairly estimated by the debtor] [or, as the case may be].

That the terms of the debtor's proposal [set out report as to proposal and the debtor's conduct].

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

Official Receiver.

VOTING LETTER.

(Title.)

I,of....., a creditor in the above matter for the sum of £.....hereby request the Official Receiver of the said estate to record my vote (a)..... the acceptance of the above proposal and/or (b)..... any amendment thereof which shall in the opinion of the Official Receiver be calculated to benefit the general body of the creditors.

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

Signature.

Witness.

Address.

(a) Insert here the word "for" or the word "against" as the case may require.
(b) Creditors may authorise the Receiver to vote "against" the proposal now submitted, but "for" such amendment thereof as may be satisfactory to the Receiver.

No. 77.

RESOLUTION ACCEPTING COMPOSITION.

(Title.)

Minutes of resolutions come to and proceedings had at a meeting of creditors held at.....this.....day of.....19....., Chairman.

Resolved as follows [unanimously]:—

That the debtor's proposal for a composition, as set forth in the annexed paper writing, marked "A" be accepted..

F.K., Chairman.

Number.	Assenting Creditors' Signatures.	Amount of Proof.			Number	Dissenting Creditors' Signatures.	Amount of Proof.		
		£	s.	c.			£	s.	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. 78.

RESOLUTION ACCEPTING A SCHEME OF ARRANGEMENT.

(Title.)

Minutes of resolutions come to and proceedings had at a meeting of creditors held at.....this.....day of.....19....., Chairman.

Resolved as follows (a).....:—

That the debtor's proposal for a scheme of arrangement as set forth in the paper writing hereunto annexed, and marked with the letter "A," be accepted.

F.K., Chairman.

Number.	Assenting Creditors' Signatures.	Amount of Proof.			Number.	Dissenting Creditors' Signatures.	Amount of Proof.		
		£	s.	c.			£	s.	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. 79.

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

(Title.)

Ex parte the Official Receiver.

The Official Receiver in the above matter reports to the Court:—

That a (a).....was on the.....day of.....19.....,

duly lodged by the debtor in the above matter.

That the public examination of the debtor was concluded on theday of.....19.....

(a) Insert "unanimously" where the resolution is so carried.

(a) Composition or scheme of arrangement.

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 21 of the Bankruptcy Ordinance, 1925.

Under these circumstances, an application is made for an extension of time to the.....day of.....19....., for obtaining such acceptance or approval.

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

Official Receiver.

ORDER.

Before.....

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.....

By the Court,
Registrar

(b) The prescribed notices cannot be given, or the moneys or securities required for the said (a) have not been lodged" or as the case may be.

No. 80.

APPLICATION TO COURT TO APPOINT A DAY FOR APPROVING COMPOSITION OR SCHEME.

(Title.)

Whereas at a meeting of creditors of the above-named debtor, held at.....on the.....day of.....19....., a resolution to entertain (a).....was duly passed by a majority in number representing three-fourths in value of all the creditors who have proved their debts.

And whereas the public examination of the said debtor was concluded on the.....day of.....19.....

Now the (b).....applies to the Court to fix a day for the consideration of the above-mentioned (a).....

The gross amount of the (c).....on which the *ad valorem* fee will be payable is £.....

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

Debtor [or Official Receiver].

ORDER.

Before.....

Upon reading the above application, and hearing....., it is ordered that the application for the consideration by the Court of the above-mentioned (a).....shall be heard at.....on the.....day of.....19.....

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

By the Court,
Registrar.

(a) A composition or scheme of arrangement.

(b) "Debtor" or "Official Receiver."

(c) "Estimated assets" (but not exceeding the gross amount of the unsecured liabilities), or "composition."

No. 81.

APPLICATION TO COURT TO APPOINT DAY FOR APPROVING COMPOSITION OR SCHEME IN A SUMMARY CASE.

(Title.)

SUMMARY CASE.

Whereas an order for the summary administration of the estate of the above-named.....was made by the Court on the.....day of.....19.....

And whereas at a meeting of creditors of the above-named debtor, held at.....on the.....day of.....19....., a resolution to accept (a).....was duly passed by a majority in number representing three-fourths in value of all the creditors who have proved their debts.

And whereas the public examination of the said debtor was concluded on the.....day of.....19.....

Now the (b).....applies to the Court to fix a day for the consideration of the above-mentioned (a).....

The gross amount of the (c).....on which the *ad valorem* fee will be payable is £.....

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

Debtor [or Official Receiver].

ORDER.

Before.....

Upon reading the above application, and hearing....., it is ordered that the application for the consideration by the Court of the above-mentioned (a).....shall be heard at.....on the.....day of.....19....., at.....o'clock in the.....noon.

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

By the Court,
Registrar.

(a) A composition or scheme of arrangement.

(b) "Debtor" or "Official Receiver."

(c) Estimated assets (but not exceeding the gross amount of the unsecured liabilities), or "composition."

No. 82.

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

(Title.)

TAKE NOTICE that application will be made to the above Court sitting at....., on.....the.....day of.....19....., at o'clock in the.....noon to approve the composition [or scheme of arrangement] as proposed by the said debtor and duly accepted by the statutory majority of creditors at a meeting held on.....the.....day of.....19.....

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

Official Receiver.

No. 83.

NOTICE TO CREDITORS OF APPLICATION TO COURT TO APPROVE COMPOSITION OR
SCHEME OF ARRANGEMENT IN A SUMMARY CASE.

(Title.)

SUMMARY CASE.

TAKE NOTICE that application will be made to the above Court sitting at....., on.....the.....day of.....19....., at o'clock in the.....noon to approve the composition [or scheme of arrangement] as proposed by the said debtor and duly accepted by the statutory majority of creditors at a meeting held on.....the.....day of.....19.....

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

Official Receiver.

No. 84.

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....., at.....o'clock in the.....noon, to sanction the composition [or scheme] approved on the.....day of.....19....., by the statutory majority of creditors.

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

G.H.

No. 85.

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.....19....., and hearing the Official Receiver and....., and the Court being satisfied that the creditors in the above matter have duly accepted and approved a composition [or scheme] in the following terms, namely [here insert terms if short; if not, 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 one in which the Court would not 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 five shillings in the pound on all unsecured debts provable against the debtor's estate, the said composition [or scheme] is hereby approved, and it is ordered :—

- (i) That the receiving order made against the said.....
on the.....day of.....19....., he and the same is
hereby discharged.

Or,

- (ii) That the order of adjudication made against the said.....
on the.....day of.....19....., he 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 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.

(b) That facts have been proved which would under the Bankruptcy
Ordinance justify the Court in refusing, qualifying or suspending the
debtor's discharge the Court doth refuse to approve the said composi-
tion [or scheme].

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

By the Court,
Registrar.

No. 86

APPLICATION 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.....

I, F.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.....

F.M.

No. 87.

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, F.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) the provisions of the said composition (or scheme
of arrangement) is (or are) [here set it or them out].
3. That.....has failed to comply with the said provisions
[or as the case may be].

Sworn at, etc.

F.M.

No. 88.

ORDER FOR ENFORCEMENT OF PROVISIONS 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 F.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.....

By the Court,
Registrar.

To.....

Take notice that unless you obey the direction contained in this order,
you will be deemed to have committed a contempt of Court.

No. 89.

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. 90.

NOTICE TO DEBTOR OF INTENDED APPLICATION FOR ADJUDICATION.

(Title.)

Take notice that, on behalf of the Official Receiver, application will be made to the Court....., at.....on.....day, the.....day of....., 19....., at.....o'clock in the.....noon, for an order adjudging you, the above-named A.B. bankrupt.

(a) Here state the grounds on which the application will be made.

(a)

And further take notice that leave has been obtained to serve you with short notice of this application.

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

To the above-named.....

No. 91.

APPLICATION FOR ADJUDICATION UNDER SECTION 16 OF THE BANKRUPTCY ORDINANCE.

(Title.)

The Official Receiver in the above matter reports to the Court :—

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

That a copy of the form hereunto annexed was.....to the said debtor on the.....day of.....19.....

That the debtor has not submitted a statement of and in relation to his affairs as required by Section 16 of the Ordinance nor has he furnished the Official Receiver with any reasonable excuse for his failure to do so.

The Official Receiver accordingly, in pursuance of Section 16 of the Bankruptcy Ordinance, makes application to the Court to adjudge the said debtor bankrupt.

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

Official Receiver

No. 92.

APPLICATION FOR ADJUDICATION UNDER SECTION 16 OF THE BANKRUPTCY ORDINANCE AND RULE 180 OF THE BANKRUPTCY RULES, 1926.

(Title.)

The Official Receiver in the above matter reports to the Court :—

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

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

That from inquiries made since the receiving order, the statement that the debtor had.....appears to have been well founded, and the present place and 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 to 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 16 of the Ordinance.

The Official Receiver accordingly, in pursuance of the provisions of Section 16 of the Bankruptcy Ordinance and Rule 180 of the Bankruptcy Rules, 1926, makes application to the Court to adjudge the said debtor.....bankrupt.

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

Official Receiver.

No. 93.

APPLICATION FOR ADJUDICATION AFTER RESOLUTION FOR BANKRUPTCY OR BY CONSENT.

(Title.)

The Official Receiver of the estate of the above-named debtor hereby 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.”

(a)

The Official Receiver accordingly, in pursuance of the provisions of Section 20 of the Bankruptcy Ordinance, makes application to the Court to adjudge the said debtor bankrupt.

(a) “The debtor has, in writing, consented to the Court adjudging him bankrupt.”

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

Official Receiver.

No. 94.

APPLICATION FOR ADJUDICATION. NO QUORUM. SUMMARY ADMINISTRATION.

(Title.)

SUMMARY CASE.

The Official Receiver reports to the Court :—

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

That an order for the summary administration of the estate of the debtor was made on the.....day of.....19.....

That the first meeting of creditors was duly summoned to be held at....., on the.....day of....., 19.....

That creditors qualified to vote not being present or represented thereat to form a quorum, no resolution was passed.

That (a)

The Official Receiver accordingly, in pursuance of the provisions of Section 20 of the Bankruptcy Ordinance, makes application to the Court to adjudge the said debtor bankrupt.

(a) “The debtor has, in writing, consented to be adjudged bankrupt.”

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

Official Receiver.

No. 95.

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 20 of the Bankruptcy Ordinance, makes application to the Court to adjudge the said debtor bankrupt.

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

Official Receiver.

No. 96.

ORDER OF ADJUDICATION.

(Title.)

Pursuant to a petition dated.....against [here insert name, description and address of debtor] on which a receiving order was made on the [date] and on the application of [here insert "the Official Receiver" or "the debtor himself" or "A.B., of....., a creditor"], and on readingand hearing....., it is ordered that the debtor be and the debtor is hereby adjudged bankrupt.

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

By the Court,
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 bankrupt.

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

By the Court,
Registrar.

No. 97.

ORDER OF ADJUDICATION AFTER RECEIVING ORDER UNDER SECTION 99 OF THE BANKRUPTCY ORDINANCE.

(Title.)

Whereas a receiving order was made against the above-named debtor on the.....day of.....upon the hearing of an application for his commitment to prison for default in payment of monies pursuant to an order of the Court, and in lieu of his commitment to prison for such default.

And whereas it appears to this Court that [grounds of application for adjudication].

It is ordered that the debtor be and the said debtor is hereby adjudged bankrupt.

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

By the Court,
Registrar.

No. 98.

APPLICATION TO ANNUL ADJUDICATION UNDER SECTION 31 OF THE BANKRUPTCY
ORDINANCE.

(Title.)

I, *R.S.*, of....., being interested in this matter, do hereby
make application to the Court that the order of adjudication against *A.B.*
be annulled [*here state grounds of application*].

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

R.S.

No. 99.

ORDER ANNULING ADJUDICATION UNDER SECTION 31 OF THE BANKRUPTCY
ORDINANCE.

(Title.)

On the application of *R.S.*, of....., and on reading.....
and hearing....., it is ordered that the order of adjudication dated
....., against *A.B.*, of....., be and the same is hereby
annulled.

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

By the Court,
Registrar.

No. 100.

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.....

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

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

(Signed) *A.B.*

To the Registrar of the Supreme Court.

No. 101.

CERTIFICATE OF NUMBER OF CREDITORS.

(Title.)

I certify that the creditors of the above bankrupt who require to be
notified of his intention to apply for his discharge are.....in number.

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

Official Receiver.

No. 102.

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.

No. 103.

NOTICE TO CREDITORS OF APPLICATION FOR DISCHARGE.

(Title.)

Take notice that the bankrupt *A.B.*, of....., has applied to the
Court for his discharge, and that the Court has fixed the.....day of
....., 19....., at.....o'clock, for hearing the application.

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

Official Receiver.

To X.Y.

ORDER GRANTING OR REFUSING DISCHARGE.

(Title.)

On the application of *A.B.*, of etc., 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.*, etc., creditors, and *G.H.*, the trustee [*as the case may be*].

And whereas it has not been proved that the bankrupt has committed any offence under the Ordinance, or any offence connected with his bankruptcy, and proof has not been made of any of the facts mentioned in Section 28 (3) or Section 29 of the Bankruptcy 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.

Or

And whereas it has been proved that the bankrupt has committed the following offences, namely : [*here state particulars*].

Or

And whereas it has not been proved that the bankrupt has committed any offences mentioned in the Bankruptcy Ordinance; but proof has been made of the following facts under Section 28 (3) (and/or Section 29) of the Bankruptcy Ordinance, namely : [*here state particulars*]

And/or that he has been guilty of misconduct in relation to his property and affairs, namely : [*here state particulars*]

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

Dated this day of 19.....

By the Court,
Registrar.

ORDER SUSPENDING DISCHARGE.

(Title.)

On the application of

[*Commencement as in Form 104.*]

And whereas it has not been proved that the bankrupt has committed any of the offences mentioned in Section 28 of the Bankruptcy Ordinance [*or it has been proved that the bankrupt has committed the following offences, 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 28 (3) of the Bankruptcy Ordinance (and/or Section 29 of the Bankruptcy Ordinance) [*here state particulars*]. And/or, that he has been guilty of misconduct in relation to his property and affairs, namely : [*here state particulars*].

And/or that he has been guilty of misconduct in relation to his property and affairs, namely : [*here state particulars*].

It is ordered that the bankrupt's discharge be suspended until a dividend of not less than ten shillings in the pound has been paid to his creditors, with liberty to the bankrupt at any time after the expiration of two years from the date of his order to apply for a modification thereof, pursuant to Section 28 of the Bankruptcy 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.....

By the Court,
Registrar.

No. 106.

ORDER OF DISCHARGE WHERE ONLY FACT PROVED THAT ASSETS NOT
EQUAL TO 10s. IN THE £.

(Title.)

On the application of.....

[Commencement as in Form 104.]

And whereas it has not been proved that the bankrupt has committed any of the offences mentioned in Section 28 of the Bankruptcy Ordinance, and whereas the only fact under subsection (3) of that section and Section 29 of which proof has been made is the fact that the bankrupt's assets are not of a value equal to ten shillings in the pound 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.....

By the Court,
Registrar.

No. 107.

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

(Title.)

On the application of.....

[Commencement as in Form 104.]

And whereas it has not been proved (a)

(a) Here state
particulars of
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 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.....

By the Court,
Registrar.

No. 108.

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

(Title.)

On the application (a)

(a) Formal
parts and
recitals as in
the last pre-
ceding form.

It is ordered that the bankrupt be discharged subject to the following condition to be fulfilled before the discharge takes effect, namely, he shall, before the signing of the order, consent to judgment being entered against him in the Supreme 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 costs of the 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 and 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 the 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 first 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 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.

And it is further ordered that upon the required consent being given, judgment may be entered up against the bankrupt in the Supreme Courtfor the said sum of £..... together with £..... for costs of judgment.

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

By the Court,
Registrar.

No. 109.

CONSENT OF BANKRUPT TO JUDGMENT BEING ENTERED UNDER SECTION 28 OF THE BANKRUPTCY ORDINANCE.

Re.....

I, A.B., of....., the above-named bankrupt, do hereby consent to judgment being entered against me by the Official Receiver 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 Bankruptcy Ordinance in regard to the issue of execution on such judgment.

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

No. 110.

JUDGMENT TO BE ENTERED PURSUANT TO CONSENT.

(Title.)

In the Supreme Court of Kenya.

.....19..., No.....

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 Supreme Court in bankruptcy dated theday 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 plaintiff recover against the said defendant £....., together with.....for costs of judgment.

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

G.F.,
Advocate for Plaintiff.

No. 111.

AFFIDAVIT BY BANKRUPT 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 monies 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 I last filed a statement of after-acquired property and income in Court, namely, the.....day of....., 19.....).

Sworn at, etc.

(Signature of Debtor.)

No. 112.

CERTIFICATE FOR REMOVAL OF DISQUALIFICATION.

(Title.)

Whereas an order of discharge was, on the.....day of.....
19....., granted to *A.B.*, the above-named bankrupt, it is hereby certified
that the bankruptcy of the said *A.B.* was caused by misfortune without
any misconduct on his part.

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

By the Court,
Registrar.

No. 113.

CERTIFICATE OF APPOINTMENT OF TRUSTEE.

(Title.)

This is to certify that *G.H.*, of....., has been duly appointed
and approved as trustee of the property of....., who was adjudged
bankrupt on the.....day of....., 19.....

Judge.

No. 114.

REPORT OF APPOINTMENT OF TRUSTEE TO FILL A VACANCY CAUSED BY
RESIGNATION, ETC.

(Title.)

It is reported to the Court as follows:—

1. That a meeting of creditors in this bankruptcy was held on the
.....day of....., for the purpose of receiving of *G.H.* his
resignation of the office of trustee and of appointing a person to fill such
office [*or*, for the purpose of appointing a trustee in the place of *G.H.*,
who is dead, or who has resigned, or who has been removed or, as the case
may be].

2. That by resolution at such meeting, *N.O.*, of....., was
appointed to fill the office of trustee of the property of the bankrupt.

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

F.K., Chairman.

No. 115.

APPLICATION BY TRUSTEE FOR COMMITTAL 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 this Court for an order of committal for contempt
of this Court against the said bankrupt (or *L.M.*,), on the
ground set forth in the annexed affidavit.

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

G.H., Trustee.

No. 116.

AFFIDAVIT OF A PERSON INTERESTED IN A COMPOSITION FOR COMMITTAL.

(Title.)

In the matter of a composition made by *A.B.*, of....., I, *F.M.*,
of....., make oath and say:—

1. That.....of.....was by an order of this Court,
made on the.....day of....., 19....., ordered to [*here set out
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, etc.

F.M.

No. 117.

AFFIDAVIT IN SUPPORT OF APPLICATION OF COMMITMENT OF DEBTOR FOR
CONTEMPT UNDER SECTION 24 OF THE BANKRUPTCY ORDINANCE.

(Title.)

I, G.H., the Official Receiver of the estate of the said debtor (the trustee of the property of the said bankrupt) make oath and say :—

Where the
debtor does
not submit to
examination.

1. That the 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), contrary to the provisions of the Bankruptcy Ordinance.

Or

Where the
debtor fails to
attend a meet-
ing 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.....], contrary to the provisions of the Bankruptcy Ordinance.

Or

Where debtor
fails to execute
a deed.

1. That the said (debtor) bankrupt has wilfully failed to execute [here describe the deed, etc., that he has failed to execute], contrary to the provisions of the Bankruptcy Ordinance.

When the
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, etc.].

Or

When the
debtor fails to
obey any
special orders
of the Court.

1. That the said (debtor) bankrupt has wilfully failed to perform the duty imposed on him by the Bankruptcy Ordinance, Section 24 [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.....

Or

When debtor
fails to
deliver up
property.

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 among his creditors under the Bankruptcy 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 hereto annexed, and which notice was duly served upon him on the.....day of....., 19....., at.....

Sworn at, etc.

Official Receiver or Trustee.

No. 118.

AFFIDAVIT OF TRUSTEE UNDER SECTION 50 (5) OF THE BANKRUPTCY
ORDINANCE.

(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....., 19....., posted a letter to the said L.M., addressed to him at....., calling upon him to, etc., and that on the.....day of....., 19....., I posted another letter, by which I again called upon him to, etc., and that he has failed to pay and deliver the same].

3. That I firmly believe that the said L.M. is not entitled by law to retain such moneys (and securities) as against the bankrupt or against me as the trustee of the property of the bankrupt.

Sworn at, etc.

Trustee.

No. 119.

NOTICE OF APPLICATION FOR COMMITTAL UNDER SECTION 18 OR 23 OF THE
BANKRUPTCY ORDINANCE.

(Title.)

To.....

Take notice that *C.D.*, of....., will on the.....day of....., 19....., at.....o'clock in the.....noon, apply to this Court for an order for your committal to prison for contempt of this Court, you having disobeyed the order of this Court made on the.....day of....., 19..... [*here set out order*]. And further take notice that you are required to attend the Court on such day at the hour before stated, to show cause why an order for your committal should not be made.

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

Registrar.

No. 120.

NOTICE OF APPLICATION FOR COMMITTAL UNDER SECTION 24 OF THE
BANKRUPTCY ORDINANCE.

(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 this Court for an order for your committal to prison for contempt of this Court, you having failed to perform the duty imposed on you by Section 24 of the Bankruptcy 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. 121.

NOTICE OF APPLICATION FOR COMMITTAL UNDER SECTION 50 (5) OF THE
BANKRUPTCY ORDINANCE.

(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 this Court for an order for your committal to prison for contempt of this Court, you having failed to pay and deliver to him certain moneys (and securities) belonging to the bankrupt in your possession or power as [*here state whether as treasurer, banker, etc.*] that is to say [*here set out and describe the particular moneys and securities*]. And further take notice that you are required to attend the Court on such day at the hour before stated to show cause why an order for your committal should not be made.

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

Registrar.

No. 122.

ORDER OF COMMITTAL UNDER SECTION 18 OR 23 OF THE BANKRUPTCY
ORDINANCE.

(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 the opinion that the said *A.B.* has been guilty of contempt of this Court by his disobedience of the said order, it is ordered that the said *A.B.* do stand committed to [*here insert prison*] for his said contempt.

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

By the Court,
Registrar.

No. 123.

ORDER FOR COMMITTAL UNDER SECTION 24 OF THE BANKRUPTCY ORDINANCE.
(Title.)

Upon 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 said bankrupt do stand committed to [here insert prison] for the said contempt.

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

By the Court,
Registrar.

No. 124.

ORDER OF COMMITTAL UNDER SECTION 50 (5) OF THE BANKRUPTCY ORDINANCE.
(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 follows 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.....

By the Court,
Registrar.

No. 125.

AFFIDAVIT OF NON-COMPLIANCE WITH ORDER UNDER SECTION 97 (2).
OF THE BANKRUPTCY ORDINANCE.

(Title.)

I, *F.M.*, of....., make oath and say :—

1. That *G.H.*, of....., was by an order of the....., 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, etc.

No. 126.

WARRANT OF COMMITTAL FOR CONTEMPT.

(Title.)

To *X.Y.*, officer of this Court, and to the Commissioner 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 *X.Y.* to take the said *A.B.* (or *L.M.*) and to deliver him to the Commissioner of Prisons, and you the said Commissioner to receive the said *A.B.* and him safely to keep in your custody until such time as this Court shall order; and you the said Commissioner shall, while the said *A.B.* is in your custody, at all times, when the Court shall so direct, produce the said *A.B.* before the Court.

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

By the Court,
Registrar.

No. 127.

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.....

By the Court,
Registrar.

No. 128.

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....., 19....., for examination before the Court, and afterwards to be taken back to the prison to be there safely kept pursuant to the said order.

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

By the Court,
Registrar.

No. 129.

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 day time 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 Bankruptcy Ordinance.

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

Registrar.

To the X.Y. officer of this Court and his assistants
(*or Sheriff and others the Bailiffs of this Court*).

No. 130.

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 Bankruptcy 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 X.Y. officer of this Court and to his assistants
(or to the Sheriff and others the Bailiffs of this Court).

No. 131.

WARRANT AGAINST DEBTOR ABOUT TO QUIT THE COLONY, ETC.

(Title.)

To the X.Y. officer of this Court and all peace officers within the jurisdiction of the said Court, and to the Commissioner of Prisons:

Whereas, by evidence taken upon oath, it has 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 left the Colony [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 to 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 whereas, by evidence taken upon oath, it hath been made to appear to the satisfaction of this Court that the said A.B. has removed certain of his goods and chattels in his possession, above the value of....., 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 on the.....day of....., 19....., for the purpose of being examined according to the requirements of an order of this Court made on the.....day of....., 19....., directing him so to attend.]

These are therefore to require you the said..... to take the said A.B. and to deliver him to the Commissioner of Prisons, and you the said Commissioner to receive the said A.B., and him safely to keep until such time as this Court may order.

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

By the Court,
Registrar.

No. 132.

ORDER TO POSTMASTER-GENERAL UNDER SECTION 26 OF THE
BANKRUPTCY ORDINANCE.

(Title.)

Upon the application of G.H., of....., the Official Receiver (or trustee) of the property of the above debtor, it is ordered that for a period of three months from [*here insert date*] all post letters, telegrams and postal packets directed or addressed to the said debtor at [*here insert the full address or addresses*] shall be redirected, sent or delivered by the Postmaster-General, or officers acting under him, to the said Official Receiver (or trustee) at..... [*or otherwise, as the Court may direct*], 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.

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

By the Court,
Registrar.

No. 133.

SUBPOENA.

(Title.)

GEORGE V, by the grace of God, etc., to [*the names of three witnesses may be inserted*], greeting : We command you to attend before..... at.....on.....day the.....day of....., 19....., at the hour of.....in the.....noon, and so from day to day until the above matter is heard, to give evidence on behalf of [*insert name*].

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

Registrar.

No. 134.

SUBPOENA DUCES TECUM.

(Title.)

GEORGE V, by the grace of God, etc., to [*the names of three witnesses may be inserted*], greeting : We command you to attend before..... at.....on.....day the.....day of....., 19.....; at the hour of.....in the.....noon, and so from day to day until the above matter is heard, to give evidence on behalf of....., and also to bring with you and produce at the time and place aforesaid [*specify documents to be produced*].

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

Registrar.

No. 135.

SUMMONS UNDER SECTION 27 OF THE BANKRUPTCY ORDINANCE.

(Title.)

To....., of.....

You are hereby required to attend at the Court holden at..... on the.....day of....., 19....., at.....o'clock in thenoon, to give evidence in the above matter, and then and there to have and produce*..... 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.

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.

* 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 £.....

No. 136.

ADMISSION OF DEBT BY DEBTOR TO 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 £.....upon the balance of accounts between myself and the said bankrupt.

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

Witness,

J.K.

C.D., Registrar or Official Receiver.

No. 137.

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 £....., 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 £.....forthwith [or if otherwise, state the time and manner of payment], and do further pay to the said trustee the sum of £.....for costs.

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

By the Court,
Registrar.

No. 138.

WARRANT TO APPREHEND A PERSON SUMMONED UNDER SECTION 27
OF THE BANKRUPTCY ORDINANCE.

(Title.)

To *X.Y.* and his assistants of this Court and to the Commissioner 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 this Court to be examined [and/or 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 this Court at the time of its sitting hath refused to appear before the Court at the time appointed [and/or hath refused to produce a document in his custody or power relating to the debtor, his dealings, or property, which this Court has required him to produce]. These are, therefore, to require and authorise you and every of you, the said *X.Y.* and your assistants 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 Commissioner of Prisons, and forthwith, after such taking and delivery, to report the same to this 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 Commissioner to receive the said *A.B.* [or *F.M.*], and him safely keep in your custody to await the direction or order of this Court, and to produce him before this 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.....

By the Court,
Registrar.

No. 139.

ORDER FOR PRODUCTION OF PERSON APPREHENDED UNDER WARRANT UNDER
SECTION 27 OF THE BANKRUPTCY ORDINANCE 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 this Court on the.....day of....., it is ordered that the Commissioner of Prisons do cause the said *A.B.* to be brought in custody before the Court sitting at.....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 the prison and there safely kept pursuant to the said warrant.

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

By the Court,
Registrar.

No. 140.

NOTICE TO BANKRUPT UNDER SECTION 52 OF THE BANKRUPTCY ORDINANCE.

(Title.)

To A.B.

TAKE NOTICE that I intend to apply to this Court on the.....day of
....., 19....., at.....o'clock in the.....noon, for an order under
Section 52 of the Bankruptcy Ordinance, for the payment of a part of your
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.

No. 141.

NOTICE OF APPLICATION TO SET ASIDE INCOME OF SEPARATE PROPERTY OF
BANKRUPT MARRIED WOMAN.

(Title.)

TAKE NOTICE that I intend to apply to this Court on the.....day of
.....19....., at.....o'clock in the.....noon for an order pursuant
to Section 54 of the Bankruptcy 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 be],
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. 142.

ORDER SETTING ASIDE PAY, SALARY, ETC., UNDER SECTION 52 (1).
OF THE BANKRUPTCY ORDINANCE.

(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 annual pay [or
salary] of £.....; and whereas upon the application of G.H. of.....
trustee of the property of the bankrupt, it appears to the Court just and
reasonable that the annual sum of £....., portion of the said pay [or
salary] 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 this
Court shall make order to the contrary: it is ordered, with the written
consent of [here insert the official title of the head of the department under
which the pay or salary is enjoyed], that such portion of the [here insert
pay or salary] shall be paid to the trustee accordingly.

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

By the Court,
Registrar.

I consent to the above order.

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

F.K. [add title and office.]

No. 143.

ORDER SETTING ASIDE SALARY OR INCOME, ETC., UNDER SECTION 52 (2)
OF THE BANKRUPTCY ORDINANCE.

(Title.)

Whereas it having been made to appear to this Court that the
bankrupt is in receipt of [or entitled to] a salary [or income, half-pay,
pension, or compensation granted by the Treasury, as the case may be] of
about £....., as [here set forth the circumstances under which the salary
or income is received]. 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 annual sum of £....., portion of the said salary [or income, &c.] ought to be paid by the bankrupt by monthly [or quarterly] payment [according as the bankrupt receives his salary or income, &c.] to the trustee during the bankruptcy, in order that the same 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 [or quarterly] until this Court shall make order to the contrary: it is ordered that the said sum shall be paid by.....in the manner aforesaid out of the bankrupt's said salary [or income, &c.]

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

By the Court,
Registrar.

No. 144.

ORDER FOR PAYMENT TO TRUSTEE OF INCOME OF SEPARATE PROPERTY OF
BANKRUPT MARRIED WOMAN NOTWITHSTANDING RESTRAINT ON ANTICIPATION.

(Title.)

Whereas it has been made to appear to this Court that the bankrupt under 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 this 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.
By the Court,

No. 145.

NOTICE TO LANDLORD OF INTENTION TO DISCLAIM LEASEHOLD PROPERTY NOT
SUB-LET OR MORTGAGED.

(Title.)

(a) Lease or
tenancy as the
case may be.
(b) Here
specify the
property let.

TAKE NOTICE that I intend to disclaim the (a).....dated.....whereby (b) was let to the above-named bankrupt 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 seven days of the receipt by you of this notice.

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

Trustee.

To the landlord of the above-mentioned property.

No. 146.

NOTICE OF INTENTION TO DISCLAIM LEASEHOLD PROPERTY SUB-LET OR
MORTGAGED.

(Title.)

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

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.....

Trustee.

To Mr.....

The landlord of the above-mentioned premises; and

To Mr.....

The mortgagee or Sub-tenant.

No. 147.

DISCLAIMER WITHOUT NOTICE.

(Title.)

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

(a) Lease dated the....., or as the case may be.
(b) Description of the property.
(c) On a tenancy or for a term of years or as the case may be.
(d) Names and addresses of persons to whom notice given.

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

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

Trustee.

No. 148.

DISCLAIMER OF LEASEHOLD PROPERTY AFTER NOTICE TO LANDLORD, MORTGAGEES, ETC.

(Title.)

Pursuant to notice dated the.....day of.....19.....addressed to (a)....., 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) Names and addresses of persons to whom notice of intention to disclaim has been given.
(b) Particulars of demised property.
(c) The above-named bankrupt, or as the case may be.
(d) Names and addresses of persons to whom notice of disclaimer has been given.

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

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

Trustee.

No. 149.

DISCLAIMER OF LEASE WITH LEAVE OF THE COURT.

(Title.)

Pursuant to an order of the 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) Description of property disclaimed

Notice of this disclaimer has been given to.....

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

Trustee.

No. 150.

NOTICE OF DISCLAIMER WITHOUT LEAVE OF THE 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 the case may be.
(b) Description of property disclaimed.
(c) On a tenancy or for a term of years or as the case may be.
(d) Add where necessary "pursuant to notice dated the.....day of.....19....."

The above-mentioned disclaimer has been filed in Court with the proceedings in the bankruptcy.

Your attention is directed to the provisions of the Bankruptcy Ordinance printed at the back hereof.

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

Trustee.

NOTE.—On the back of this notice the provisions of Sub-sections (2) and (6) of Section 55 should be printed.

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.....19....., 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 the bankruptcy.

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

Trustee.

No. 152.

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 Mr.....

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 bankrupt's
liability*] which liability has devolved on you as trustee in bankruptcy 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.*]

Schedule to Notice when given by Lessor.

Date of Lease.	Names, addresses, and descriptions of parties to Lease.	Full description of Property Leased	Term and Rent.	Date of Assignment to Bankrupt (if any).	Names and addresses of parties to Assignment (if any).	Particulars of any notices of Mortgage of lease by Bankrupt.

Schedule to Notice when given by Mortgagee or Assignee.

Date of Lease	Names and addresses of parties to Lease.	Description of Property Leased.	Term and Rent.	Date of Mortgage.	Names and addresses of parties to Mortgage.	Term conveyed by Mortgage.	Amount secured by Mortgage.	Particulars of any transfer of Mortgage with dates and names, and descriptions of parties thereto.

No. 153.

APPLICATION FOR DIRECTIONS BY TRUSTEE.

(Title.)

I desire to make application to the Court for its directions [*here state the particular matter.*]

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 notice is to be given.*].

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

Registrar.

No. 154.

ORDER ON APPLICATION OF TRUSTEE FOR DIRECTIONS.

(Title.)

Whereas on the.....day of.....19....., 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 his own moneys [*or 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, and also the sum of.....to *E.F.* for his costs].

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

By the Court,
Registrar.

No. 155.

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.....be the trustee and that the costs of this application be.....

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

By the Court,
Registrar.

(Title.)

Statement showing position of estate at date of declaring.....
dividend or at date of application for release, as the case may be.

CR.

Note.—When this statement accompanies a declaration of a second or subsequent dividend, it shall incorporate the figures of the preceding statement or statements under their respective headings.

No. 157.

NOTICE TO CREDITORS OF INTENTION TO DECLARE DIVIDEND.

(Title.)

A (a).....dividend is intended to be declared in the above matter. You (a) Insert here
are mentioned in the debtor's statement of affairs, but you have not yet "first,"
proved your debt. If you do not prove your debt by the.....day "second," or
of....., 19....., you will be excluded from this dividend. "final," or as
the case may
be.

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

To X.Y.

G.H., Trustee.

No. 158.

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.....

To X.Y.

G.H., Trustee.

No. 159.

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. 160.

NOTICE OF DIVIDEND.

(Title.)

(Please bring this Dividend Notice with you.)

Dividend of.....in the £.

[Address.]

Dated.....19.....

Notice is hereby given that a dividend of.....in the pound has
been declared in this matter, and that the same may be received at my
office, as above, on.....the.....of..... or any subse-
quent.....between the hours of.....

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 desire the dividend to be paid to some
other person you can sign and lodge with the trustee an authority in the
prescribed Form No. 161, otherwise, 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.

(Signed) G.H., Trustee.

NOTE.—On application for the dividend this notice must be produced
entire, and the bills or other securities held by you must be produced.

Receipt.

Received of.....the sum of £..... being the amount payable
to.....in respect of the.....dividend of.....in the
pound sh.....claim against this estate.

.....19.....

(Creditor's Signature.)

£.....

Authority.

Sir,

Please deliver to.....the cheque.....

(Insert the name of the person who is to receive the cheque,
or the words "me by post" if you wish the cheque sent
to you in that way.)

for the dividend payable to.....in this matter.

(Creditor's Signature.)

No. 161.

AUTHORITY TO TRUSTEE TO PAY DIVIDENDS TO ANOTHER PERSON.

(Title.)

To.....the Trustee.

Sir,

I/We hereby authorise and request you to pay to M.....
of....., all dividends as they are declared in the above-named
matter, and which may become due and payable to me/us in respect of
the proof of debt for the sum of £..... against the above estate made
by me/us (or by....., on my/our behalf). (a)

(a) Strike out
words
inapplicable.

And I/we further request that the cheque or cheques drawn in respect
of such dividends may be made payable to the order of the said M.....
whose receipt shall be sufficient authority to you for the issue of such
cheque or cheques in his name.

It is understood that this authority is to remain in force until revoked
by me/us in writing.

Signature.....

Date.....

Witness to the signature of

.....

No. 162.

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 £....., 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 £7 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.....

By the Court,
Registrar.

[If the Court does not order payment, then after the words "it is
ordered" insert the order made.]

No. 163.

CERTIFICATE BY COMMITTEE OF INSPECTION AS TO AUDIT OF TRUSTEE'S ACCOUNTS.

(Title.)

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.
C.D.
E.F.

Committee of Inspection.

No. 164.

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 and marked B is a true copy of the Estate Cash Book, and contains a full and true account of my receipts and payments on account of the 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, etc.

*NOTE.—If no receipt or payment, strike out the words in italics.

No. 165.

TRUSTEE'S TRADING ACCOUNT.

(Title.)

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

Receipts.				Payments.			
Dr.				Cr.			
Date.	£	s.	c.	Date.	£	s.	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).

(Title.)

Profit and Loss Account.

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. 167.

AFFIDAVIT VERIFYING TRUSTEE'S TRADING ACCOUNT.

(Title.)

I, *G.H.*, of....., the trustee of the property of the above-named bankrupt, make oath and say that the account hereto annexed is a full, true, and complete account of all money received and paid by me or by any person on my behalf in respect of the carrying on of the trade or business of the bankrupt, and that the sums paid by me as set out in such account have, as I believe, been necessarily expended in carrying on such trade or business.

Sworn, etc.

G.H., Trustee.

No. 168.

STATEMENT OF ACCOUNTS UNDER SECTION 84 OF THE BANKRUPTCY ORDINANCE.

(Title.)

Signature.....

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

No. 169.

AFFIDAVIT BY SPECIAL MANAGER

(Title.)

I,, of, make oath and say as follows :—

1. The account hereunto annexed marked with the letter "A," produced and shown to me at the time of swearing this my affidavit, and purporting to be my account as special manager of the estate or business of the above-named debtor, contains a true account of all and every sums and sum of money received by me or by any other person or persons by my order or to my knowledge or belief for my use on account or in respect of the said estate or business.

2. The several sums of money mentioned in the said account hereby verified to have been paid or allowed have been actually and truly so paid and allowed for the several purposes in the said account mentioned.

3. The said account is just and true in all and every the items and particulars therein contained according to the best of my knowledge and belief.
Sworn, etc.

No. 170.

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 Registrar within twenty-one days or the date hereof.

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

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

To K.L., Creditor.

G.H., Trustee.

NOTE.—Section 91 (3) of the Bankruptcy Ordinance 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 any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact."

No. 171.

APPLICATION FOR RELEASE BY TRUSTEE.

(Title.)

I, 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..... shillings in the pound 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..... has been paid]; [or That a composition (or scheme) under Section 23 of the Bankruptcy Ordinance has been duly approved by the Court].

2. I therefore request the Court to cause a report on my accounts to be prepared, and to grant me a certificate of release.

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

G.H., Trustee.

No. 172.

REGISTER OF BANKRUPTCY NOTICES TO BE KEPT BY THE REGISTRAR.

(Title.)

No.	Debtor.	Creditor.	Where filed.	Advocate.	Result of Notice.

No. 173.

REGISTER OF PETITIONS TO BE KEPT BY REGISTRAR.

(Title.)

No. of Petition.	Name of Debtor.	Residence	Description.	Date of Petition.	Petitioning Creditor.	Advocate	Act of Bankruptcy alleged.	Date of Receiving Order.

No. 174.

REGISTER OF RECEIVING ORDERS TO BE KEPT BY REGISTRAR.

(Title.)

No. of Receiving Order.	No. of Petition.	Date of Petition.	Date of Receiving Order.	Date of Public Examination	Date of Approval of Composition or Scheme.	Date of Adjudication.	Trustee.	Date of Hearing Application for Discharge.	Date of Order of Discharge.	Result of Application and Conditions (if any).	Date of Trustee's Release.	Date of Annuling Adjudication.	Proceedings consolidated or transferred.	Date of order for Summary Administration (under Section 116).	Date of order for Administration of deceased Estate (Section 117).

No. 175.

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.....

.....Trustee.

No. 176.

NOTICES FOR GAZETTE.

"THE BANKRUPTCY ORDINANCE, 1925."

(1) *Receiving Orders.*

Debtor's Name.	Address.	Description.	Date of Filing Petition.	Number of Matter.	Date of Order.	Whether Debtor's or Creditor's Petition.	Act or Acts of Bankruptcy.

(2) *Administration Orders in the Case of Deceased Debtors.*

Name of Deceased.	Address.	Description.	Date of Death.	Court.	No of Matter.	Date of Order.	Date of petition or Application for Transfer.	Act or acts of Bankruptcy (if any) committed by Deceased within 3 months before the date of his decease.	Whether Will or other Testamentary Disposition (with date thereof), or letters of Administration	Date when proved or granted.

(3) *First Meetings and Public Examinations.*

Debtor's Name.	Address.	Description.	Court.	Number.	Date of first Meeting.	Hour.	Place.	Date of Public Examination.	Hour.	Place.	Date of Order (if any) for Summary Administration.

(4) *Notice of Day Appointed for Proceeding with Public Examinations adjourned sine die.*

Debtor's Name	Address.	Description.	Court.	Number of Matter.	Date fixed for proceeding with Examination.	Hour.	Place.

(5) *Order on Application to approve Composition or Scheme.*

Debtor's Name	Address.	Description.	Court.	Number.	Date of Order.	Nature of Scheme or Composition sanctioned or Order made.

(6) *Adjudications.*

Debtor's Name.	Address.	Description.	Court.	Number.	Date of Order.	Date of Petition.

(7) *Adjudications Annulled.*

Debtor's Name.	Address.	Description.	Court.	No.	Date of Adjudication.	Date of Annulment.	Grounds of Annulment.

(8) *Application for Discharge.*

Debtor's Name.	Address.	Description.	Court.	Number.	Day fixed for Hearing.

(9) *Orders made on Application for Discharge.*

Debtor's Name.	Address.	Description.	Court.	Number.	Date of Order.	Nature of Order made.	Grounds named in Order for refusing an absolute Order of Discharge.

(10) *Appointment of Trustees.*

Debtor's Name.	Address.	Court.	Number.	Trustee's Name.	Address.	Date of Certificate of appointment.

(11) *Notice of Release of Trustee.*

Debtor's Name.	Debtor's Address.	Debtor's Description.	Court.	No. of Matter	Trustee's Name.	Trustee's Address.	Trustee's Description.	Date of Release.

(12) Notice of Intended Dividend.

Debtor's Name.	Address.	Description.	Court.	Number.	Last day for receiving Proofs.	Name of Trustee.	Address.

(13) Notice of Dividend.

Debtor's Name.	Address.	Description.	Court.	Number.	Amount per £.	First or final or otherwise.	When payable.	Where payable

(14) Order Annulling, Revoking, or Rescinding Order.

Debtor's Name.	Address.	Description.	Court.	Number.	Notice and date of Order annulled or revoked, or rescinded.	Date of Annulment, Revocation or Rescission.	Grounds of Annulment, revocation or Rescission.

(15) Notices to Debtors in lieu of Personal Service of Bankruptcy Notices and Petitions, and of Applications to Commit for Contempt of Court.

Debtor's Name.	Debtor's Address.	Debtor's description.	Cost.	Number of proceedings.	Nature of notice of which substituted service is directed.	Date thereof.	If a petition or application to commit, date of hearing.	Name and description of persons giving Bankruptcy notice, or by whom petition is presented or by whom application to commit is being made.

(16) Notices, in lieu of Personal Service, of Applications to Commit Persons, other than Debtors, for Contempt of Court.

Name of Person against whom application is made.	Address.	Description.	In what matter application made.					Date on which application will be heard.
			Name of Debtor.	Address.	Description.	Court.	Number of proceedings.	

(17) MEMORANDUM OF ADVERTISEMENT OR GAZETTING.

(Title.)

Name of Paper.	Date of Issue.	Date of Filling.	Nature of Order, &c.

(Signed) A.B., Registrar.