



SUPPLEMENT  
TO THE  
VICTORIA  
GOVERNMENT GAZETTE

OF FRIDAY, FEBRUARY 23, 1900.

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RULES UNDER DIVISION VII. OF THE COMPANIES ACT 1896.

UNDER the powers in the Companies Acts contained, and under all other powers it and them enabling in that behalf, the Supreme Court and a majority of the Judges thereof, for the purpose of annulling certain of the rules in the Seventh Schedule to the *Companies Act 1896* contained and of substituting other rules in lieu thereof, and of carrying into effect certain of the objects of Division VII. of the *Companies Act 1896*, doth make the general rules and orders following:—

1. These rules shall come into operation on the 1st day of January, 1900.

Commencement.

2. Rule 15 and rules 60 and 61 contained in the Seventh Schedule to the *Companies Act 1890*, shall from and after the coming into operation of these Rules cease to have effect or apply to the winding up of any company wound up under the order of the Court. The rules made on the second day of August, 1899, are hereby repealed.

Repeal of rules 15, 60, and 61, contained in Seventh Schedule of *Companies Act 1890* and of rules of 2nd August, 1899.

3. In these rules unless repugnant to the context the masculine gender shall be deemed and taken to include females, and the singular number shall include the plural, and the plural number shall include the singular, and unless the context or subject-matter otherwise requires, the following words and expressions shall have the meaning respectively assigned to them:—

Interpretation of terms.

“Act” shall mean the *Companies Act 1896*.

“Month” shall mean calendar month.

4. Notwithstanding anything to the contrary in these rules contained the Court may from time to time by special order, and upon such terms and conditions and the observance of such requirements (if any) as may be prescribed or directed (which order may at any time be amended, varied, or revoked) either generally with respect to the conduct of the winding-up of the company, or in any particular instance dispense with the observance either in whole or in part of any direction or requirement prescribed by or contained in any rule or form hereunder.

Court may dispense with observance of requirements of rules.

5. Where the Court has made an order for winding up a company the statement as to the affairs of the company required by section 131 of the Act shall be in the forms or to the effect provided in the First Schedule hereto, and shall contain in addition to the information contained in the forms such other information as the official liquidator may, by writing under his hand, require, and the directions specified in the forms shall (unless the Court otherwise directs) be observed in reference to every statement.

Form of statement of affairs to be supplied by directors and manager of company ordered to be wound up.

*Companies Act 1896*, Section 131.  
First Schedule.

6. Where a creditor or contributory requires to inspect the statement of affairs of a company submitted in pursuance of section 131 of the Act, or requires a copy thereof, or an extract therefrom, he shall apply to the liquidator in the form or to the effect of that contained in the Second Schedule hereto.

Form of application by creditors, &c., to inspect statement.  
1b., Second Schedule.

When winding up a company in liquidation to be deemed to have been concluded.

*Companies Act 1896, Section 139.*

When wound up by order.

When wound up voluntarily or under supervision.

Third Schedule.

Period to be covered by particulars in statements of company winding up of which concluded since 23rd December, 1896.

*Ib., Section 139.*

Period to be covered by particulars of statement of company winding up of which is not concluded before 1st January, 1900.

*Ib., Section 139.*

Company wound up under order or supervision, where winding up commenced on or before 1st January, 1899.

Company wound up under order or supervision, where winding up commenced after 1st January, 1899.

Company wound up voluntarily.

Where company one winding up of which commenced more than a year before 31st December, 1899.

7. For the purposes of the next two succeeding rules the winding-up of a company shall be deemed to be or to have been concluded :—

- (a) In case of a company wound up by order of the Court at the date on which the order for dissolution shall be or shall have been reported by the official liquidator to the Registrar-General, pursuant to the 106th section of the *Companies Act 1890*; and
- (b) In the case of companies wound up voluntarily or under the supervision of the Court, at the date when the company by section 129 of the *Companies Act 1890*, or section 162 of the *Companies Act 1896*, is to be deemed to be or to have been dissolved, unless at the time any funds or assets of the company remain unclaimed or undistributed in the hands or under the control of the liquidator or of any person who has acted as liquidator, in which case the winding up shall not be deemed to be or to have been concluded until such funds or assets have either been distributed or been disposed of in accordance with a direction of the Court given in that behalf, and a statutory declaration by the liquidator in the form or to the effect of that contained in the Third Schedule hereto has been filed with the Registrar-General.

8. In the case of every company the winding up of which has been or will be concluded between the 23rd day of December, 1896, and the 1st day of January, 1900, and not within a year after the commencement of such winding up a statement commencing where the company is one which was on the 24th day of December, 1896, in course of liquidation, on the 24th day of December, 1896, and where the winding up began on or after the 24th day of December, 1896, commencing at the date when a liquidator was first appointed, and brought down to and inclusive of the day when the liquidation was concluded shall be sent to the Registrar-General on or before the 31st day of March, 1900.

9. In all cases not covered by the last preceding rule the statement with respect to proceedings in and position of a liquidation of a company the winding up of which is not concluded within a year after its commencement shall be sent to the Registrar-General twice in every year, as follows :—

- (1) Where the winding up has commenced on or before the 1st day of January, 1899, and will not be concluded before the 1st day of January, 1900, then, in the case of a company being wound up by order of the Court or under its supervision, the first statement, brought down to and inclusive of the 31st day of December, 1899, shall be sent to the Registrar-General on or before the 1st day of February, 1900, or within such extended time as the Court may in any particular case sanction, and the next statement brought down to and inclusive of the 30th day of June, 1900, shall be sent within 30 days from that date.
- (2) Where the winding up has commenced after the 1st day of January, 1899, then, in the case of a company being wound up by order of the Court or under its supervision, the first statement, commencing at the date when a liquidator was first appointed and brought down to the end of twelve months from the commencement of the winding up, or if the company is in course of liquidation at the date of the coming into operation of these rules, then brought down to such last-mentioned date, shall be sent within 30 days from the expiration of the period down to the end of which the statement is brought; or, in either case, within such extended time as the Court may in any particular instance, sanction.

(3) In the case of a company being wound up voluntarily and not under supervision, the first statement commencing at the date when the liquidator was first appointed and brought down to the date specified with regard to the circumstances applicable to the particular case, shall be sent in as follows :—

- (a) Where the company is one that will have been in course of winding up for over a year on the 31st day of December, 1899, a statement brought down to the end of the year in 1899, for which the liquidator

is required by the 125th section of the *Companies Act* 1890 to lay an account before a general meeting, if such year has expired between the 30th day of June, 1899, and the 1st day of January, 1900, or, if such year expired on or before the 30th day of June, 1899, down to a date six months subsequent to the termination of such year, shall be sent in on or before the 1st day of February, 1900, or within such extended time as the Court may in any particular case sanction.

- (b) In all other cases a statement brought down to the end of the year for which the liquidator is required by the 125th section of the *Companies Act* 1890 to lay an account before a general meeting, shall be sent in within 30 days from the expiration of the period down to the end of which the statement is brought or within such extended time as the Court may in any particular case sanction. Other cases.

In the case of any company to which this rule applies wound up voluntarily, the second statement, brought down to the end of the half-year commencing at the expiration of the period down to which the first statement is brought, shall be sent in within 30 days from the expiration of such half-year. Second statement.

- (4) The subsequent statements shall be sent at intervals of half-a-year, each statement being brought down to the end of the half-year for which it is sent. Subsequent statements half-yearly

- 10.—(1) The form in the Fourth Schedule to these rules with such variations as circumstances may require shall be used, and the directions specified in the form shall be observed, in reference to every statement required by section 139 of the Act. Form of statement.  
*Companies Act* 1890,  
Section 139.  
Fourth Schedule.

- (2) Every such statement shall contain a detailed account of all the liquidator's realizations and disbursements in respect of the company. The statement of realizations shall contain a record of all receipts derived from or in respect of assets existing at the date of the winding-up order or resolution and subsequently received or realized, including balance in bank, book debts, and calls collected, property sold, &c., and the account of disbursements shall contain detailed particulars of all payments for costs and charges, or to creditors or contributories. Where property has been realized, the gross proceeds of sale must be entered under realizations, and the necessary payments incidental to sales must be entered as disbursements. These accounts should not contain payments into or out of bank, or temporary investments by the liquidator, or the proceeds of such investments when realized, which should be shown separately :—

(a) By means of the bank pass-book.

(b) By a separate detailed statement of moneys invested, and investments realized. Directions as to  
reparation, &c.

Interest allowed or charged by the bank, bank commission, exchange discounts, rebates, and other like charges, and profit or loss upon the realization of temporary investments must however be inserted in the accounts of realizations or disbursements, as the case may be. Each receipt and payment must be entered in the account in such a manner as sufficiently to explain its nature. The receipts and payments must severally be added up at the foot of each sheet, and the totals carried forward from one account to another without any intermediate balance, so that the gross totals shall represent the total amounts received and paid by the liquidator respectively.

Where the winding up of a company commenced, but was not concluded before the 24th day of December, 1896, it shall be sufficient to insert in such statement in respect of the period prior to such date, the total amounts of realization and disbursements respectively. Particulars of  
realizations and  
disbursements prior to  
24th December, 1896, need  
not be given in detail.

- (3) When the liquidator carries on a business, a trading account must be forwarded as a distinct account, and the totals of receipts and payments on the trading account must alone be set out in the statement. Trading account.

Separate accounts of payments of dividends, &c., to creditors, and returns of surplus to contributories.

Statement filed prior to rules coming into force to be deemed in prescribed form.

Statements prepared, &c., before 1st September, 1899, may be filed within 30 days and accepted as if in prescribed form.

Declaration verifying statement.  
Fifth Schedule.

Account of liquidator's receipts and payments in case of company wound up under order or supervision of Court.  
Section 141.  
Sixth Schedule.

Account of liquidator's receipts and payments in case of company wound up voluntarily and not under supervision.

Statements already sent in to be deemed as complying with sub-rules (1) and (2).

- (4) When dividends or instalments of compositions are paid to creditors, or a return of surplus assets is made to contributories, the total amount of each dividend or instalment of composition or payment to contributories must be entered in the statement of disbursements as one sum; and the liquidator must forward separate accounts showing in lists the amount of the claim of each creditor and the amount of dividend or composition payable to each creditor and of the surplus assets payable to each contributory, distinguishing in each list the dividends or instalments of compositions and shares of surplus assets actually paid and those remaining unclaimed.
- (5) In every case where a liquidator has before the coming into operation of these rules filed with the Registrar-General a statement which has been audited by an auditor appointed by the Court, and purporting to be sent in in pursuance of the Act, such statement shall for the period covered thereby be deemed to be in the prescribed form.
- (6) Where, before the 1st day of September, 1899, a liquidator has prepared a statement showing the proceedings and position of the liquidation, and has had the same audited by a person qualified to act as an auditor under the Act, if such statement is verified as hereinafter provided, and sent in to the Registrar-General within 30 days after the coming into operation of these rules, such statement shall for the period covered thereby be deemed to be in the prescribed form.
- (7) Every statement shall be verified by a statutory declaration in the form in the Fifth Schedule to these rules with such variations as circumstances may require.

- 11.—(1) Where a company is being wound up by order of the Court, and where a company is being wound up under supervision, every liquidator shall at the expiration of six months from the date of the order for winding up or supervision or if the company at the date of the coming into operation of these rules is in course of winding up by order or under supervision, then at the expiration of six months from such last-mentioned date, and at the expiration of every succeeding six months thereafter, until his release, send to the Registrar-General an account constituted by a copy of the cash-book for such period in duplicate, together with copies of the certificates of audit by an auditor appointed by the Court, and (unless otherwise ordered by the Court) the necessary vouchers. He shall also forward with the first account a summary of the company's statement of affairs in the form or to the effect of that contained in the Sixth Schedule to these rules, showing thereon in red ink the amounts realized, and explaining the cause of the non-realization of such assets as may be unrealized.
- (2) Where a company is being wound up voluntarily and not under supervision every liquidator shall at the expiration of six months from the date of the commencement of winding up, or if the company is in course of liquidation at the date of the coming into operation of these rules, then, at the time he is required by rule 8 of these rules to send in the first statement, and at the expiration of every succeeding six months thereafter, until the winding up is concluded, send to the Registrar-General an account constituted by a copy of the cash-book for such period in duplicate and copies of the certificates of audit by an auditor appointed by the Court.
  - (3) In all cases where a statement has been sent in by the liquidator, in compliance with the two last preceding rules, such statement shall be deemed to be a sufficient compliance with sub-rules (1) and (2) of this rule, provided, however, that the provisions of sub-rule (1) as to vouchers and as to explanation of the cause of non-realization of assets shall nevertheless apply.

- (4) When the assets of the company have been fully realized and distributed, the liquidator shall forthwith send in his accounts to the Registrar-General, although the six months may not have expired. Time of sending final account.
- (5) The accounts sent in by the liquidator shall be certified and verified by him by a statutory declaration in the form or to the effect of that contained in the Fifth Schedule hereto with such necessary alterations as the case may require. Certification and verification by liquidator. Fifth Schedule.
- (6) The statutory declaration by the auditor appointed by the Court verifying the account shall be in the form or to the effect of that contained in the Seventh Schedule hereto. Verification by auditor. Seventh Schedule.
- 12.—(1) Where the liquidator carries on the business of the company 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. Trading account.
- (2) The trading account shall, from time to time, and not less than once in every month, be verified by statutory declaration of the liquidator, and the liquidator 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. Verification, &c., trading account.
13. When the liquidator's account has been audited the Registrar-General shall certify the fact upon the account, and thereupon the duplicate copy bearing a like certificate shall be filed in the office of the Prothonotary of the Supreme Court. Registrar-General's certificate of audit.
14. Where a liquidator has not during any period for which a statement under section 139 of the Act has to be sent in, or in connexion with his account of receipts and payments under section 141 of the Act, 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 assets of the company, he shall at the time when he is required to send his statement or accounts, as the case may be, to the Registrar-General and in lieu thereof, send to the Registrar-General a statutory declaration of no receipts or payments in the form or to the effect of that contained in the Eighth Schedule to these rules. Liquidator not receiving or paying money for period to file declaration. Eighth Schedule.
15. (1) Every liquidator of a company shall keep a book, to be called the "record-book," in which shall be recorded all minutes, all proceedings had and resolutions passed at any meeting of creditors or contributories or of the committee of inspection, and all such matters as may be necessary to give a correct view of his administration of the company's affairs, but he shall not be bound to insert in the "record-book" any document of a confidential nature (such as the opinion of counsel on any matter affecting the interest of the creditors or contributories) nor need he exhibit any such document to any person other than a member of the committee of inspection unless so ordered by the Court. Record-book to be kept. Section 142.
- (2) Every liquidator shall keep a book to be called the "cash-book" in the form or to the effect of that contained in the Ninth Schedule, 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. Form of cash-book, &c. Section 142. Ninth Schedule.
- (3) The liquidator 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 in every three months.
16. The liquidator, desiring to apply for directions in relation to any particular matter arising under the winding up may so do in Chambers *ex parte*. Application for directions may be made in Chambers. Section 144 (3). Judge may require notice to be given. Ib.
17. In the event of the Judge deeming it necessary or advisable that any person who may be affected by the application should receive notice before dealing with the application he may adjourn the application and direct that notice be given to such person or persons or classes of persons as he may indicate either by advertisement or otherwise as he may think fit.

Application in Chambers  
may be adjourned into  
Court.

Section 144 (3).

Vacation of recognisance  
of official liquidator and  
sureties.

Upon certificate of  
associate that company  
completely wound up  
official liquidator to  
apply for order for  
dissolution.

Prothonotary to keep  
books, &c.

Section 151.

Tenth Schedule

Form of Return by  
Prothonotary.

Ib 151.

Eleventh Schedule.

Rules not to apply to  
companies under Act  
No. 1356.

Punctuation.

18. Any application under the last two preceding rules may at any time be adjourned from Chambers to be heard in Court, and thereafter again adjourned from Court to be heard in Chambers, and so on, from time to time, as the Judge hearing the same may think expedient.

19. Upon the termination of the proceedings in Chambers for the winding up of any company wound up under an order of the Court and upon payment by the official liquidator of any balance of money in his hands or under his control in connexion with the winding up as the Court or a Judge may direct and upon the official liquidator filing a final account in manner hereinbefore provided the recognisance entered into by the official liquidator and his sureties may be vacated.

20. When the official liquidator has paid the balance of any money in his hands or under his control in such manner as the Court or a Judge may have directed and has filed a final account a certificate shall be made by the associate that the affairs of the company have been completely wound up and in case the company has not been already dissolved the official liquidator shall immediately after such certificate has become binding apply for an order that the company be dissolved from the date of such order.

21. The Prothonotary shall keep books in the forms in the Tenth Schedule hereto, and the particulars given under the different heads in such books shall be entered forthwith after each proceeding has been concluded.

22. The Prothonotary, on or before the 31st day of January in each and every year shall make a return to the Attorney-General of the business of the Court during the year ending the 31st day of December next preceding in connexion with the winding up of companies in the form or to the effect of that contained in the Eleventh Schedule hereto.

23. These rules shall not extend to any company named in the first column of the schedule to the Reconstructed Companies Act 1893, Act No. 1356, in such Act called the "Old Company."

24. In the construction of these rules regard shall not be had to punctuation other than full stops.

**RULES.—COMPANIES ACT 1896 (No. 1482, SEC. 131 (1)).**  
**FORMS.**

**FIRST SCHEDULE.**

**STATEMENT OF AFFAIRS, ETC., TO OFFICIAL LIQUIDATOR.**

In the matter of

in liquidation.

STATEMENT OF Affairs on the

day of

1, the date of the Winding-up Order.

*I.—As regards Creditors.*

Gross Liabilities.			Liabilities.			Expected to Rank.			Assets.			Estimated to Produce.		
£	s.	d.				£	s.	d.				£	s.	d.
			Debts and Liabilities, viz. :—						(a) Property, as per list "H," viz. :—					
			(a) Unsecured creditors, as per list "A" ...						(a) Cash at bankers ...					
			(b) Creditors fully secured (not including debenture-holders), as per list "B" ...						(b) Cash in hand ...					
				£	s.	d.			(c) Stock in trade (estimated cost £ ...)					
									(d) Machinery ...					
									(e) Trade fixtures, fittings, utensils, &c. ...					
									(f) Investments in shares, &c. ...					
									(g) Loans on mortgage ...					
									(h) Other property ...					
									(b) Book debts, as per list "I," viz. :—					
									Good ...					
										£	s.	d.		
									Doubtful ...					
									Bad ...					
									£					
									Estimated to produce ...					
									(c) Bills of exchange or other similar securities on hand, as per list "J," £					
									Estimated to produce ...					
									(d) Surplus from securities in the hands of creditors fully secured, per contra (a) ...					
									(e) Unpaid calls, as per list "K," £					
									Estimated to produce ...					
									Estimated Total Assets ...					
									Deduct loans on debenture bonds secured on the assets of the company, as per contra (f) ...					
									Estimated Net Assets ...					
									Deduct preferential creditors, as per contra (g) ...					
									Estimated amount available to meet unsecured creditors, subject to cost of liquidation ...					
									Estimated deficiency of assets to meet liabilities of the company, subject to cost of liquidation ...					
						£						£		

The nominal amount of unpaid capital liable to be called up to meet the above deficiency is £

## [FIRST SCHEDULE—continued.

## II.—As regards Contributories.

	£	s.	d.	£	s.	d.		£	s.	d.
Capital issued and allotted, viz.:—							Estimated surplus as above (if any)			
(a) Founders' shares of £ per share							subject to costs of liquidation ...			
Amount called up at £ per share,										
as per list "I," ...										
(b) Ordinary shares of £ per share										
Amount called up at £ per share,										
as per list "M" ...										
(c) Preference shares of £ per share										
Amount called up at £ per share,										
as per list "N" ...										
[Add particulars of any other capital.]										
Less unpaid calls estimated to be unrecoverable ...										
Add deficiency to meet liabilities as above							Total deficiency as explained in statement list "O" ...			
	£							£		

We,\* of † jointly and severally make oath and say that the above statement and the several lists hereunto annexed, marked A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, respectively, are, to the best of our knowledge and belief, a full, true, and complete statement of the affairs of the above-named company on the day of 1, the date of the winding-up order herein.

Sworn by the ‡ day of deponent § at in the colony of Victoria, this 1 before me—

A Commissioner of the Supreme Court of the Colony of Victoria for taking affidavits.  
[or A Commissioner for taking oaths and affidavits].

\* Name of one of the deponents.  
† Place of abode and calling, and character in relation to the company in respect of which the obligation to make the statement is imposed by section 131 of Act No. 1482.

‡ If all sworn at same time, insert "several."

§ If sworn separately, insert name of particular deponent.

NOTE.—Repeat form of jurat where necessary in consequence of deponents being sworn at different times.

In re

LIST "A.

in liquidation.

# Instructions—

## UNSECURED CREDITORS.

- Names to be arranged in alphabetical order of the initial letter of the creditors' surnames, and numbered consecutively.

The names of creditors having the same initial letter for Ten pounds and upwards to be placed before any creditor having the same initial letter to whom is due an amount under Ten pounds.

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

Total amount of claim £

Less contra account £

No sum so set off should be included in List "I."



FIRST SCHEDULE—*continued.*LIST "A"—*continued.*

3. 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.
4. The names of any creditors who are also contributories, or alleged to be contributories, of the company must be shown separately and described as such at the end of the list.

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

Signatures—

Dated—

## LIST "B."

In re

In liquidation.

CREDITORS FULLY SECURED (NOT INCLUDING DEBENTURE-HOLDERS).

No.	Name of Creditor.	Address and Occupation.	Amount of Debt.	Date when Contracted.		Consideration.	Particulars of Security.	Date when given.	Estimated Value.	Estimated Surplus of Security.
				Month.	Year.					

Signatures—

Date—

## FIRST SCHEDULE—continued.

## LIST "C."

In re

in liquidation.

## CREDITORS PARTLY SECURED.

(State whether also contributories of the company.)

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

Signatures—

Date—

## LIST "D."

In re

in liquidation.

## LIABILITIES OF COMPANY ON BILLS DISCOUNTED OTHER THAN ITS OWN ACCEPTANCES FOR VALUE.

No.	Acceptor's Name.	Address and Occupation.	Whether liable as Drawer or Indorser.	Date when Due.	Amount.	Holder's Name.	Holder's Address and Occupation.	Amount expected to rank for Dividend.

Signatures—

Date—

## FIRST SCHEDULE—continued.

## LIST "E."

In re

in liquidation.

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.	Consideration.	Amount expected to rank against Assets for Dividend.
				Month.	Year.			

Signatures—

Date—

## LIST "F."

In re

in liquidation.

LIST OF DEBENTURE-HOLDERS IN ISSUE OF THE DAY OF

NOTE.—1. Names to be arranged in alphabetical order of the initial letter of the creditor's surname and numbered consecutively.

2. Separate lists must be furnished of holders of each issue of debentures should more than one issue have been made.

No.	Name of Holder.	Address and Occupation.	Amount.	Description of Assets over which Security extends.

Signatures—

Date—

## FIRST SCHEDULE—continued.

## LIST "G."

In re

in liquidation.

## PREFERENTIAL CREDITORS FOR RATES, TAXES, RENT, SALARY, 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.

Signatures—

Date—

## LIST "H."

In re

in liquidation.

FULL PARTICULARS OF EVERY DESCRIPTION OF PROPERTY NOT INCLUDED IN ANY OTHER LIST ARE TO BE SET FORTH IN THIS LIST.

Full Statement and Nature of Property.	Estimated to Produce.
(a) Cash at bankers ... ..	
(b) Cash in hand ... ..	
(c) Stock in trade* ... ..	
(d) Machinery at* ... ..	
(e) Trade fixtures, fittings, office furniture, utensils, &c. ...	
(f) Investments in debentures, stocks, or shares† ...	
(g) Loans for which mortgage or other security held† ...	
(h) Other property, viz.† ... ..	

\* State where.

† Give particulars.

Signatures—

Date—

## FIRST SCHEDULE--continued.

## LIST "I."

## DEBTS DUE TO THE COMPANY.

In re

in liquidation.

NOTE.—1. Names to be arranged in alphabetical order of the initial letter of the debtor's surname, and numbered consecutively.

2. If any debtor to the company is also a creditor, but for a less amount than his indebtedness, the gross amount due to the company and the amount of the contra account should be shown in the fourth column. No such claim should be included in Sheet "A."

No.	Name of Debtor.	Residence and Occupation.	Due to company less contra account	Amount of Debt.			Folio of Ledger or other book where particulars are to be found.	When Contracted.		Estimated to Produce.	Particulars of any Security held for Debt.
				Good.	Doubtful.	Bad.		Month.	Year.		

Signatures—

Date—

## LIST "J."

In re

in liquidation.

## BILLS OF EXCHANGE, PROMISSORY NOTES, ETC., ON HAND AVAILABLE AS ASSETS.

No.	Name of Acceptor of Bill or Note.	Address, &c.	Amount of Bill or Note.	Date when Due.	Estimated to Produce.	Particulars of any Property held as Security for Payment of Bill or Note.

Signatures—

Date—

## FIRST SCHEDULE—continued.

## LIST "K."

In re

in liquidation.

## UNPAID CALLS.

No. in Share Register.	Name of Shareholder.	Address and Occupation.	No. of Shares held.	Amount of Call per Share unpaid.			Total Amount due.			Estimated to realize—		

Signatures—

Date—

## LIST "L."

In re

in liquidation.

## LIST OF FOUNDERS' SHARES.

Register No.	Name of Shareholder.	Address and Occupation	Nominal Amount of Share.	Number of Shares held.	Amount per Share called up.			Total Amount called up.		

Signatures—

Date—

February 28, 1900.

## FIRST SCHEDULE—continued.

## LIST "M."

In re

in liquidation

## LIST OF ORDINARY SHARES.

No.	Register No.	Name of Shareholder.	Address and Occupation.	Nominal Amount of Share.	No. of Shares held.	Amount per Share called up.	Total Amount called up.

Signatures—

Date—

## LIST "N."

In re

in liquidation.

## LIST OF PREFERENCE SHARES.

Register No.	Name of Shareholder.	Address and Occupation.	Nominal Amount of Share.	Number of Shares held.	Amount per Share called up.	Total Amount called up.

Signatures—

Date—

## FIRST SCHEDULE—continued.

## LIST "O."

In re

in liquidation.

(1). DEFICIENCY ACCOUNT FOR USE WHERE WINDING-UP ORDER MADE *within* THREE YEARS OF FORMATION OF COMPANY.

	£	s.	d.		£	s.	d.
1. Gross profit (if any) arising from carrying on business from date of formation of company to date of winding-up order ...				1. Expenses of carrying on business from date of formation of company to date of winding-up order, viz. :—			
2. Deficiency, as per statement of affairs ...				Salaries and wages ...			
				Rent, rates, and taxes ...			
				Miscellaneous trade expenses ...			
				Depreciations written off in company's books ...			
				Interest on loans ...			
				2. Bad debts (if any), as per list "I" * ...			
				3. Directors' fees from date of formation of company to date of winding-up order ...			
				4. Dividends paid (if any) from date of formation of company to date of winding-up order ...			
				5. Losses on investments realized from date of formation of company to date of winding-up order, exclusive of depreciation written off as above, viz. :—†			
				6. Depreciation on property not written off in company's books, viz. :—†			
				7. Other losses and expenses (if any)‡ from date of formation of company to date of winding-up order, viz. :—†			
				8. Unpaid calls as per list "K" ...			
				Less amount taken credit for in front sheet as estimated to be realized therefrom as per list "K" ...			
				Balance estimated as unrecoverable ...			
Total amount to be accounted for §	£			Total amount accounted for §	£		

## NOTES.

\* This list must show when debts were contracted.

† Where particulars are numerous they should be inserted in a separate schedule.

‡ Here add particulars of other losses or expenses (if any) and abilities (if any) for which no consideration received.

§ These figures should agree.

Signatures—

Dated—



## FIRST SCHEDULE—continued.

## LIST "O."

In re

in liquidation.

(2) DEFICIENCY ACCOUNT WHERE WINDING-UP ORDER MADE MORE THAN THREE YEARS AFTER FORMATION OF COMPANY.

	£	s.	d.		£	s.	d.
1. Excess of assets over capital and liabilities on the* day of (if any), as per company's balance-sheet ...				1. Excess of capital and liabilities over assets, on the* day of (if any), as per company's balance-sheet ...			
2. Gross profit (if any) arising from carrying on business from the* day of ...				2. Expenses of carrying on business from the* day of viz.:— ...			
3. Deficiency, as per statement of affairs ...				Salaries and wages ...	£	s.	d.
				Rents, rates, and taxes ...			
				Miscellaneous trade expenses ...			
				Depreciations written off in company's books ...			
				Interest on loans ...			
				3. Bad debts (if any), as per list "J" † ...			
				4. Directors' fees from the* day of ...			
				5. Dividends paid (if any) since the* day of ...			
				6. Losses on investments realized since the* day of exclusive of depreciation written off as above, viz.:— ‡			
				7. Depreciation on property not written off in company's books, viz.:— ‡ ...			
				8. Other losses and expenses (if any) since the* day of viz.:— §			
				9. Unpaid calls, as per list "K" ...	£	s.	d.
				Less amount taken credit for in front sheet as estimated to be realized therefrom ...			
				Balance estimated as irrecoverable ...			
Total amount to be accounted for				Total amount accounted for	£		

## NOTES.

\* Three years before date of winding-up order.

† This list must show when debts were contracted.

‡ When particulars are numerous they should be inserted in a separate schedule.

§ Here add particulars of other losses or expenses (if any) and liabilities (if any) for which no consideration received.

|| These figures should agree.

Signatures—

Dated—

COMPANIES ACT 1896 (No. 1482).

SECOND SCHEDULE.

APPLICATION OF CREDITOR OR CONTRIBUTORY TO INSPECT, ETC., STATEMENT OF AFFAIRS.  
In re  
To

the Official Liquidator.

(1) If desired inspection should be made by agent, add "by my agent, A.B., whose signature appears at foot."

I beg to apply { to inspect (1) or  
for a copy of or  
for an extract as below from } the Statement of Affairs of the above company  
submitted in pursuance of Section 131 of the Companies Act 1896.

My full name is  
and reside at

and I am a { creditor or  
contributory } of the company in respect of (2)

(2) Give particulars of debt or fact constituting person creditor or contributory.

I herewith hand you the sum of  
the prescribed fee.

being

A.B., the creditor (or contributory) above named.

[Where extract is required here state generally the nature of the extract required.]

COMPANIES ACT 1896 (No. 1482).

THIRD SCHEDULE.

STATUTORY DECLARATION OF LIQUIDATOR OF WINDING UP HAVING BEEN COMPLETED.  
In re  
I,  
now dissolved,

of  
at the time of its dissolution the liquidator of the above-named company, do solemnly and sincerely declare—  
1. That three months have elapsed since the date of the registration with the Registrar-General of the return required by law, from which date the above company is to be deemed to be dissolved.  
2. That no funds or assets of the company remain in my hands or under my control, or in the hands or under the control of any person who has acted as liquidator of the company.  
3. That in accordance with an order of the Supreme Court dated the day of 19 in that behalf I on the day of 19 disposed of all the funds and assets of the said company remaining unclaimed or undistributed on that date in my hands or under my control by [here set out the facts constituting a compliance with the terms of the order of the Court directing how such funds or assets were to be disposed of.]  
And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared at  
before me—

this

day of

1

\* NOTE.—Where funds or assets have all been distributed paragraph 3 may be omitted.

**COMPANIES ACT 1896 (No. 1482, Sec. 139 (1)).**  
**FOURTH SCHEDULE.**

In re

in liquidation.

FORM OF STATEMENT OF RECEIPTS AND PAYMENTS BY LIQUIDATOR, ETC.

**LIQUIDATOR'S STATEMENT PURSUANT TO SECTION 139 (1) OF THE COMPANIES ACT 1896.**

Name of company ... ..  
 Nature of proceedings (whether wound up by the Court or under  
 the supervision of the Court or voluntarily) ... ..  
 Date of commencement of winding up ... ..  
 Date to which statement is brought down ... ..  
 Name and address of the liquidator ... ..  
 Account as follows:—

NOTE.—When the statement is in connexion with a company in course of winding up on the 24th of December, 1896, the liquidator is not required to give details of realization and disbursements respectively prior to that date, but may state the gross amounts by inserting in the first entry in the account as regards realization words to the effect of the following:—“Amount realized prior to the 24th of December,” and as regards disbursements “Amount disbursed prior to the 24th of December, 1896,” setting down the amount in each case in the appropriate money column.

Realization.				Disbursements.			
Date.	Of whom Received.	Nature of Assets Realized.	Amount.	Date.	To whom Paid.	Nature of Disbursements.	Amount.
			£ s. d.				£ s. d.
(On last page)—Total realizations to be carried to next account.				(On last page)—Total disbursements to be carried to next account.			

*Analysis of Balance.*

Total Realizations ... ..	£ s. d.
Total Disbursements ... ..	£ s. d.
<b>Balance</b> ... ..	£ s. d.
The balance is made up as follows:—	
(1) Cash in hands of liquidator ... ..	£ s. d.
(2) Amounts invested by liquidator (as per separate account herewith)	£ s. d.
Less amounts realized from same ... ..	£ s. d.
Balance of amount invested ... ..	£ s. d.
(3) Total payments into bank, including balance at date of commencement of winding up (as per bank book) ... ..	£ s. d.
Total withdrawn from bank ... ..	£ s. d.
Balance at bank ... ..	£ s. d.
<b>Total as shown above</b> ... ..	£ s. d.

NOTE.—The liquidator should also state—

- |  |                             |
|--|-----------------------------|
| (1) The amount of the estimated assets and liabilities at the date of the commencement of the winding up | } Assets £<br>Liabilities £ |
| (2) The general description and estimated value of outstanding assets (if any)                           |                             |
| (3) The causes which delay the termination of the winding up   | }                           |
| (4) The period within which the winding up may probably be completed                                     |                             |

February 28, 1900.

798

COMPANIES ACT 1896 (No. 1482).

FIFTH SCHEDULE.

STATUTORY DECLARATION VERIFYING LIQUIDATOR'S STATEMENT PURSUANT TO SECTION 139 (1) OF ACT.

In the matter of

in liquidation.

I, \_\_\_\_\_ of \_\_\_\_\_  
the liquidator of the above-named company, do solemnly and sincerely declare—

1. That the account hereunto annexed, marked "A," contains a full and true account of my receipts and payments in the winding up of the above-named company from 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 company other than and except the items mentioned and specified in the said account.

2. That the said account, marked "A," truly and correctly sets forth the proceedings in and position of the liquidation of the above-mentioned company.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared at  
before me—

this

day of

1

COMPANIES ACT 1896 (No. 1482, Sec. 141).

SIXTH SCHEDULE.

In the matter of

in liquidation.

SUMMARY OF COMPANY'S STATEMENT OF AFFAIRS, ETC.

Assets as per Statement.					Realized.		Estimated Value outstanding.		Remarks.
Property, as per list "II," viz.:									
(a) Cash at Bankers	...	...	...	...					
(b) Cash in hand	...	...	...	...					
(c) Stock in trade	...	...	...	...					
(d) Machinery, &c.	...	...	...	...					
(e) Trade fixtures, &c.	...	...	...	...					
(f) Investments in shares, &c.	...	...	...	...					
(g) Loans on mortgage	...	...	...	...					
(h) Other property, viz.:	...	...	...	...					
Book debts—good									
" doubtful and bad									
Bills of Exchange									
Surplus from securities									
Unpaid calls, as per list "K"									
Capital not called up									
Totals	...	...	...	...					

Date of winding-up order

First meeting

Liquidator's certificate

Balance now at credit of the liquidation, £

DIVIDENDS.

When Declared.	What Declared, per £1	If not Declared, state Reason.	State when Declaration will probably be effected.

## SIXTH SCHEDULE—continued.

## SOLICITOR'S COSTS.

Date of Authority.	Amount.	Nature of Work done.

If any actions or other proceedings are delaying the closing of the liquidation, state shortly the nature and probable duration thereof ... ..

If application for release not yet made, state reason, and when liquidator expects to be in a position to apply for same ...

State shortly any other circumstances tending to delay the winding up of the company, or affecting the realized value of the property, or the cost of its realization ... ..

Dated the \_\_\_\_\_ day of \_\_\_\_\_

Liquidator.

To the Registrar-General.

## COMPANIES ACT 1896 (No. 1482).

## SEVENTH SCHEDULE.

## STATUTORY DECLARATION OF AUDITOR VERIFYING LIQUIDATOR'S ACCOUNT OF RECEIPTS AND PAYMENTS.

In the matter of \_\_\_\_\_ in liquidation.

I, \_\_\_\_\_ of \_\_\_\_\_ the auditor appointed by the Supreme Court to audit the accounts of the liquidator of the above company, do solemnly and sincerely declare—

1. That I have audited the accounts of \_\_\_\_\_, the liquidator of the above company, and believe that the account of his receipts and payments produced and shown to me at the time of my making this declaration, and marked with the letter "A," is true and correct in every particular.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
before me—

## COMPANIES ACT 1896 (No. 1482).

## EIGHTH SCHEDULE.

## STATUTORY DECLARATION OF NON-RECEIPT AND NON-PAYMENT BY LIQUIDATOR.

In the matter of \_\_\_\_\_ in liquidation.

I, \_\_\_\_\_ of \_\_\_\_\_ the liquidator of the above-named company, do solemnly and sincerely declare—

1. That from the \_\_\_\_\_ day of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_ inclusive, 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 company.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
before me—

(c)

*Receipts.*

*Payments.*

## TENTH SCHEDULE.

REGISTER OF WINDING-UP ORDERS TO BE KEPT BY PROTHONOTARY.

Number of Winding-up Order.	Name of Company.	Number of Petition.	Date of Petition.	Date of Winding-up Order.	Date of Public Examination (if any).	Liquidator.

February 28, 1900.

TENTH SCHEDULE—*continued*.

## REGISTER OF PETITIONS TO BE KEPT BY PROTHONOTARY.

Number of Petition.	Name of Company.	Address of Registered Office.	Description of Company.	Date of Petition.	Petitioner.	Date of Winding-up Order.

## ELEVENTH SCHEDULE.

## RETURN BY PROTHONOTARY OF BUSINESS OF COURT.

*To the Honorable the Attorney-General.*

A return of the business of the Supreme Court during the year commencing the first day of January and ending the thirty-first day of December in connexion with the winding up of companies.

- (a) The number of petitions presented for the winding up of companies during the year was ... }
- (b) The number of orders made during the year for compulsory winding up was ... }
- (c) The number of orders directing winding up to be continued under supervision of the Court was ... }
- (d) The number of companies the winding up of which has been concluded during the year was ... }
- (e) The number of petitions presented for the winding up of companies pending on the 31st day of December last was ... }

Dated this                      day of

Prothonotary.

Dated this 15th day of December, 1899.

By the Court,

J. W. O'HALLORAN,  
Prothonotary.

L. S.

JOHN MADDEN, C.J.

HARTLEY WILLIAMS.

J. H. HOOD.

THOS. A'BECKETT.

