



# VICTORIA GOVERNMENT GAZETTE

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## GENERAL RULES UNDER THE COMPANIES ACT 1910.

### PART I.

1. These Rules shall come into force on the first day of July, 1911, but shall not apply to any proceedings then pending unless a Judge shall otherwise order. Application of Rules.

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

“The Act” means the *Companies Act 1910*.

“Associate” means the Associate of the Judge who is dealing with the particular matter.

“The Company” means a company which is being wound up, or against which proceedings to have it wound up have been commenced.

“Court” means the Supreme Court or a Judge thereof.

“Creditor” includes a corporation, and a firm of creditors in partnership.

“Gazetted” means published in the *Victoria Government Gazette*.

“Judge” means any Judge of the Supreme Court.

“Liquidator” includes an Official Liquidator when acting as Liquidator.

“Proceedings” means the proceedings in the winding-up of a Company under the Act.

“Prothonotary” includes Deputy Prothonotary.

"Receiver of Revenue" means the officer for the time being in Melbourne.

"Rules" means these Rules, and includes the prescribed Forms.

"Sealed" means sealed with the seal of the Court.

"Taxing Officer" means the officer of the Court whose duty it is to tax costs in the proceedings of the Court under its ordinary jurisdiction.

Words importing the masculine gender shall include females.

Words in the singular shall include the plural, and words in the plural shall include the singular.

The expression "person" shall include any body of persons corporate or unincorporate.

Expressions referring to writing shall include printing, lithography, photography, and other methods of representing or reproducing words in a visible form.

Use of forms in Appendix.

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

#### COURT AND CHAMBERS.

4. All proceedings in the winding-up of Companies in the Court shall from time to time be attached to the office of the Prothonotary.

Matters to be heard in Court and Chambers.

5.—(1) The following matters and applications in the Court shall be heard before the Judge in open Court:—

- (a) Petitions.
- (b) Appeals to the Court from the Official Liquidator when acting as Official Liquidator and not as Liquidator.
- (c) Applications under section 221 of the Act.
- (d) Applications for the committal of any person to prison for contempt.
- (e) Such matters and applications as the Judge may from time to time by any general or special orders direct to be heard before him in open Court.

(2) Examinations of persons summoned before the Court under section 176 of the Act, shall be held in Court or in Chambers as the Court shall direct.

(3) Every other matter or application in the Court under the Act to which the Rules apply may be heard and determined in Chambers.

Form 3.

6.—(1) Every application in Court other than a petition, shall be made by motion, notice of which shall be served on every person against whom an order is sought, not less than two clear days before the day named in the notice for hearing the motion, which day must be one of the days appointed for the sittings of the Court.

(2) Every application in Chambers shall be made by summons, which, unless otherwise ordered, shall be served on every person against whom an order is sought, and shall require the person or persons to whom the summons is addressed to attend at the time and place named in the summons.

## PROCEEDINGS.

7.—(1) Every proceeding in a winding-up matter shall be dated, and shall, with any necessary additions, be intitled as follows:—

Title of proceedings.  
Form 1.

## IN THE SUPREME COURT

In the Matter of the *Companies Act 1910*

with the name of the matter to which it relates. Numbers and dates may be denoted by figures.

(2) The first proceeding in every winding-up matter shall have a distinctive number assigned to it in the office of the Prothonotary, and all proceedings in any matter subsequent to the first proceeding shall bear the same number as the first proceeding.

8. All proceedings shall be written or printed, or partly written or partly printed on paper of the size of 13 inches in length and 8 inches in breadth, or thereabouts, and must have a stitching margin; but no objection shall be allowed to any proof or affidavit on account only of its being written or printed on paper of other size.

Written or printed  
proceedings.

9. Every summons in a winding-up matter shall be prepared by the applicant or his solicitor, and issued from the office of the Prothonotary. The person obtaining the summons shall leave in the Prothonotary's office a duplicate which shall be filed.

Issue of summonses.

10. Every order, whether made in Court or in Chambers in the winding-up of a Company shall be settled by the Associate, and issued from the office of the Prothonotary, unless in any proceeding, or classes of proceedings, the Judge who makes the order shall direct that no order need be drawn up. Where a direction is given that no order need be drawn up, the note or memorandum of the order, signed or initialed by the Judge making the order, shall be sufficient evidence of the order having been made.

Orders.

11. All petitions, affidavits, summonses, orders, proofs, notices, depositions, bills of costs, and other proceedings in a winding-up matter shall be filed and remain of record in the office of the Prothonotary, and, subject to the directions of the Court, shall be placed in one continuous file.

File of proceedings  
in office of  
Prothonotary.

12. Office copies of petitions, affidavits, depositions, papers, and writings, or any parts thereof, required by the Official Liquidator or any liquidator, contributory, creditor, officer of a Company, or other person entitled thereto, shall be provided by the Prothonotary, and shall, except as to figures, be fairly written out at length, and delivered out without any unnecessary delay, and in the order in which they shall have been bespoken at a charge not exceeding sixpence per folio of 72 words, or written or printed copies may be examined and marked as office copies at a charge not exceeding twopence per folio.

Office copies.

13. Every person who has been a director or officer of a Company which is being wound up, and every contributory and every creditor whose claim or proof has been admitted, shall be entitled on payment of a fee of one shilling for each hour or part of an hour occupied, at all reasonable times, to inspect the file of proceedings and to take copies or extracts from any document therein, or to be furnished with such copies or extracts at a rate not exceeding sixpence per folio of 72 words.

Inspection of file.

14. Every officer of the Court who shall receive any document to which an adhesive stamp shall be affixed, shall immediately upon receipt of the document duly cancel the stamp thereon, and no such document shall be filed or delivered until the stamp thereon shall have been so cancelled; and it shall be the duty of the party presenting or receiving such document to see that the cancellation hereby prescribed has been duly made.

Defacement of  
stamps.

## SERVICE AND EXECUTION OF PROCESS AND ENFORCEMENT OF ORDERS.

Service.

15.—(1) All notices, summonses, and other documents other than those of which personal service is required, may be sent by prepaid post letter to the last known address of the person to be served therewith; and the notice, summons, or document shall be considered as served at the time that the same ought to be delivered in the due course of post by the post office, notwithstanding the same may be returned by the post office.

(2) No service shall be deemed invalid by reason that the name, or any of the names other than the surname of the person to be served, has been omitted from the document containing the person's name, provided that the Court is satisfied that in other respects the service of the document has been sufficient.

Enforcement of orders.

16. Every order of the Court made in the exercise of the powers conferred by the Act and Rules, may be enforced by the Court as if it were a judgment or order of the Court made in the exercise of its ordinary jurisdiction.

## PETITION.

Form of petition.  
Forms 4 and 5.

17. Every petition for the winding-up of a Company by the Court, or subject to the supervision of the Court, shall be in the Forms Nos. 4 and 5 in the Appendix with such variations as circumstances may require.

Presentation of petition.

18. A petition shall be presented to the Associate, who shall appoint the time and place at which the petition is to be heard. Notice of the time and place appointed for hearing the petition shall be written on the petition and copies thereof, and the Associate may at any time before the petition has been advertised, alter the time appointed, and fix another time. The original petition shall be filed with the Prothonotary.

Advertisement of petition.  
Form 6.

19. Every petition shall be advertised seven clear days before the hearing as follows:—

- (1) In the case of a Company whose registered office, or if there shall be no such office, then whose principal or last known principal place of business is or was situate within ten miles of the Law Courts, Melbourne, once in the *Government Gazette*, and once at least in one Melbourne daily morning newspaper, or in such other newspaper as the Associate directs.
- (2) In the case of any other Company, once in the *Government Gazette*, and once at least in one local newspaper circulating in the district where the registered office, or principal or last known place of business, as the case may be, of such Company is or was situate, or in such other newspaper as shall be directed by the Associate.
- (3) The advertisement shall state the day on which the petition was presented, and the name and address of the petitioner, and of his solicitor and Melbourne agent (if any), and shall contain a note at the foot thereof, stating that any person who intends to appear on the hearing of the petition, either to oppose or support, must send notice of his intention to the petitioner, or to his solicitors or Melbourne agent, within the time and manner prescribed by Rule 25, and an advertisement of a petition for the winding-up of a Company by the Court which does not contain such a note shall be deemed irregular.

And if the petitioner or his solicitor does not within the time hereby prescribed or within such extended time as the Associate may allow duly advertise the petition in the manner prescribed the appointment of the time and place at which the petition is to be heard shall be cancelled by the Associate.

20. Every petition shall, unless presented by the Company, be served upon the Company at the registered office, if any, of the Company, and if there is no registered office, then at the principal or last known principal place of business of the Company, if any such can be found, by leaving a copy with any member, officer, or servant of the Company there, or in case no such member, officer, or servant can be found there, then by being left at such registered office or principal place of business, or by serving it on such member or members of the Company as the Court may direct; and where the Company is being wound up voluntarily, the petition shall also be served upon the Liquidator (if any), appointed for the purpose of winding-up the affairs of the Company.

Service of petition.  
Forms 7 and 8.

21. Every petition for the winding-up of a Company by the Court, or subject to the supervision of the Court, shall be verified by an affidavit referring thereto. Such affidavit shall be made by the petitioner, or by one of the petitioners, if more than one, or, in case the petition is presented by a corporation, by some director, secretary, or other principal officer thereof, and shall be sworn after and filed within four days after the petition is presented, and such affidavit shall be sufficient *prima facie* evidence of the statements in the petition.

Verification of  
petition.  
Form 9.

22. Every contributory or creditor of the Company shall be entitled to be furnished, by the solicitor of the petitioner with a copy of the petition, within 24 hours after requiring the same, on paying the rate of sixpence per folio of 72 words for such copy.

Copy of petition  
to be furnished  
to creditor or  
contributory.

#### OFFICIAL LIQUIDATOR AS PROVISIONAL LIQUIDATOR.

23.—(1) After the presentation of a petition, upon the application of a creditor, or of a contributory, or of the Company, and upon proof by affidavit of sufficient grounds for the appointment of the Official Liquidator as Provisional Liquidator, the Court, if it thinks fit, and upon such terms as in the opinion of the Court shall be just and necessary may make the appointment.

Appointment of  
Provisional  
Liquidator.

(2) The order appointing the Official Liquidator to be Provisional Liquidator, shall bear the number of the petition, and shall state the nature and a short description of the property of which the Official Liquidator is ordered to take possession, and the duties to be performed by the Official Liquidator.

Form 10.

(3) Subject to any order of the Court, if no order for the winding-up of the Company is made upon the petition, or if an order for the winding-up of the Company on the petition is rescinded, or if all proceedings on the petition are stayed, or if an order is made continuing the voluntary winding-up of the Company subject to the supervision of the Court, the Official Liquidator as Provisional Liquidator shall be entitled to be paid, out of the property of the Company, all the costs, charges, and expenses properly incurred by him as Provisional Liquidator, under the scale of fees in force for the time being, and may retain out of such property the amount of such costs, charges, expenses, and fees.

#### HEARING OF PETITIONS AND ORDERS MADE THEREON.

24. After a petition has been presented, the petitioner, or his solicitor, shall, on a day to be appointed by the Associate, attend before the Associate, and satisfy him that the petition has been duly advertised, that the prescribed affidavit verifying the statements therein, and the affidavit of service (if any) have been duly filed, and that the provisions of the Rules as to petitions for winding-up Companies have been duly complied with by the petitioner. No order for the winding-up of a Company shall be made on the petition of any petitioner who has not, prior to the hearing of the petition, attended before the Associate at the time appointed, and satisfied him in manner required by this Rule.

Attendance before  
hearing to show  
compliance with  
Rules.

Notice by persons  
who intend to  
appear.

25. Every person who intends to appear on the hearing of a petition shall serve on, or send by post, to the petitioner, or his solicitor or Melbourne agent, at the address stated in the advertisement of the petition, notice of his intention. The notice shall give the address of such person, and be signed by him, or by his solicitor or Melbourne agent, and shall be served, or if sent by post shall be posted in such time as in ordinary course of post to reach the address not later than four o'clock in the afternoon of the day previous to the day appointed for the hearing of the petition. The notice may be in Form 11 with such variations as circumstances may require. A person who has failed to comply with this Rule shall not, without the special leave of the Court, be allowed to appear on the hearing of the petition.

Form 11.

List of names and  
addresses of  
persons who appear  
on the petition.  
Form 12.

26. The petitioner, or his solicitor or Melbourne agent, shall prepare a list of the names and addresses of the persons who have given notice of their intention to appear on the hearing of the petition, and of their respective solicitors, which shall be in Form 12. On the day appointed for hearing the petition a fair copy of the list (or if no notice of intention to appear has been given a statement to that effect) shall be handed by the petitioner, or his solicitor or Melbourne agent, to the Associate prior to the hearing of the petition.

Affidavits in  
opposition and  
reply.

27.—(1) Affidavits in opposition to a petition that a Company may be wound up under the order or subject to the supervision of the Court shall be filed within seven days of the date on which the affidavit verifying the petition is filed, and notice of the filing of every affidavit in opposition to such a petition together with a copy of each affidavit shall be given to the petitioner or the solicitor or Melbourne agent of the petitioner, on the day on which the affidavit is filed.

(2) An affidavit in reply to an affidavit filed in opposition to a petition shall be filed within three days of the date on which notice of such affidavit is received by the petitioner or the solicitor or Melbourne agent of the petitioner.

Substitution of  
creditor or  
contributory for  
withdrawing  
petitioner.

28. When a petitioner consents to withdraw his petition, or to allow it to be dismissed, or the hearing adjourned, or fails to appear in support of his petition when it is called on in Court on the day originally fixed for the hearing thereof or on any day to which the hearing has been adjourned, or, if appearing, does not apply for an order in the terms of the prayer of his petition the Court may, upon such terms as it may think just, substitute as petitioner any creditor or contributory who, in the opinion of the Court, would have a right to present a petition, and who is desirous of prosecuting the petition.

#### ORDER TO WIND-UP A COMPANY.

Notice that  
winding-up order  
has been  
pronounced to be  
given to Official  
Liquidator.

29. When an order for the winding-up of a Company, or for the appointment of the Official Liquidator as Provisional Liquidator prior to the making of an order for the winding-up of the Company, has been pronounced in Court, the Petitioner shall, on the same day, send to the Official Liquidator nominated by the Court a notice informing him that the order has been pronounced.

Forms 13 and 14.

The notice may be in Forms 13 and 14 respectively, with such variations as circumstances may require.

Documents for  
drawing up order  
to be left with  
Associate.

30. It shall be the duty of the petitioner, or his solicitor or Melbourne agent, and of all other persons who have appeared on the hearing of the petition, at latest on the day following the day on which an order for the winding-up of a Company is pronounced in Court, to leave at the Associate's office all the documents required for the purpose of enabling the Associate to settle the order forthwith.

No appointment  
for settling order.

31. It shall not be necessary for the Associate to make an appointment to settle the order, unless in any particular case the special circumstances make an appointment necessary.

32. An order to wind up a Company shall contain at the foot thereof a notice stating that it will be the duty of the person who is at the time Secretary or chief officer of the Company, and of such of the persons who are liable to make out or concur in making out the Company's statement of affairs as the Official Liquidator may require, to attend on the Official Liquidator forthwith on the service of the order at the place mentioned therein.

Contents of  
winding-up order.  
Form 15.

33.—(1) When an order that a Company be wound up, or for the appointment of the Official Liquidator as Provisional Liquidator has been made :—

Transmission and  
advertisement of  
winding-up order.

- (a) Three copies of the order sealed with the seal of the Court shall forthwith be sent by post or otherwise by the Petitioner to the Official Liquidator.
- (b) The Official Liquidator shall cause a sealed copy of the order to be served upon the Secretary or other Chief Officer of the Company at the registered office of the Company (if any), or upon such other person or persons, or in such other manner as the Court may direct, and if the order is that the Company be wound up by the Court, shall forward to the Registrar-General a copy of the order.
- (c) The Official Liquidator shall forthwith cause the order to be gazetted.
- (d) The Official Liquidator shall forthwith send notice of the order to such other paper as he may select.

Form 17.

(2) An order for the winding-up of a Company, subject to the supervision of the Court, shall before the expiration of twelve days from the date thereof be advertised by the petitioner, once in the *Government Gazette*, and shall be served on such persons (if any) and in such manner as the Court shall direct.

Form 16.

#### TRANSFERS OF ACTIONS AND PROCEEDINGS.

34.—(1) Where an order has been made for the winding-up of a Company the Judge shall have power, without further consent, to order the transfer to him of any action, cause, or matter pending, brought, or continued by or against the Company, and any action or proceeding by a mortgagee or debenture holder of the Company against the Company, for the purpose of realizing his security, or by any other person for the purpose of enforcing a claim against the Company's assets or property, which is pending shall without further order be so transferred.

Transfer of actions.

(2) Where any action brought by or against a Company against which a winding-up order has been made is so transferred the Judge may determine and deal with any application, matter, or proceeding which, if the action had not been transferred, would have been determined in Chambers.

#### SPECIAL MANAGER.

35.—(1) An application by the Official Liquidator for the appointment of a special manager shall be supported by a report of the Official Liquidator, which shall be placed on the file of proceedings, and in which shall be stated the amount of remuneration which, in the opinion of the Official Liquidator, ought to be allowed to the special manager. No affidavit in support of the application shall be required.

Appointment of  
Special Manager.

(2) The remuneration of the special manager shall, unless the Court otherwise in any special case directs, be stated in the order appointing him, but the Court may at any subsequent time for good cause shown make an order for payment to the special manager of further remuneration.

36. Every special manager shall account to the Official Liquidator, and the special manager's accounts shall be verified by affidavit, and, when approved by the Official Liquidator, the totals of the receipts and payments shall be added by the Official Liquidator to his accounts.

Accounting by  
Special Manager.  
Form 18.

## STATEMENT OF AFFAIRS.

Preparation of  
statement of  
affairs.  
Form 24.

37.—(1) Every person who under section 152 of the Act has been required by the Liquidator to submit and verify a statement as to the affairs of the Company, shall be furnished by the Liquidator with forms and instructions for the preparation of the statement. The statement shall be made out in duplicate, one copy of which shall be verified by affidavit. The Liquidator shall cause to be filed with the Prothonotary the verified statement of affairs.

(2) The Liquidator may from time to time hold personal interviews with every such person for the purpose of investigating the Company's affairs, and it shall be the duty of every such person to attend on the Liquidator at such time and place as the Liquidator may appoint and give the Liquidator all information that he may require.

Extension of time  
for submitting  
statement of  
affairs.

38. When any person requires any extension of time for submitting the statement of affairs, he shall apply to the Liquidator, who may, if he thinks fit, give a written certificate extending the time, which certificate shall be filed with the proceedings in the winding-up and shall render an application to the Court unnecessary.

Information  
subsequent to  
statement of  
affairs.

39. After the statement of affairs of a Company has been submitted to the Liquidator it shall be the duty of each person who has made or concurred in making it, if and when required, to attend on the Liquidator and answer all such questions as may be put to him, and give all such further information as may be required of him by the Liquidator in relation to the statement of affairs.

Default.

40. Any default in complying with the requirements of section 152 of the Act shall be reported by the Liquidator to the Court.

Expenses of  
statement of  
affairs.

41. A person who is required to make or concur in making any statement of affairs of a Company shall, before incurring any costs or expenses in and about the preparation and making of the statement, apply to the Liquidator for his sanction, and submit a statement of the estimated costs and expenses which it is intended to incur; and, except by order of the Court, no person shall be allowed out of the assets of the Company any costs or expenses which have not before being incurred been sanctioned by the Liquidator.

## APPOINTMENT OF LIQUIDATOR IN A WINDING-UP BY THE COURT.

Appointment of  
Liquidator on  
reports of meetings  
of creditors and  
contributories.  
Form 25.

42.—(1) As soon as possible after the first meetings of creditors and contributories have been held the Official Liquidator, or the Chairman of the meeting, as the case may be, shall report the result of each meeting to the Court.

(2) Upon the result of the meetings of creditors and contributories being reported to the Court, the Court may, if the meeting of creditors and the meeting of contributories have each passed the same resolutions, or if the resolutions passed at the two meetings are identical in effect, upon the application of the Official Liquidator, forthwith make the appointments necessary for giving effect to such resolutions. In any other case the Court shall, on the application of the Official Liquidator, fix a time and place for considering the resolutions and determinations (if any) of the meetings, deciding differences (if any), and making such order as shall be necessary.

(3) When a time and place have been fixed for the consideration of the resolutions and determinations of the meetings, such time and place shall be advertised by the Official Liquidator in such manner as the Court shall direct, but so that the first or only advertisement shall be published not less than seven days before the time so fixed.

(4) Upon the consideration of the resolutions and determinations of the meetings the Court shall hear the Official Liquidator and any creditor or contributory.



(5) If a Liquidator is appointed, a copy of the order appointing him shall be transmitted to the Registrar-General, and the Official Liquidator shall, as soon as the Liquidator has given security, cause notice of the appointment to be gazetted. The expense of gazetting the notice of the appointment shall be paid by the Liquidator, but may be charged by him on the assets of the Company. Form 26.

(6) Every appointment of a Liquidator or Committee of Inspection shall be advertised by the Liquidator in such manner as the Court directs immediately after the appointment has been made, and the Liquidator has given the required security. Form 28.

(7) If a Liquidator in a winding-up by the Court shall die, or resign, or be removed, another Liquidator may be appointed in his place in the same manner as in the case of a first appointment, and the Official Liquidator shall, on the request of not less than one-tenth in value of the creditors or contributors summon meetings for the purpose of determining whether or not the vacancy shall be filled; but none of the provisions of this Rule shall apply where the Liquidator is released under section 159 of the Act, in which case the Official Liquidator shall remain Liquidator.

#### SECURITY BY LIQUIDATOR OR SPECIAL MANAGER IN A WINDING-UP BY THE COURT.

43. In the case of a Special Manager or a Liquidator other than the Official Liquidator, the following provisions as to security shall have effect, namely:— Standing security.

- (1) The security shall be given to the satisfaction of the Prothonotary or in such other manner as a Judge may from time to time direct.
- (2) It shall not be necessary that security shall be given in each separate winding-up; but security may be given either specially in a particular winding-up, or generally, to be available for any winding-up in which the person giving security may be appointed, either as Liquidator or Special Manager.
- (3) The Judge shall fix the amount and nature of such security, and may from time to time, as he thinks fit, either increase or diminish the amount of special or general security which any person has given.
- (4) The certificate of the Prothonotary that a Liquidator or Special Manager has given security to his satisfaction shall be filed with the Official Liquidator. Form 27.
- (5) The cost of furnishing the required security by a Liquidator or Special Manager, including any premiums which he may pay to a Guarantee Society, shall be borne by him personally, and shall not be charged against the assets of the Company as an expense incurred in the winding-up.

44.—(1) If a Liquidator or Special Manager fails to give the required security within the time stated for that purpose in the order appointing him, or any extension thereof, the Official Liquidator shall report such failure to the Court, who may thereupon rescind the order appointing the Liquidator or Special Manager. Failure to give or keep up security.

(2) If a Liquidator or Special Manager fails to keep up his security, the Official Liquidator shall report such failure to the Court, who may thereupon remove the Liquidator or Special Manager, and make such order as to costs as the Court shall think fit.

(3) Where an order is made under this Rule rescinding an order for the appointment of or removing a Liquidator, the Court may direct that another Liquidator is to be appointed and thereupon the same meetings shall be summoned and the same proceedings may be taken as in the case of a first appointment of a Liquidator.

## PUBLIC EXAMINATION.

Report of  
Liquidator to be  
filed.

45. A report made by the Liquidator pursuant to section 153 of the Act shall state, in a narrative form, the facts and matters which the Liquidator desires to bring to the notice of the Court, and his opinion as required by the said section.

Appointment of  
time for  
consideration of  
report.

46. The Liquidator may apply to the Court to fix a day for the consideration of the report, and on such application the Court shall appoint a day on which the report shall be considered.

Consideration of  
report.

47. The consideration of the report shall be had in Chambers, and the Liquidator shall personally, or by counsel or solicitor, attend the consideration of the report, and give the Court any further information or explanation with reference to the matters stated in the report which the Court may require.

Procedure  
consequent on  
order for public  
examination.  
Form 29.

48. Where the Judge makes an order under section 177 of the Act, directing any person or persons to attend for public examination:—

(a) The examination shall be held before the Judge. Provided that the Judge may direct that the whole or any part of the examination of any such person or persons be held before any of the persons authorized by the Act.

(b) The Judge may, if he thinks fit, either in the order for examination, or by any subsequent order, give directions as to the special matters on which any such person is to be examined.

(c) Where on an examination held before one of the persons authorized by the Act, he is of opinion that such examination is being unduly or unnecessarily protracted, or for any other sufficient cause, he may adjourn the examination of any person, or any part of the examination, to be held before the Judge.

Application for day  
for holding  
examination.

49. Upon an order directing a person to attend for public examination being made, the Liquidator shall apply for the appointment of a day on which the public examination is to be held.

Appointment of  
time and place  
for public  
examination.  
Forms 30 and 31.

50. A day and place shall be appointed for holding the public examination, and notice of the day and place so appointed shall be given by the Liquidator to the person who is to be examined by sending such notice in a registered letter addressed to his usual or last known address.

Notice of public  
examination to  
creditors and  
contributories.

51.—(1) The Liquidator shall give notice of the time and place appointed for holding a public examination to the creditors and contributories by advertisement in such newspapers as the Liquidator thinks fit.

(2) Where an adjournment of the public examination has been directed, notice of the adjournment shall not, unless otherwise directed by the Court, be advertised in any newspaper.

Default in attending.  
Form 38.

52. If any person who has been directed by the Court to attend for public examination fails to attend at the time and place appointed for holding or proceeding with the same, and no good cause is shown by him for such failure, or if before the day appointed for the examination the Liquidator satisfies the Court that such person has absconded, or that there is reason for believing that he is about to abscond with a view of avoiding examination, it shall be lawful for the Court, upon its being proved to the satisfaction of the Court that notice of the order and of the time and place appointed for attendance at the public examination was duly served, without any further notice, to issue a warrant for the arrest of the person required to attend, or to make such other order as the Court shall think just.

Notes of  
examination to be  
filed.  
Forms 34 and 35.

53. The notes of every public examination shall, after being signed as required by section 177 (6) of the Act, be filed with the Prothonotary.

PROCEEDINGS AGAINST DELINQUENT DIRECTORS, PROMOTERS, AND  
OFFICERS.

54.—(1) An application under section 213 of the Act shall be made by a summons returnable in the first instance in Chambers, in which summons shall be stated the nature of the declaration or order for which application is made, and the grounds of the application, and which summons, unless otherwise ordered by the Court, shall be served, in the manner in which an originating summons is required by the Rules of the Supreme Court to be served, on every person against whom an order is sought, not less than eight days before the day named in the summons for hearing the application. Where the application is made by the Official Liquidator or Liquidator he may make a report to the Court stating any facts and information on which he proceeds which are verified by affidavit, or derived from sworn evidence in the proceedings. Where the application is made by any other person it shall be supported by affidavit to be filed by him.

Application against  
delinquent  
directors, officers,  
and promoters.

(2) On the return of the summons the Court may give such directions as it shall think fit for the hearing of the summons before the Judge in Court, the taking of evidence wholly or in part by affidavit or orally, and the cross-examination either before the Judge on the hearing in Court or in Chambers of any deponents to affidavits in support of or in opposition to the application.

55: Where in the course of the proceedings in a winding-up by the Court an order has been made for the public examination of persons named in the order pursuant to section 177 of the Act, and it appears from the examination that the persons examined, or some of them, have misapplied, or retained, or become liable, or accountable for moneys or property of the Company, or been guilty of misfeasance or breach of trust in relation to the Company, then in any proceedings subsequently instituted under section 213 of the Act, for the purpose of examining into the conduct of the said persons, or any of them, and compelling repayment or restoration to the Company of any moneys or property, or contribution by way of compensation to the assets of the Company by such persons or any of them, the verified notes of the examination of each person who was examined under the order shall, subject as hereinafter mentioned, and to any order or directions of the Court as to the manner and extent in and to which the notes shall be used, and subject to all just exceptions to the admissibility in evidence against any particular person or persons of any of the statements contained in the notes of the examinations, be admissible in evidence against any of the persons against whom the application is made who, under section 173 of the Act, and the order for the public examination, was or had the opportunity of being present at and taking part in the examination. Provided that before any such notes of a public examination shall be used on any such application, the person intending to use the same shall, not less than fifteen days before the day appointed for hearing the application, give notice of such intention to each person against whom it is intended to use such notes, or any of them, specifying the notes or parts of the notes which it is intended to read against him, and furnish him with copies of such notes, or parts of notes (except notes of the person's own depositions), and provided also that every person against whom the application is made shall be at liberty to cross-examine or re-examine (as the case may be) any person the notes of whose examination are read, in all respects as if such person had made an affidavit on the application.

Use of depositions  
taken at public  
examinations.

## WITNESSES AND DEPOSITIONS.

56. If the Court or officer before whom any examination under the Act and Rules is directed to be held 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 an examination is taken) should be appointed to take down the evidence of any person examined in shorthand or otherwise, it shall be competent for the Court or officer aforesaid to make such appointment. Every person so appointed shall be paid by the party at whose instance the appointment was made, or out of the assets of the Company as may be directed by the Court.

Shorthand notes.  
Forms 32 and 33.

Committal of  
contumacious  
witness.  
Form 36.

57.—(1) If a person examined before any Commissioner refuses to answer to the satisfaction of such Commissioner any question which he may allow to be put, he shall report such refusal to the Judge, and upon such report being made the person in default shall be in the same position, and be dealt with in the same manner as if he had made default in answering before the Judge.

(2) The report shall be in writing, but without affidavit and shall set forth the question put, and the answer (if any) given by the person examined.

(3) The Commissioner shall, before the conclusion of the examination at which the default in answering is made, name the time when and the place where the default will be reported to the Judge, and upon receiving the report the Judge may take such action thereon as he shall think fit. If the Judge is sitting at the time when the default in answering is made, such default may be reported immediately.

Depositions at  
private  
examinations.

58.—(1) The Liquidator may attend in person any examination of a witness under section 176 of the Act, on whosoever application the same has been ordered, and may take notes of the examination for his own use, and put such questions to the persons examined as the Court may allow.

(2) The notes of the depositions of a person examined under section 176 of the Act, or under any order of the Court before the Court, or before any person appointed to take such an examination (other than the notes of the depositions of a person examined at a public examination under section 177 of the Act) shall not be filed, or be open to the inspection of any creditor, contributory, or other person, except the Official Liquidator or Liquidator, unless and until the Court shall so direct, and the Court may from time to time give such general or special directions as it shall think expedient as to the custody and inspection of such notes and the furnishing of copies of or extracts therefrom.

#### ARRANGEMENTS WITH CREDITORS AND CONTRIBUTORIES IN A WINDING-UP BY THE COURT.

Report by  
Liquidator on  
arrangements and  
compromises.

59. In a winding-up by the Court if application is made to the Court to sanction any compromise or arrangement the Court may, before giving its sanction thereto, hear a report by the Liquidator as to the terms of the scheme, and as to the conduct of the directors and other officers of the Company, and as to any other matters which, in the opinion of the Liquidator, ought to be brought to the attention of the Court. The report shall not be placed upon the file, unless and until the Court shall direct it to be filed.

#### COLLECTION AND DISTRIBUTION OF ASSETS IN A WINDING-UP BY THE COURT.

Collection and  
distribution of  
Company's assets  
by Liquidator.

60.—(1) The duties imposed on the Court by section 165 of the Act in a winding-up by the Court with regard to the collection of the assets of the Company and the application of the assets in discharge of the Company's liabilities shall be discharged by the Liquidator as an officer of the Court subject to the control of the Court.

(2) For the purpose of the discharge by the Liquidator of the duties imposed by section 165 of the Act and Sub-rule (1) of this Rule, the Liquidator in a winding-up by the Court shall for the purpose of acquiring or retaining possession of the property of the Company, be in the same position as if he were a Receiver of the property appointed by the Court, and the Court may, on his application, enforce such acquisition or retention accordingly.

Power of Liquidator  
to require delivery  
of property.  
Form 39.

61. The powers conferred on the Court by section 166 of the Act shall be exercised by the Liquidator. Any contributory for the time being on the list of contributories, trustee, receiver, banker, or agent or officer of a Company which is being wound up under the order of the Court shall, on notice from the Liquidator and within such time as he shall by notice in writing require, pay, deliver, convey, surrender, or transfer to or into the hands of the Liquidator any sum of money or balance, books, papers, estate, or effects which happen to be in his hands for the time being and to which the Company is *prima facie* entitled.

## LIST OF CONTRIBUTORIES IN A WINDING-UP BY THE COURT.

62. The Liquidator shall with all convenient speed after his appointment settle a list of contributories of the Company, and shall appoint a time and place for that purpose. The list of contributories shall contain a statement of the address of, and the number of shares or extent of interest to be attributed to each contributory, and shall distinguish the several classes of contributories. As regards representative contributories the Liquidator shall observe the requirements of section 165 (2) of the Act.

Liquidator to settle list of contributories.  
Form 40.

63. The Liquidator shall give notice in writing of the time and place appointed for the settlement of the list of contributories to every person whom he proposes to include in the list, and shall state in the notice to each person in what character and for what number of shares or interest he proposes to include such person in the list.

Appointment of time and place for settlement of list.  
Forms 41 and 42.

64. On the day appointed for settlement of the list of contributories the Liquidator shall hear any person who objects to being settled as a contributory, and after such hearing shall finally settle the list, which when so settled shall be the list of contributories of the Company.

Settlement of list of contributories.  
Form 43.

65. The Liquidator shall forthwith give notice to every person whom he has finally placed on the list of contributories stating in what character and for what number of shares or interest he has been placed on the list, and in the notice inform such person that any application for the removal of his name from the list, or for a variation of the list, must be made to the Court by summons within 21 days from the date of the service on the contributory or alleged contributory of notice of the fact that his name is settled on the list of contributories.

Notice to contributories.  
Form 44.

66.—(1) Subject to the power of the Court to extend the time or to allow an application to be made notwithstanding the expiration of the time limited for that purpose, no application to the Court by any person who objects to the list of contributories as finally settled by the Liquidator shall be entertained after the expiration of 21 days from the date of the service on such person of notice of the settlement of the list.

Application to the Court to vary the list.  
Form 47.

(2) The Liquidator shall not be personally liable to pay any costs of or in relation to an application to set aside or vary his act or decision settling the name of a person on the list of contributories of a Company, unless the Court shall otherwise order.

67. The Liquidator may from time to time vary or add to the list of contributories, but any such variation or addition shall be made in the same manner in all respects as the settlement of the original list.

Variation of or addition to list of contributories.  
Form 45.

## CALLS.

68. The powers and duties of the Court in relation to making calls upon contributories conferred by section 168 of the Act shall and may be exercised, in a winding-up by the Court, by the Liquidator as an officer of the Court subject to the proviso of section 175 of the Act, and to the following regulations:—

Calls by Liquidator.

(1) Where the Liquidator desires to make any call on the contributories, or any of them, if there is a Committee of Inspection he shall summon a meeting of such Committee for the purpose of obtaining their sanction to the intended call.

Form 48.

(2) The notice of the meeting shall be sent to each member of the Committee of Inspection in sufficient time to reach him not less than seven days before the day appointed for holding the meeting, and shall contain a statement of the proposed amount of the call, and the purpose for which it is intended. Notice of the intended call and the intended meeting of the Committee

Form 49.

of Inspection shall also be advertised once at least in a Melbourne daily morning newspaper. The advertisement shall state the time and place of the intended meeting of the Committee of Inspection, and that each contributory may either attend the said meeting and be heard, or make any communication in writing to the Liquidator or members of the Committee of Inspection to be laid before the meeting, in reference to the said intended call.

(3) At the meeting of the Committee of Inspection any statements or representations made either to the meeting personally or addressed in writing to the Liquidator or members of the Committee by any contributory shall be considered before the intended call is sanctioned.

(4) The sanction of the Committee shall be given by resolution, which shall be passed by a majority of the members present.

(5) Where there is no Committee of Inspection the Liquidator shall not make a call without obtaining the leave of the Court.

Form 50.

Application to the Court for leave to make a call.  
Forms 52 to 55.

69. In a winding-up by the Court an application to the Court for leave to make any call on the contributories of a Company, or any of them, shall be made by summons stating the proposed amount of such call, which summons shall be served four clear days at the least before the day appointed for making the call on every contributory proposed to be included in such call; or if the Court so directs, notice of such intended call may be given by advertisement, without a separate notice to each contributory.

Document making the call.  
Form 56.

70. When the Liquidator is authorized by resolution or order to make a call on the contributories he shall file with the Official Liquidator a document in the Form 56 with such variations as circumstances may require making the call.

Service of notice of a call.  
Forms 50, 51, and 57.

71. When a call has been made by the Liquidator in a winding-up by the Court, a copy of the resolution of the Committee of Inspection or order of the Court (as the case may be), shall forthwith after the call has been made be served upon each of the contributories included in such call, together with a notice from the Liquidator specifying the amount or balance due from such contributory in respect of such call, but such resolution or order need not be advertised unless for any special reason the Court so directs.

Enforcement of call.  
Forms 58, 59, and 60.

72. The payment of the amount due from each contributory on a call may be enforced by order of the Court, to be made in Chambers on summons by the Liquidator.

#### PROOFS.

Proof of debt.

73. In a winding-up by the Court every creditor shall prove his debt, unless the Judge in any particular winding-up shall give directions that any creditors or class of creditors shall be admitted without proof.

Mode of proof.

74. A debt may be proved in any winding-up by delivering or sending through the post an affidavit verifying the debt. In a winding-up by the Court the affidavit shall be so sent to the Official Liquidator, or, if a Liquidator has been appointed, to the Liquidator; and in any other winding-up the affidavit may be so sent to the Liquidator.

Verification of proof.

75. An affidavit proving a debt may be made by the creditor himself or by some person authorized by or on behalf of the creditor. If made by a person so authorized, it shall state his authority and means of knowledge.

Contents of proof.  
Form 61.

76. An affidavit proving a debt shall contain or refer to a statement of accounts showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The Official Liquidator or Liquidator to whom the proof is sent may at any time call for the production of the vouchers.

Statement of security.

77. An affidavit proving a debt shall state whether the creditor is or is not a secured creditor.

78. A creditor shall bear the cost of proving his debt unless the Court otherwise orders. Costs of proof.

79. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount, not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash. Discount.

80. When any rent or other payment falls due at stated periods, and the order or resolution to wind up is made at any time other than one of those periods, the persons entitled to the rent or payment may prove for a proportionate part thereof up to the date of the winding-up order or resolution as if the rent or payment grew due from day to day. Provided that where the Liquidator remains in occupation of premises demised to a Company which is being wound up, nothing herein contained shall prejudice or affect the right of the landlord of such premises to claim payment by the Company, or the Liquidator, of rent during the period of the Company's or the Liquidator's occupation. Periodical payments.

81. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the winding-up order or resolution, the creditor may prove for interest at a rate not exceeding six per centum per annum to that date from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and if payable otherwise, then from the time when a demand in writing has been made, giving notice that interest will be claimed from the date of the demand until the time of payment. Interest.

82. A creditor may prove for a debt not payable at the date of the winding-up order or resolution, as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of Six pounds per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted. Proof for debt payable at a future time.

83. In any case in which it appears that there are numerous claims for wages by workmen and others employed by the Company, it shall be sufficient if one proof for all such claims is made either by a foreman or by 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 62.

84. Where a creditor seeks to prove in respect of a bill of exchange, promissory note or other negotiable instrument or security on which the Company is liable, such bill of exchange, note, instrument, or security must, subject to any special order of the Court made to the contrary, be produced to the Official Liquidator, Chairman of a meeting or Liquidator, as the case may be, and be marked by him before the proof can be admitted either for voting or for any purpose. Production of bills of exchange and promissory notes.

85. Where a Liquidator is appointed in a winding-up by the Court, all proofs of debts that have been received by the Official Liquidator shall be handed over to the Liquidator, but the Official Liquidator shall first make a list of such proofs, and take a receipt thereon from the Liquidator for such proofs. Transmission of proofs to Liquidator.

#### ADMISSION AND REJECTION OF PROOFS, AND APPEAL TO THE COURT.

86. Subject to the provisions of the Act, and unless otherwise ordered by the Court, the Liquidator in any winding-up may from time to time fix a certain day, which shall be not less than fourteen days from the date of the notice, on or before which the creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution Notice to creditors to prove.

made before such debts are proved, and the Liquidator shall give notice in writing of the day so fixed by advertisement in such newspaper as he shall consider convenient, and by sending notice in a winding-up by the Court to every person mentioned in the statement of affairs as a creditor, and who has not proved his debt, and in any other winding-up to the last known address or place of abode of each person who, to the knowledge of the Liquidator, claims to be a creditor of the Company and whose claim has not been admitted.

Examination of  
proof.  
Form 63.

87. The Liquidator shall examine every proof of debt lodged with him, and the grounds of the debt, and in writing admit or reject it, in whole or in part, or require further evidence in support of it. If he rejects a proof he shall state in writing to the creditor the grounds of the rejection.

Appeal by creditor.

88. If a creditor or contributory is dissatisfied with the decision of the Liquidator in respect of a proof, the Court may, on the application of the creditor or contributory, reverse or vary the decision; but, subject to the power of the Court to extend the time, no application to reverse or vary the decision of the Liquidator in a winding-up by the Court rejecting a proof sent to him by a creditor, or person claiming to be a creditor, shall be entertained, unless notice of the application is given before the expiration of twenty-one days from the date of the service of the notice of rejection.

Expunging at  
instance of  
Liquidator.

89. If the Liquidator thinks that a proof has been improperly admitted, the Court may, on the application of the Liquidator, after notice to the creditor who made the proof expunge the proof or reduce its amount.

Expunging at  
instance of  
creditor.

90. The Court may also expunge or reduce a proof upon the application of a creditor or contributory if the Liquidator declines to interfere in the matter.

Official Liquidator's  
powers.

91. In a winding-up by the Court the Official Liquidator, before the appointment of a Liquidator, shall have all the powers of a Liquidator with respect to the examination, admission, and rejection of proofs, and any act or decision of his in relation thereto shall be subject to the like appeal.

Filing proofs by  
Official Liquidator.

92. In a winding-up by the Court the Official Liquidator, where no other Liquidator is appointed, shall, before payment of a dividend, file all proofs tendered in the winding-up, with a list thereof, distinguishing in such list the proofs which were wholly or partly admitted, and the proofs which were wholly or partly rejected.

Proofs to be filed.  
Form 64.

93. Every Liquidator in a winding-up by the Court other than the Official Liquidator shall on the first day of every month, file with the Official Liquidator a certified list of all proofs, if any, received by him 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 cause the proofs to be filed with the Official Liquidator.

Procedure where  
creditor appeals.  
Form 64.

94. The Liquidator in a winding-up by the Court, including the Official Liquidator when he is Liquidator, 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 Prothonotary, with a memorandum thereon of his disallowance thereof.

Time for dealing  
with proofs by  
Official Liquidator.

95. Subject to the power of the Court to extend the time in a winding-up by the Court, the Official Liquidator as Liquidator, 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 of it.

Time for dealing  
with proofs by  
Liquidator.

96. Subject to the power of the Court to extend the time, the Liquidator in a winding-up by the Court, other than the Official Liquidator, within twenty-eight days after receiving a proof, which has not previously been dealt with, shall in writing either admit or reject it wholly or in part, or require further evidence in support of it. Provided that where the Liquidator has



given notice of his intention to declare a dividend, he shall within fourteen days after the date mentioned in the notice as the latest date up to which proofs must be lodged, examine, and in writing admit or reject, or require further evidence in support of, every proof which has not been already dealt with, and shall give notice of his decision, rejecting a proof wholly or in part, to the creditors affected thereby. Where a creditor's proof has been admitted the notice of dividend shall be a sufficient notification of the admission.

97. The Liquidator shall not be personally liable for costs in relation to an appeal from his decision rejecting any proof wholly or in part, unless the Court shall otherwise order.

Costs of appeals from decisions as to proofs.

#### GENERAL MEETINGS OF CREDITORS AND CONTRIBUTORIES IN A WINDING-UP BY THE COURT.

98. The meetings of creditors and contributories under section 150 of the Act (hereinafter referred to as the first meetings of creditors and contributories) shall be held within 21 days, or if a Special Manager has been appointed then within one month after the date of the winding-up order or within such further time as the Court may approve. The dates of such meetings shall be fixed, and they shall be summoned by the Official Liquidator.

First meetings of creditors and contributories.

99. The Official Liquidator shall forthwith give notice of the days fixed by him for the first meetings of creditors and contributories by advertisement once in some Melbourne daily morning newspaper.

Notice of first meetings.

100. The first meetings of creditors and contributories shall be summoned as hereinafter provided.

Summoning of first meetings.

101. The notices of first meetings of creditors and contributories may be in Forms 19 and 20 appended hereto, and the notices to creditors shall state a time within which the creditors must lodge their proofs in order to entitle them to vote at the first meeting.

Form of notices of first meetings. Forms 19 and 20.

102. The Official Liquidator shall also give to each of the Directors and other officers of the Company who in his opinion ought to attend the first meetings of creditors and contributories seven days' notice of the time and place appointed for each meeting. The notice may either be delivered personally or sent by prepaid post letter, as may be convenient. It shall be the duty of every Director or officer who receives notice of such meeting to attend if so required by the Official Liquidator.

Notice of first meetings to officers of company. Form 21.

103. The Official Liquidator shall also, as soon as practicable, send to each creditor mentioned in the Company's Statement of Affairs, and to each person appearing from the Company's books or otherwise to be a contributory of the Company, a summary of the Company's Statement of Affairs, including the causes of its failure, and any observations thereon which the Official Liquidator may think fit to make. The proceedings at a meeting shall not be invalidated by reason of any summary or notice required by these Rules not having been sent or received before the meeting.

Summary of statement of affairs.

104. In addition to the first meetings of creditors and contributories and in addition also to meetings of creditors and contributories directed to be held by the Court under section 217 of the Act (hereinafter referred to as Court meetings of creditors and contributories), the Liquidator may himself from time to time subject to the control of the Court, summon, hold, and conduct meetings of the creditors or contributories (hereinafter referred to as Liquidator's meetings of creditors and contributories) for the purpose of ascertaining their wishes in all matters relating to the winding-up.

Liquidator's meetings of creditors and contributories.

105. Except where and so far as the nature of the subject-matter or the context may otherwise require the succeeding Rules as to meetings hereinafter set out are intended to apply to first meetings, Court meetings, and Liquidator's meetings of creditors and contributories, but so nevertheless that the said Rules shall take effect subject and without prejudice to any express directions of the Court.

Application of rules as to meetings.

## Summoning of meetings.

106. The Official Liquidator or Liquidator shall summon all meetings of creditors and contributories by giving not less than seven days' notice of the time and place thereof in some Melbourne daily morning newspaper; and shall not less than seven days before the day appointed for the meeting send by post to every person appearing by the Company's books to be a creditor of the Company notice of the meeting of creditors, and to every person appearing by the Company's books or otherwise to be a contributory of the Company notice of the meeting of contributories.

The notice to each creditor shall be sent to the address given in his proof, or if he has not proved to the address given in the Statement of Affairs of the Company, or to such other address as may be known to the person summoning the meeting. The notice to each contributory shall be sent to the address mentioned in the Company's books as the address of such contributory, or to such other address as may be known to the person summoning the meeting.

Proof of notice.  
Forms 72 and 73.

107. A certificate by the Liquidator or by his clerk or an affidavit that the notice of any meeting has been duly posted, shall be evidence of such notice having been duly sent to the person to whom the same was addressed.

## Place of meetings.

108. The meetings shall be held at such place as is in the opinion of the Official Liquidator or Liquidator most convenient for the majority of the creditors or contributories or both. Different times or places or both may if thought expedient be named for the meetings of creditors and for the meetings of contributories.

## Costs of calling meeting.

109. The costs of summoning a meeting of creditors or contributories at the instance of any person other than the Official Liquidator or Liquidator, shall be paid by the person at whose instance it is summoned, who shall before the meeting is summoned deposit with the Official Liquidator or Liquidator (as the case may be) such sum as may be required by the Official Liquidator or Liquidator as security for the payment of such costs. The costs of summoning such meeting of creditors or contributories, including all disbursements for printing, stationery, postage, and the hire of room, shall be calculated at the following rates for each creditor or contributory to whom notice is required to be sent:—Two shillings per creditor or contributory for the first 20 creditors or contributories, one shilling per creditor or contributory for the next 30 creditors or contributories, sixpence per creditor or contributory for any number of creditors or contributories after the first 50. The said costs shall be repaid out of the assets of the Company if the Court shall by order, or if the creditors or contributories (as the case may be) shall by resolution so direct.

Chairman of meeting.  
Form 75.

110. Where a meeting is summoned by the Official Liquidator or the Liquidator, he, or some one nominated by him, shall be Chairman of the meeting. At every other meeting of creditors and contributories the Chairman shall be such person as the meeting by resolution shall appoint.

## Ordinary resolution of creditors and contributories.

111. At a meeting of creditors a resolution shall be deemed to be passed when a majority in number and value of the creditors present, personally or by proxy, and voting on the resolution, have voted in favour of the resolution, and at a meeting of the contributories a resolution shall be deemed to be passed when a majority in number and value of the contributories present, personally or by proxy, and voting on the resolution, have voted in favour of the resolution, the value of the contributories being determined according to the number of votes conferred on each contributory by the regulations of the Company.

## Copy of resolution to be filed.

112. The Official Liquidator, or, as the case may be, the Liquidator, shall file with the Prothonotary a copy, certified by him, of every resolution of a meeting of creditors or contributories.

## Non-reception of notice by creditor.

113. Where a meeting of creditors or contributories is summoned by notice, the proceedings and resolutions at the meeting shall, unless the Court otherwise orders, be valid, notwithstanding that some creditors or contributories may not have received the notice sent to them.

114. The Chairman may with the consent of the meeting adjourn it from time to time and from place to place, but 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 or unless the Court otherwise orders.

Adjournment.  
Form 74.

115.—(1) A meeting may not act for any purpose except the election of a Chairman, the proving of debts, and the adjournment of the meeting, unless there are present or represented thereat at least three creditors entitled to vote, or three contributories or all the creditors entitled to vote or all the contributories if the number of the creditors entitled to vote or the contributories, as the case may be, shall not exceed three.

Quorum.

(2) If within half-an-hour from the time appointed for the meeting a quorum of creditors or contributories is not present or represented the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the Chairman may appoint, not being less than seven or more than twenty-one days.

116. In the case of a first meeting of creditors or of an adjournment thereof a person shall not be entitled to vote as a creditor unless he has duly lodged with the Official Liquidator not later than the time mentioned for that purpose in the notice convening the meeting or adjourned meeting a proof of the debt which he claims to be due to him from the Company. In the case of a Court meeting or Liquidator's meeting of creditors a person shall not be entitled to vote as a creditor unless he has lodged with the Official Liquidator or Liquidator a proof of the debt which he claims to be due to him from the Company, and such proof has been admitted wholly or in part before the date on which the meeting is held. Provided that this and the next four following Rules shall not apply to a Court meeting of creditors held prior to the first meeting of creditors.

Creditors entitled to vote.

117. A creditor shall not vote in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained, nor shall a creditor vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the Company, and against whom an Order in Insolvency has not been made, as a security in his hands, and to estimate the value thereof, and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

Cases in which creditors may not vote.

118. For the purpose of voting, a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

Votes of secured creditors.

119. The Official Liquidator or Liquidator may within 28 days after a proof estimating the value of a security as aforesaid has been used in voting at a meeting require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated with an addition thereto of 20 per cent. Provided that where a creditor has valued his security he may at any time before being required to give it up correct the valuation by a new proof, and deduct the new value from his debt, but in that case the said addition of 20 per cent. shall not be made if the security is required to be given up.

Creditor required to give up security.

120. The Chairman shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether a proof should be admitted or rejected, he shall mark it as objected to and allow the creditor to vote subject to the vote being declared invalid in the event of the objection being sustained.

Admission and rejection of proofs for purpose of voting.

121. The Chairman shall cause minutes of the proceedings at the meeting to be drawn up and fairly entered in a book kept for that purpose, and the minutes shall be signed by him or by the Chairman at the next ensuing meeting.

Minutes of meeting.

## PROXIES IN RELATION TO A WINDING-UP BY THE COURT.

## Proxies.

122. A creditor or a contributory may vote either in person or by proxy. The succeeding Rules as to proxies shall not (unless otherwise directed by the Court) apply to a Court meeting of creditors or contributories prior to the first meeting.

Form of proxies.  
Forms 76 and 77.

123. Every instrument of proxy shall be in accordance with the form in the Appendix, and every written part thereof shall be in the handwriting of the person giving the proxy or of any manager or clerk or other person in his regular employment or of a Commissioner to administer oaths in the Supreme Court.

Forms of proxy to  
be sent with  
notices.

124. General and special forms of proxy shall be sent to the creditors and contributories with the notice summoning the meeting, and neither the name nor description of the Official Liquidator or Liquidator or any other person shall be printed or inserted in the body of any instrument of proxy before it is so sent.

General proxies to  
managers or  
clerks.

125. A creditor or a contributory may give a general proxy to his manager or clerk or any other person in his regular employment. In any such case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor or contributory.

## Special proxies.

126. A creditor or a contributory may give a special proxy to any person to vote at any specified meeting or adjournment thereof:—

- (a) for or against the appointment or continuance in office of any specified person as Liquidator or Member of the Committee of Inspection; and
- (b) on all questions relating to any matter other than those above referred to and arising at the meeting or an adjournment thereof.

Solicitation by  
Liquidator to  
obtain proxies.

127. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a Liquidator in obtaining proxies or in procuring his appointment as Liquidator except by the direction of a meeting of creditors or contributories, the Court if it thinks fit may order that no remuneration be allowed to the person by whom or on whose behalf the solicitation was exercised notwithstanding any resolution of the Committee of Inspection or of the creditors or contributories to the contrary.

Proxies to Official  
Liquidator or  
Liquidator.

128. A creditor or a contributory may appoint the Official Liquidator or Liquidator to act as his general or special proxy.

Holder of proxy  
not to vote on  
matter in which  
he is financially  
interested.

129. No person acting either under a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner, or employer in a position to receive any remuneration out of the estate of the Company otherwise than as creditor rateably with the other creditors of the Company. Provided that where any person holds special proxies to vote for an application to the Court in favour of the appointment of himself as Liquidator he may use the said proxies and vote accordingly.

Proxies.  
Forms 76 and 77.

130.—(1) A proxy intended to be used at the first meeting of creditors or contributories, or an adjournment thereof, shall be lodged with the Official Liquidator not later than the time mentioned for that purpose in the notice convening the meeting or the adjourned meeting, which time shall be not 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 unless the Court otherwise directs.

(2) In every other case a proxy shall be lodged with the Official Liquidator or Liquidator not later than four o'clock in the afternoon of the day before the meeting or adjourned meeting at which it is to be used.

(3) No person shall be appointed a general or special proxy who is a minor.

(4) Where a Limited Company is a creditor, any person who is duly authorized under the seal of the creditor Company to act generally on behalf of the creditor Company at meetings of creditors and contributories and to appoint himself or any other person to be the creditor Company's proxy, may fill in and sign the form of proxy on the creditor Company's behalf and appoint himself to be the creditor Company's proxy, and a proxy so filled in and signed by such a person shall be received and dealt with as the proxy of the creditor Company.

131. Where a Liquidator who holds any proxies cannot attend the meeting for which they are given, he may, in writing, depute some person under his official control to use the proxies on his behalf, and in such manner as he may direct.

Use of proxies by deputy.

132. The proxy of a creditor blind or incapable of writing may be accepted, if such creditor has attached his signature or mark thereto in the presence of a witness, who shall add to his signature his description and residence; provided that all insertions in the proxy are in the handwriting of the witness, and such witness shall have certified at the foot of the proxy that all such insertions have been made by him at the request of the creditor and in his presence before he attached his signature or mark.

Filling in where creditor blind or incapable.

#### DIVIDENDS IN A WINDING-UP BY THE COURT.

133.—(1) Not more than two months before declaring a dividend the Liquidator in a winding-up by the Court, shall give notice of his intention to do so by one advertisement in one of the Melbourne daily morning newspapers, and by sending notice at the same time to such of the creditors mentioned in the 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 not be less than fourteen days from the date of such notice.

Dividends to creditors.  
Form 65.

(2) Where any creditor, after the date mentioned in the notice of intention to declare a dividend as the latest date up to which proofs may be lodged, appeals against the decision of the Liquidator rejecting a proof, notice of appeal shall, subject to the power of the Court to extend the time in special cases, be given within seven days from the date of the notice of the decision against which the appeal is made, and the Liquidator may 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 notice of appeal has been given within the time specified in this Rule, the Liquidator 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 Liquidator he shall proceed to declare a dividend, and shall advertise the same once in some Melbourne daily morning newspaper, and shall also send a notice of dividend to each creditor whose proof has been admitted.

Form 67.

(4) If it becomes necessary, in the opinion of the Liquidator and the Committee of Inspection, to postpone the declaration of the dividend beyond the limit of two months, the Liquidator shall give a fresh notice of his intention to declare a dividend by one advertisement in some Melbourne daily morning newspaper; but it shall not be necessary for the Liquidator to give a fresh notice to such of the creditors mentioned in the 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.

(5) Dividends may at the request and risk of the person to whom they are payable be transmitted to him by post.

(6) If a person to whom dividends are payable desires that they shall be paid to some other person he may lodge with the Liquidator a document in the Form 68 which shall be a sufficient authority for payment of the dividend to the person therein named.

Form 68.

Return of capital  
to contributories.  
Forms 69 and 70.

134. Every order by which the Liquidator in a winding-up by the Court is authorized to make a return to contributories of the Company, shall, unless the Court shall otherwise direct, contain or have appended thereto a Schedule or List (which the Liquidator shall prepare) setting out in a tabular form the full names and addresses of the persons to whom the return is to be paid, and the amount of money payable to each person, and particulars of the transfers of shares (if any) which have been made, or the variations in the list of contributories which have arisen since the date of the settlement of the list of contributories. The Schedule or List shall be in the Form 70 with such variations as circumstances shall require.

#### ATTENDANCE AND APPEARANCE OF PARTIES.

Attendance at  
proceedings.

135.—(1) Every person for the time being on the list of contributories of the Company, and every person whose proof has been admitted shall be at liberty, at his own expense, to attend proceedings, and shall be entitled, upon payment of the costs occasioned thereby, to have notice of all such proceedings as he shall by written request desire to have notice of; but if the Court shall be of opinion that the attendance of any such person upon any proceedings has occasioned any additional costs which ought not to be borne by the funds of the Company, it may direct such costs, or a gross sum in lieu thereof, to be paid by such person; and such person shall not be entitled to attend any further proceedings until he has paid the same.

(2) The Court may from time to time appoint any one or more of the creditors or contributories to represent before the Court, at the expense of the Company, all or any class of the creditors or contributories, upon any question or in relation to any proceedings before the Court, and may remove the person so appointed. If more than one person is appointed under this Rule to represent one class, the persons appointed shall employ the same solicitor to represent them.

(3) No creditor or contributory shall be entitled to attend any proceedings in Chambers unless and until he has entered in a book, to be kept by the Prothonotary for that purpose, his name and address, and the name and address of his solicitor (if any) and upon any change of his address or of his solicitor, his new address, and the name and address of his new solicitor.

Attendance of  
Liquidator's  
solicitor.

136. (1) Where the attendance of the Liquidator's solicitor is required on any proceeding in Court or Chambers, the Liquidator need not attend in person, except in cases where his presence is necessary in addition to that of his solicitor, or the Court directs him to attend.

(2) The Liquidator desiring to obtain directions in relation to any matter arising in the winding up may apply in Chambers *ex parte*, but the Judge 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.

#### LIQUIDATOR AND COMMITTEE OF INSPECTION IN A WINDING-UP BY THE COURT.

Remuneration of  
Liquidator.

137.—(1) The remuneration of a Liquidator, unless the Court shall otherwise order, shall be fixed by the Committee of Inspection, and shall be in the nature of a commission or percentage of which one part shall be payable on the amount realized, after deducting the sums (if any) paid to secured creditors (other than debenture holders) out of the proceeds of their securities, and the other part on the amount distributed in dividend.

(2) If the Court is of opinion that the remuneration of a Liquidator as fixed by the Committee of Inspection is unnecessarily large, the Court shall fix the amount of the remuneration.

(3) If there is no Committee of Inspection the remuneration of the Liquidator shall, unless the Court shall otherwise order, be fixed by the scale of fees and percentages for the time being payable on realizations and distributions by the Official Liquidator as Liquidator.

138. Except as provided by the Act or Rules, a Liquidator shall not under any circumstances whatever make any arrangement for, or accept from any solicitor, auctioneer, or any other person connected with the Company of which he is Liquidator, or who is employed in or in connection with the winding-up of the Company, any gift, remuneration, or pecuniary or other consideration or benefit whatever beyond the remuneration to which under the Act and Rules he is entitled as Liquidator, nor shall he make any arrangement for giving up, or give up any part of such remuneration to any such solicitor, auctioneer, or other person.

Limit of remuneration.

139. Neither the Liquidator nor any member of the Committee of Inspection of a Company shall, while acting as Liquidator 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 Company's assets. Any such purchase made contrary to the provisions of this Rule may be set aside by the Court on the application of the Official Liquidator or any creditor or contributory, and the Court may make such order as to costs as the Court shall think fit.

Dealings with assets.

140. Where the Liquidator carries on the business of the Company, he shall not, without the express sanction of the Court, purchase goods for the carrying on of such business from any person whose connection with the Liquidator is of such a nature as would result in the Liquidator obtaining any portion of the profit (if any) arising out of the transaction.

Restriction on purchase of goods by Liquidator.

141. No member of a Committee of Inspection 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 winding-up, or to receive out of the assets any payment for services rendered by him in connection with the administration of the assets, or for any goods supplied by him to the Liquidator for or on account of the Company. If it appears to the Court that any profit or payment has been made contrary to the provisions of this Rule, the Court may disallow such payment, or deduct such profit, as the case may be, on the audit of the Liquidator's accounts.

Committee of Inspection not to make profit.

142. In any case in which the sanction of the Court is obtained under the two last preceding Rules, the cost of obtaining such sanction shall be borne by the person in whose interest such sanction is obtained, and shall not be payable out of the Company's assets.

Costs of obtaining sanction of Court.

143. Where the sanction of the Court to a payment to a member of a Committee of Inspection for services rendered by him in connection with the administration of the Company's assets is obtained, the order of the Court shall specify the nature of the services, and such sanction shall only be given where the service performed is of a special nature. Except by the express sanction of the Court no remuneration shall, under any circumstances, be paid to a member of a Committee for services rendered by him in the discharge of the duties attaching to his office as a member of such Committee.

Sanction of payments to Committee.

144.—(1) Where a Liquidator is appointed by the Court, and has notified his appointment to the Official Liquidator, and given the required security, the Official Liquidator shall forthwith put the Liquidator into possession of all property of the Company of which the Official Liquidator may have custody; provided that such Liquidator shall have before the assets are handed over to him by the Official Liquidator, discharged any balance due to the Official Liquidator on account of fees, costs, and charges properly incurred by him, and on account of any advances properly made by him in respect of the Company, together with interest on such advances at the rate of six pounds per centum per annum; and the Liquidator shall pay all fees, costs, and charges of the Official Liquidator which may not have been discharged by the Liquidator before being put into possession of the property of the Company, and whether incurred before or after he has been put into such possession.

Discharge of costs before assets handed to Liquidator.

(2) The Official Liquidator shall be deemed to have a lien upon the Company's assets until such balance shall have been paid and the other liabilities shall have been discharged.

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

Resignation of  
Liquidator.

145. A Liquidator who desires to resign his office shall summon separate meetings of the creditors and contributories of the Company to decide whether or not the resignation shall be accepted. If the creditors and contributories by ordinary resolutions both agree to accept the resignation of the Liquidator, he shall file with the Official Liquidator a memorandum of his resignation, and the resignation shall thereupon take effect. In any other case the Liquidator shall report to the Court the result of the meetings and shall send a report to the Official Liquidator and thereupon the Court may, upon the application of the Liquidator or the Official Liquidator, determine whether or not the resignation of the Liquidator shall be accepted, and may give such directions and make such orders as in the opinion of the Court shall be necessary.

Office of Liquidator  
vacated by his  
insolvency.

146. If an order of sequestration is made against the Liquidator, or if he file his schedule in insolvency or assign his estate for the benefit of creditors, he shall thereby vacate his office, and for the purposes of the application of the Act and Rules shall be deemed to have been removed.

#### PAYMENTS INTO AND OUT OF A BANK.

Special bank  
account.

147. Where the Liquidator in a winding-up by the Court is authorized to have a special bank account, he shall forthwith pay all moneys received by him into that account to the credit of the Liquidator of the Company. All payments out shall be made by cheque payable to order, and every cheque shall have marked or written on the face of it the name of the Company, and shall be signed by the Liquidator, and shall be countersigned by at least one member of the Committee of Inspection, and, by such other person, if any, as the Committee of Inspection may appoint.

#### BOOKS.

Record Book.

148. The Official Liquidator, until a Liquidator is appointed by the Court, and thereafter the Liquidator, 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 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 interests of the creditors or contributories), nor need he exhibit such document to any person other than a member of the Committee of Inspection, or the Official Liquidator.

Cash Book.

149.—(1) The Official Liquidator, until a Liquidator is appointed by the Court, and thereafter the Liquidator, shall keep a book to be called the "Cash Book" in which he shall (subject to the provisions of the Rules as to trading accounts) enter from day to day the receipts and payments made by him.

(2) 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 every three months.

#### ACCOUNTS AND AUDIT IN A WINDING-UP BY THE COURT.

Audit of Cash Book.  
Form 78.

150. The Committee of Inspection shall not less than once every three months audit the Liquidator's Cash Book and certify therein under their hands the day on which the said book was audited. Once in every six months the Liquidator's accounts shall be audited by an auditor appointed



by the Court who shall forward a certificate of such audit to the Official Liquidator accompanied by a statutory declaration setting out that he has audited the accounts and believes them to be true in every particular, identifying the same by reference to an exhibit.

151.—(1) The Liquidator shall, at the expiration of six months from the date of the winding-up order, and at the expiration of every succeeding six months thereafter until his release, transmit to the Official Liquidator a copy of the Cash Book for such period in duplicate, 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 Company's statement of affairs, showing thereon in red ink the amounts realized, and explaining the cause of the non-realization of such assets as may be unrealized. The Liquidator shall also at the end of every six months forward, with his accounts, a report upon the position of the liquidation of the Company in such form as the Official Liquidator may direct.

Audit of  
Liquidator's  
accounts.

(2) When the assets of the Company have been fully realized and distributed, the Liquidator shall forthwith send in his accounts to the Official Liquidator, although the six months may not have expired.

(3) The accounts sent in by the Liquidator shall be verified by him by affidavit.

Form 79.

152.—(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.

Liquidator carrying  
on business.

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

Forms 80 and 81.

153. When the Liquidator's account has been audited, the Official Liquidator shall certify the fact upon the account, and thereupon the duplicate copy, bearing a like certificate, shall be filed with the Prothonotary.

Copy of accounts  
to be filed.

154. Where a Liquidator 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 transmit his accounts, forward to the Official Liquidator an affidavit of no receipts or payments.

Affidavits of no  
receipts.

155.—(1) Upon a Liquidator resigning, or being released or removed from his office, he shall deliver over to the Official Liquidator, or, as the case may be, to the new Liquidator, all books kept by him, and all other books, documents, papers, and accounts in his possession relating to the office of Liquidator. The release of a Liquidator shall not take effect unless and until he has delivered over to the Official Liquidator, or, as the case may be, to the new Liquidator, all the books, papers, documents, and accounts which he is by this Rule required to deliver on his release.

Proceedings on  
resignation, &c.,  
of Liquidator.

(2) The Court may, at any time during the progress of the liquidation, on the application of the Liquidator or the Official Liquidator, direct that such of the books, papers, and documents of the Company or of the Liquidator as are no longer required for the purpose of the liquidation, may be sold, destroyed, or otherwise disposed of.

Disposal of books.

156. Where property forming part of a Company's assets is sold by the Liquidator 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 the necessary certificate of the Taxing Officer. Every Liquidator by whom such auctioneer or agent is employed, shall, unless the Court otherwise orders, be accountable for the proceeds of every such sale.

Expenses of sales.

## TAXATION OF COSTS.

## Taxation of costs.

157. Every solicitor, manager, accountant, auctioneer, broker, or other person employed by an Official Liquidator or Liquidator in a winding-up by the Court shall on request by the Official Liquidator or Liquidator (to be made a sufficient time before the declaration of a dividend) deliver his bill of costs or charges to the Official Liquidator or Liquidator for the purpose of taxation; and if he fails to do so within the time stated in the request, or such extended time as the Court may allow, the Liquidator shall declare and distribute the dividend without regard to such person's claim, and subject to any order of the Court the claim shall be forfeited. The request by the Official Liquidator or Liquidator shall be in the Form No. 82.

Form 82.

## Notice of appointment.

158. Where a bill of costs or charges in any winding-up has been lodged with the Taxing Officer, he shall give notice of an appointment to tax the same, in a winding-up by the Court to the Official Liquidator, and in every winding-up to the Liquidator, and to the person to or by whom the bill or charges is or are to be paid (as the case may be).

## Lodgment of Bill.

159. The bill or charges, if incurred in a winding-up by the Court prior to the appointment of a Liquidator, shall be lodged with the Official Liquidator, and if incurred after the appointment of a Liquidator, shall be lodged with the Liquidator. The Official Liquidator or the Liquidator, as the case may be, shall lodge the bill or charges with the Taxing Officer.

## Copy of the Bill to be furnished.

160. Every person whose bill or charges in a winding-up by the Court is or are to be taxed shall, on application either of the Official Liquidator or the Liquidator, furnish a copy of his bill or charges so to be taxed, on payment at the rate of sixpence per folio, which payment shall be charged on the assets of the Company. The Official Liquidator shall call the attention of the Liquidator to any items which, in his opinion, ought to be disallowed or reduced, and may attend or be represented on the taxation.

## Applications for costs.

161. 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:—

- (1) Such party or person shall serve notice of his intended application on the Official Liquidator in a winding-up by the Court and in every winding-up on the Liquidator.
- (2) The Official Liquidator and Liquidator 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.

Certificate of taxation.  
Form 83.

162. Upon the taxation of any bill of costs, charges, or expenses being completed, the Taxing Officer shall issue to the person presenting such bill for taxation his allowance or certificate of taxation. The bill of costs, charges, and expenses, together with the allowance or certificate, shall be filed with the Official Liquidator. The Taxing Officer shall keep a Register of Taxations under the Act in the Form No. 84 in the Appendix.

Form 84.

## Certificate of employment.

163. Where the bill or charges of any solicitor, manager, accountant, auctioneer, broker, or other person employed by an Official Liquidator or Liquidator, is or are payable out of the assets of the Company a certificate in writing, signed by the Official Liquidator or Liquidator, as the case may be, shall on the taxation be produced to the Taxing Officer setting forth whether any, and if so what, special terms of remuneration have been agreed to, and in the case of the bill of costs of a solicitor a copy of the resolution or other authority sanctioning the employment.

## COSTS AND EXPENSES PAYABLE OUT OF THE ASSETS OF THE COMPANY.

164.—(1) Where a Liquidator or Special Manager in a winding-up by the Court receives remuneration for his services as such, no payment shall be allowed on his accounts in respect of the performance by any other person of the ordinary duties which are required by Statute or Rules to be performed by himself. Liquidator's charges.

(2) Where a Liquidator is a solicitor he may contract that the remuneration for his services as Liquidator shall include all professional services.

165.—(1) The assets of a Company in a winding-up by the Court, remaining after payment of the fees and actual expenses incurred in realizing or getting in the assets, 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 :— Costs payable out of the assets.

*First.*—The taxed costs of the petition, including the taxed costs of any person appearing on the petition whose costs are allowed by the Court.

*Second.*—The remuneration of the Special Manager (if any).

*Third.*—The costs and expenses of any person who makes or concurs in making, the Company's statement of affairs.

*Fourth.*—The taxed charges of any shorthand writer appointed to take an examination. Provided that where the shorthand writer is appointed at the instance of the Official Liquidator the cost of the shorthand notes shall be deemed to be an expense incurred by the Official Liquidator in getting in and realizing the assets of the Company.

*Fifth.*—The Liquidator's necessary disbursements, other than actual expenses of realization heretofore provided for.

*Sixth.*—The costs of any person properly employed by the Liquidator.

*Seventh.*—The remuneration of the Liquidator.

*Eighth.*—The actual out-of-pocket expenses necessarily incurred by the Committee of Inspection, subject to the approval of the Official Liquidator.

(2) No payments in respect of bills or charges of solicitors, managers, accountants, auctioneers, brokers, or other persons, other than payments for costs and expenses incurred and sanctioned under Rule 41, and payments of bills which have been taxed and allowed under orders made for the taxation thereof, shall be allowed out of the assets of the Company without proof that the same have been considered and allowed by the Official Liquidator. The Taxing Officer shall satisfy himself before passing such bills or charges that the employment of the solicitor or other person in respect of the matters mentioned in the bills or charges has been duly sanctioned. Provided that the Official Liquidator when acting as Liquidator may without taxation pay and allow the costs and charges of any person other than a solicitor employed by him where such costs and charges are within the scale usually allowed by the Court, and do not exceed the sum of Two pounds. Costs.

(3) Nothing contained in this Rule shall apply to or affect costs which in the course of legal proceedings by or against a Company which is being wound up by the Court, are ordered by the Court or a Judge thereof to be paid by the Company or the Liquidator, or the rights of the person to whom such costs are payable.

## STATEMENTS BY LIQUIDATOR.

166. The winding-up of a Company shall, for the purposes of section 222 of the Act, be deemed to be concluded :— Conclusion of winding-up.

(a) In the case of a Company wound up by order of the Court, at the date on which the order dissolving the Company has been reported by the Liquidator to the Registrar-General or at the date of the order of the Court releasing the Liquidator pursuant to section 159 of the Act.

- (b) In the case of a Company wound up voluntarily, or under the supervision of the Court, at the date of the dissolution of the Company, unless at such date any funds or assets of the Company remain unclaimed or undistributed in the hands or under the control of the Liquidator, or any person who has acted as Liquidator, in which case the winding-up shall not be deemed to be concluded until such funds or assets have either been distributed or paid to the Receiver of Revenue.

Times for sending  
Liquidator's  
statements, and  
regulations  
applicable thereto.

167. The statements with respect to the 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) 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, shall be sent within 30 days from the expiration of such twelve months, or within such extended period as the Court may sanction, and 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.

Form 85.

- (2) Subject to the next succeeding Rule, Form No. 85, with such variations as circumstances may require, shall be used, and the directions specified in the Form shall (unless the Court otherwise direct) be observed in reference to every statement.

Form 86.

- (3) Every statement shall be sent in duplicate, and shall be verified by an affidavit in the Form No. 86, with such variations as circumstances may require.

Affidavit of no  
receipts or  
payments.

Forms 85 and 86.

168. Where a Liquidator has not during any period for which a statement has to be sent, received, or paid any money on account of the Company, he shall at the period when he is required to transmit his statement, send to the Registrar-General the prescribed statement in the Form No. 85, in duplicate, containing the particulars therein required with respect to the proceedings in and position of the Liquidation, and with such statement shall also send an affidavit of no receipts or payments in the Form No. 86.

#### UNCLAIMED FUNDS AND UNDISTRIBUTED ASSETS IN THE HANDS OF A LIQUIDATOR.

Payment of  
unclaimed money  
to the Receiver of  
Revenue.

169.—(1) All money in the hands or under the control of a Liquidator of a Company representing unclaimed dividends, which for six months from the date when the dividend became payable has remained in the hands or under the control of the Liquidator, shall forthwith, on the expiration of the six months, be paid to the Receiver of Revenue.

(2) All other money in the hands or under the control of a Liquidator of a Company, representing unclaimed assets, which under sub-section (4) of section 222 of the Act the Liquidator is to pay to the Receiver of Revenue shall be ascertained as on the date to which the statement of receipts and payments sent in to the Registrar-General is brought down, and the amount to be paid to the Receiver of Revenue shall be the minimum balance of such money which the Liquidator has had in his hands or under his control during the six months immediately preceding the date to which the statement is brought down. Such amount shall be paid to the Receiver of Revenue within fourteen days from the date to which the statement of account is brought down.

(3) Notwithstanding anything in this Rule, any moneys representing unclaimed assets or dividends in the hands of the Liquidator at the date of the dissolution of the Company shall forthwith be paid by him to the Receiver of Revenue.

(4) Money invested or deposited at interest by a Liquidator shall be deemed to be money under his control, and when such money forms part of the minimum balance payable to the Receiver of Revenue pursuant to clause (2) of this Rule, the Liquidator shall realize the investment or withdraw the deposit, and shall pay the proceeds to the Receiver of Revenue, provided that where the money is invested in Government securities, such securities may, with the permission of the Court, be transferred to the control of the Receiver of Revenue instead of being forthwith realized and the proceeds thereof paid to the Receiver of Revenue. In the latter case, if and when the money represented by the securities is required wholly or in part for the purposes of the Liquidation, the Court may direct the Receiver to realize the securities wholly or in part and pay the proceeds of realization to the Liquidator, and deal with the same in the same way as other moneys paid to the said Liquidator may be dealt with.

170. Every person who has acted as Liquidator of any Company, whether the liquidation has been concluded or not, shall furnish to the Official Liquidator particulars of any money in his hands or under his control representing unclaimed or undistributed assets of the Company and such other particulars as the Official Liquidator may require for the purpose of ascertaining or getting in any money payable to the Receiver of Revenue. The Official Liquidator may require such particulars to be verified by affidavit.

Liquidator to furnish information to Official Liquidator. Form 88.

171. The Official Liquidator may at any time order any such person to submit to him an account verified by affidavit of the sums received and paid by him as Liquidator of the Company, and may direct an audit of the account.

Official Liquidator may call for verified accounts.

172. For the purposes of the Act and the Rules the Court shall have and may exercise all the powers conferred by the Insolvency Acts with respect to the discovery and realization of the property of a debtor, and the provisions of those Acts with respect thereto shall, with any necessary modification, apply to proceedings under the Act.

#### RELEASE OF LIQUIDATOR IN A WINDING-UP BY THE COURT.

173.—(1) A Liquidator in a winding-up by the Court before making application for his release, shall give notice of his intention so to do to all the creditors who have proved their debts, and to all the contributories, and shall send with the notice a summary of his receipts and payments as Liquidator.

Proceedings for release of Liquidator. Forms 89, 90, and 91.

(2) When the Court has granted to a Liquidator his release, a notice of the order granting the release shall be gazetted.

#### OFFICIAL LIQUIDATORS.

174.—(1) Judicial notice shall be taken of the appointment of the Official Liquidator appointed by the Governor in Council.

Appointment.

(2) When the Governor in Council appoints any officer to act as deputy for or in the place of an Official Liquidator, notice thereof shall be given by letter to the Prothonotary. The letter shall specify the duration of such acting appointment.

(3) Any person so appointed shall, during his tenure of office, have all the status, rights, and powers, and be subject to all the liabilities of an Official Liquidator.

175. Where an Official Liquidator is removed from his office by the Governor in Council, notice of the order removing him shall be communicated by letter to the Prothonotary.

Removal.

176. The Court may, by general or special directions determine what acts or duties of the Official Liquidator in relation to the winding-up of Companies are to be performed by him 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.

177. All Official Liquidators, appointed by the Governor in Council, shall be officers of the Court.

Power of officers  
and clerks in  
certain cases.

178. In the absence of the Official Liquidator, any officer duly authorized for the purpose by the Governor in Council, and any clerk of the Official Liquidator duly authorized by him in writing may, by leave of the Court, act on behalf of the Official Liquidator, and take part for him in any public or other examination and in any unopposed application to the Court.

Duties where no  
assets.

179. Where a Company against which a winding-up order has been made has no available assets, the Official Liquidator shall not be required to incur any expense in relation to the winding-up without the express directions of the Court.

Accounting by  
Official Liquidator.

180.—(1) Where a Liquidator is appointed by the Court in a winding-up by the Court, the Official Liquidator shall account to the Liquidator.

(2) If the Liquidator 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.

(3) The provisions of these Rules as to Liquidators and their accounts shall not apply to the Official Liquidator when he is Liquidator, but he shall account in such manner as the Court may from time to time direct.

Official Liquidator  
to act where no  
Committee of  
Inspection.

181. Where there is no Committee of Inspection any functions of the Committee of Inspection may, subject to the directions of the Court, be exercised by the Official Liquidator.

Appeals from  
Official Liquidator.

182. An appeal to the Court from an act or decision of the Official Liquidator acting otherwise than as Liquidator of a Company, shall be brought within twenty-one days from the time when the decision or act appealed against is done, pronounced, or made.

Applications under  
section 161 of the  
Act.

183. An application to the Court to examine on oath the Liquidator or any other person pursuant to section 161 of the Act, shall be made *ex parte*, and shall be supported by an affidavit stating the circumstances in which the application is made.

#### BOOKS TO BE KEPT, AND RETURNS MADE, BY OFFICERS OF COURTS.

Books to be kept  
by officers of  
Courts.  
Forms 92 and 93.

184. The Prothonotary shall keep books according to the Forms in the Appendix, and the particulars given under the different heads in such books shall be entered forthwith after each proceeding has been concluded.

#### GAZETTING IN A WINDING-UP BY THE COURT.

Gazetting notices.

185.—(1) All notices subsequent to the making by the Court of a winding-up order in pursuance of the Act or the Rules requiring publication in the *Government Gazette* shall be gazetted by the Liquidator.

(2) Where any winding-up order is amended, and also in any case in which any matter which has been gazetted has been amended or altered, or in which a matter has been wrongly or inaccurately gazetted, the Liquidator shall re-gazette such order or matter with the necessary amendments and alterations in the prescribed form, at the expense of the Company's assets, or otherwise as the Court may direct.

Filing memorandum  
of *Gazette* notices.

186.—(1) Whenever the *Government Gazette* contains any advertisement relating to any winding-up proceedings the Official Liquidator or Liquidator as the case may be shall file with the proceedings a memorandum referring to and giving the date of the advertisement.

(2) In the case of an advertisement in a newspaper, the Official Liquidator or Liquidator as the case may be shall keep a copy of the paper, and a memorandum referring to and giving the date of the advertisement shall be placed on the file.

(3) For this purpose one copy of each newspaper in which any advertisement relating to any winding-up proceeding in the Court is inserted, shall be left with the Official Liquidator or Liquidator as the case may be by the person who inserts the advertisement.

(4) A memorandum under this Rule shall be *prima facie* evidence that the advertisement to which it refers was duly inserted in the issue of the *Gazette* or newspaper mentioned in it.

## ARRESTS AND COMMITMENTS.

187. A warrant of arrest, or any other warrant issued under the provisions of the Act and Rules, may be addressed to such officer of the Court as the Court may in each case direct.

To whom warrants may be addressed.

188. Where the Court issues a warrant for the arrest of a person under any of the provisions of the Act or Rules, the prison (to be named in the warrant of arrest) to which the person shall be committed shall, unless the Court shall otherwise order, be the prison used by the Court in cases of orders of commitment made in the exercise by the Court of its ordinary jurisdiction.

Prison to which person arrested on warrant is to be taken.

189.—(1) Where a person is arrested under a warrant of commitment issued under any of the provisions of the Act and Rules, other than sections 176 and 178 of the Act, and Rule 52 of the Rules, he shall be forthwith conveyed in custody of the officer apprehending him to the prison of the Court within the ordinary jurisdiction of which he is apprehended, and kept therein for the time mentioned in the warrant of commitment, unless sooner discharged by the order of the Court which originally issued the warrant of commitment, or otherwise by law.

Prison to which a person arrested is to be conveyed and production and custody of persons arrested.

(2) Where a person is arrested under a warrant, issued under section 176 or section 178 of the Act, or under Rule 52 of the Rules, he shall be forthwith conveyed in custody of the officer apprehending him to the prison of the Court within the ordinary jurisdiction of which he is apprehended; and the governor or keeper of such prison shall produce such person 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, or such person shall be otherwise discharged by law. Provided that where any such person is conveyed to a prison other than the prison used by the Court which originally issued the warrant in cases of orders of commitment made by such Court in the exercise of its ordinary jurisdiction, the Court may by order direct such person to be transferred to such last-mentioned prison; and on receipt of such order the governor or keeper of the prison to which such person has been conveyed, shall cause such person to be conveyed in proper custody to the prison mentioned in such order, and the governor or keeper of such last-mentioned prison shall, on production of such order and of the warrant of arrest, receive such person, and shall produce him 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, or such person shall be otherwise discharged by law.

## MISCELLANEOUS MATTERS.

190. The Court may, in any case in which it shall see fit, extend or abridge the time appointed by the Rules or fixed by any order of the Court for doing any act or taking any proceeding.

Enlargement or abridgment of time.

191.—(1) No proceedings under the Act or the Rules shall be invalidated by any formal defect or by any irregularity, unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

Formal defect not to invalidate proceedings.

(2) No defect or irregularity in the appointment or election of a Liquidator, or member of a Committee of Inspection shall vitiate any act done by him in good faith.

192. 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.

193. In all proceedings in or before the Court, or any Judge or Officer thereof, or over which the Court has jurisdiction under the Act and Rules, where no other provision is made by the Act or Rules, the practice procedure and regulations shall, unless the Court otherwise in any special case directs, be in accordance with the Rules and practice of the Supreme Court.

Application of existing procedure.

## Annulment.

194. The Companies Rules 1900 and the forms thereby prescribed are hereby revoked and annulled, provided that such revocation and annulment shall not prejudice or affect anything done or suffered before the date on which these Rules come into operation under any Rule or Order which is hereby revoked and annulled and that no rule or practice which was annulled or repealed by the said Rules and Orders shall be revived by reason of the revocation and annulment hereby effected.

195. 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."

196. 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 on the 31st day of December next preceding, showing the number of—

- (a) Petitions presented for the winding up of Companies.
- (b) Orders made for compulsory winding up.
- (c) Orders directing a winding up to be continued under the supervision of the Court.
- (d) Companies the winding up of which has been concluded during the year.
- (e) Petitions presented for winding up still pending on the 31st day of December.

197. The fees payable in respect of proceedings for winding up a Company shall be those contained in the Schedule hereto. A folio shall comprise 72 words, every figure being counted as one word.

## SCHEDULE.

## FEES IN RESPECT OF PROCEEDINGS UNDER THE "COMPANIES ACT 1910."

	£	s.	d.
Filing every petition .. .. .	0	5	0
Filing any other document .. .. .	0	1	0
Entering appearance .. .. .	0	1	0
Issuing summons .. .. .	0	3	0
Issuing order thereon .. .. .	0	5	0
Issuing every other order or decree .. .. .	0	10	6
Setting down matter for hearing .. .. .	0	10	0
Search and inspection of proceedings or taking copies or extracts, per hour or part of an hour .. .. .	0	1	0
Sealing any writ other than writ of subpoena .. .. .	0	10	6
Sealing any commission or document, Supreme Court Seal .. .. .	1	0	0
Sealing every subpoena .. .. .	0	7	6
Making office copies, per folio .. .. .	0	0	6
Examining printed or written copies and marking same as office copies, per folio .. .. .	0	0	2
Settling ordinary advertisement .. .. .	0	5	0
Settling special advertisement .. .. .	1	1	0
Settling any conditions of sale, ordinary .. .. .	0	5	0
Settling any conditions of sale, special .. .. .	1	1	0
For every warrant or appointment .. .. .	0	3	0
Signing report or certificate .. .. .	1	0	0
Signing every advertisement .. .. .	0	5	0
Signing certificate of allowance of or passing final account of liquidator of company having been wound up, or any other certificate required .. .. .	0	5	0
Countersigning any cheque or signing any memorandum .. .. .	0	2	6
Signing the allowance of any document or account not herein mentioned .. .. .	0	5	0
Every proof of debt admitted by a Judge .. .. .	0	1	0
Taxation of costs, 2½ per cent.			

For all other business not provided for specially herein the same fees are to be charged as are now paid for the like or analogous business in the civil jurisdiction of this Court.



## APPENDIX.

## FORMS.

## No. 1. (Rule 7.)

In the Supreme Court

No.

of 19

In the matter of the *Companies Act* 1910,  
and

In the matter of (a)

(a) Insert full name of Company.

## No. 3. (Rule 6.)

## FORM OF SUMMONS (GENERAL).

(Title.)

Let (a)

attend at

on

19

, at

application of (b)

for an order that (c)

Dated the

day of

19

This summons was taken out by

of

Solicitors for

To

(a) Name of Respondent.

(b) Name and description of applicant.

(c) State object of application.

NOTE.—If you do not attend, either in person or by your solicitor, at the time and place above-mentioned such order will be made, and proceedings taken, as the Judge may think just and expedient.

## No. 4. (Rule 17.)

## PETITION.

(Title.)

In the Supreme Court

The humble petition of (b)

showeth as follows:—

1. The Company Limited (hereinafter called the company) was in the month of , incorporated under the Companies Acts.

(b) Insert full name, title, &amp;c., of petitioner.

2. The registered office of the company is at (c)

3. The nominal capital of the company is £ , divided into shares of £ each. The amount of the capital paid up or credited as paid up is £

(c) State the full address of the registered office so as sufficiently to show the district in which it is situate.

4. The objects for which the company was established are as follows:—  
To

and other objects set forth in the memorandum of association thereof.

[Here set out in paragraphs the facts on which the petitioner relies, and conclude as follows]:—

Your petitioner therefore humbly prays as follows:—

(1.) That the Company Limited may be wound up by the Court under the provisions of the *Companies Act* 1910.

(2.) Or that such other order may be made in the premises as shall be just.

NOTE.—(f) It is intended to serve this petition on  
9011.—3.

(f) This note will be unnecessary if the company is petitioner.

No. 5. (Rule 17.)

### PETITION BY UNPAID CREDITOR ON SIMPLE CONTRACT.

(Title.)

Paragraphs 1, 2, 3, and 4 as in No. 4. .

(a) State consideration for the debt, with particulars so as to establish that the debt claimed is due.

5. The company is indebted to your petitioner in the sum of £ \_\_\_\_\_ for (a)
6. Your petitioner has made application to the company for payment of his debt, but the company has failed and neglected to pay the same or any part thereof.
7. The company is [insolvent and] unable to pay its debts.
8. In the circumstances, it is just and equitable that the company should be wound up.

Your petitioner therefore, &c. [as in No. 4].

## No. 6. (Rule 19.)

### ADVERTISEMENT OF PETITION.

(Title.)

a) If the winding up is to be subject to supervision, insert instead of "by" the words "subject to the supervision of."

Notice is hereby given that a petition for the winding up of the above-named company by (a) the Supreme Court was, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ presented to the said Court by the said company [or as the case may be]. And that the said petition is directed to be heard before the Court sitting at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; and any creditor or contributory of the said company desirous to support or oppose the making of an order on the said petition, may appear at the time of hearing by himself or his counsel for that purpose; and a copy of the petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

(c) To be signed by the solicitor to the petitioner or by the petitioner if he has no solicitor.

Signed (c) [Name]  
[Address]

NOTE.—Any person who intends to appear on the hearing of the said petition must serve on or send by post to the above-named, notice in writing of his intention so to do. The notice must state the name and address of the person, or, if a firm, the name and address of the firm, and must be signed by the person or firm, or his or their solicitor (if any), and must be served, or, if posted, must be sent by post in sufficient time to reach the above-named not later than four o'clock in the afternoon of the of 19

No. 7. (Rule 20.)

AFFIDAVIT OF SERVICE OF PETITION ON MEMBERS, OFFICERS, OR SERVANTS.

(Title.)

In the matter of a petition dated

I, \_\_\_\_\_, of \_\_\_\_\_, make oath and say:—

1. [In the case of service of petition on a member, officer, or servant at the registered office, or if no registered office, at the principal or last known principal place of business of the company.]

That I did on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, serve the above-named company with the above-mentioned petition, by delivering to and leaving with [name and description] a member (or officer) (or servant) of the said company a copy of the above-mentioned petition, duly sealed with the seal of the Court, at [office or place of business as aforesaid], before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon.

2. [In the case of no member, officer, or servant of the company being found at the registered, offices or place of business.]

That I did on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, having failed to find any member, officer, or servant of the above-named company at [\_\_\_\_\_ state registered office or place of business], leave there a copy of the above-mentioned petition, duly sealed with the seal of the Court, before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon [add with whom such sealed copy was left, or where, e.g., affixed to door of offices, or placed in letter box, or otherwise].

3. [In the case of directions by the Court as to the member or members of the company to be served.]

That I did on                      day, the                      day of                      19                      , serve [name or names and description] with a copy of the above-mentioned petition, duly sealed with the seal of the Court, by delivering the same personally to the said                      , at [place], before the hour of                      in the                      noon.

4. The said petition is now produced and shown to me, marked A.

Sworn at, &c.

No. 8. (Rule 20.)

AFFIDAVIT OF SERVICE OF PETITION ON LIQUIDATOR.

(Title.)

In the matter of a petition, dated                      , for winding up the above company [by] or [under the supervision of] the Court [as the case may be].

I,                      , of                      , make oath and say:—

That I did, on                      day, the                      day of                      19                      , serve [name and description] the liquidator of the above-named company with a copy of the above-mentioned petition, duly sealed with the seal of the Court, by delivering the same personally to the said                      at [place], before the hour of                      in the                      noon.

The said petition is now produced and shown to me, marked A.

Sworn at, &c.

No. 9. (Rule 21.)

AFFIDAVIT VERIFYING PETITION.

(Title.)

I, A.B., of &c., make oath and say, that such of the statements in the petition now produced and shown to me, and marked with the letter A, as relate to my own acts and deeds are true, and such of the said statements as relate to the acts and deeds of any other person or persons I believe to be true.

Sworn, &c.

No. 10. (Rule 23.)

ORDER APPOINTING THE OFFICIAL LIQUIDATOR AS PROVISIONAL LIQUIDATOR AFTER PRESENTATION OF PETITION, AND BEFORE ORDER TO WIND UP.

the                      day of                      19                      .

(Title.)

Upon the application, &c., and upon reading, &c., the Court doth hereby appoint A.B. Official Liquidator to be Provisional Liquidator of the above-named Company. And the Court doth hereby limit and restrict the powers of the said Official Liquidator as Provisional Liquidator to the following acts, that is to say [describe the acts which the Provisional Liquidator is to be authorized to do and the property of which he is to take possession].

No. 11. (Rule 25.)

NOTICE OF INTENTION TO APPEAR ON PETITION.

(Title.)

Take notice that A.B., (a) a creditor for £                      of (or contributory holding (b) shares in) the above company intends to appear on the hearing of the petition advertised to be heard on the                      day of                      , 19                      , and to support (or oppose) such petition.

(Signed) (c) [Name of person or firm.]  
[Address.]

(a) State full name, or if a firm, the name of the firm.

(b) State number and class of shares held.

(c) To be signed by the person or his solicitor.

## No. 12. (Rule 26.)

## LIST OF PARTIES ATTENDING THE HEARING OF A PETITION.

(Title.)

The following are the names of those who have given notice of their intention to attend the hearing of the petition herein, on the                      day of                      19                      .

Name.	Address.	Name and Address of Solicitor of party who has given notice.	Creditors. Amount of Debt.	Contributors. Number of Shares.	Opposing.	Supporting.

## No. 13. (Rule 29.)

## NOTIFICATION TO OFFICIAL LIQUIDATOR OF ORDERS PRONOUNCED ON PETITION FOR WINDING-UP.

(Title.)

To the Official Liquidator.

(Address.)

Orders pronounced this day by the Honorable Mr. Justice                      on petition for winding up the undermentioned company under the *Companies Act* 1910.

Name of Company.	Registered Office of Company.	Petitioner's Solicitor.	Date of Presentation of Petition.

## No. 14. (Rule 29.)

## NOTIFICATION TO OFFICIAL LIQUIDATOR OF ORDERS PRONOUNCED FOR APPOINTMENT OF OFFICIAL LIQUIDATOR AS PROVISIONAL LIQUIDATOR PRIOR TO WINDING-UP ORDER BEING MADE.

(Title.)

To the Official Liquidator.

(Address.)

Orders pronounced this day by the Honorable Mr. Justice                      for the appointment of an Official Liquidator as Provisional Liquidator prior to any Winding-up Order being made.

Name of Company.	Registered Office of Company.	Petitioner's Solicitor.	Date of Presentation of Petition.

## No. 15. (Rule 32.)

## ORDER FOR WINDING-UP BY THE COURT.

day of , 19 .

(Title.)

Upon the petition of the above-named company [or A.B., of &c., a creditor [or contributory] of the above-named company], on the day of , 19 , preferred unto the Court, and upon hearing for the petitioner, and for , and upon reading the said petition, an affidavit of (the said petitioner), filed, &c., verifying the said petition, an affidavit of L.M., filed the day of 19 , the *Government Gazette* of the day of , 19 , the newspaper of the day of [enter any other papers], each containing an advertisement of the said petition [enter any other evidence], this Court doth order that the said Company be wound up by this Court under the provisions of the *Companies Act* 1910, and that A.B. Official Liquidator be constituted Provisional Liquidator of the affairs of the Company.

NOTE.—It will be the duty of the Directors and of the Secretary or other chief officer of the Company and of such person as the Official Liquidator may require, to attend on the Official Liquidator at (a) forthwith on the service of this Order.

(a) Insert the place at which attendance is required.

## No. 16. (Rule 33.)

## ORDER FOR WINDING-UP, SUBJECT TO SUPERVISION.

day, the day of 19 .

(Title.)

Upon the petition, &c., this Court doth order that the voluntary winding up of the said Company, Limited, be continued, but subject to the supervision of this Court and any of the proceedings under the said voluntary winding up may be adopted as the Court shall think fit; and it is ordered that the Liquidator appointed in the voluntary winding-up of the said Company, do on the day of next, and thenceforth every three months, file with the Official Liquidator a report in writing as to the position of, and the progress made with, the winding-up of the said Company; and with the realization of the assets thereof, and as to any other matters connected with the winding-up as the Court may from time to time direct. And it is ordered that no bills of costs, charges, or expenses, or special remuneration of any solicitor employed by the Liquidator of the said Company, or any remuneration, charges, or expenses of such Liquidator, or of any manager, accountant, auctioneer, broker, or other person, be paid out of the assets of the said Company, unless such costs, charges, expenses, or remuneration, shall have been taxed or allowed by the Official Liquidator. And it is ordered that all such costs, charges, expenses, and remuneration, be taxed and ascertained accordingly. And it is ordered that the costs of the petitioner and of [here insert any directions as to allowance of costs of petitioner and of persons appearing]. And the creditors, contributories, and Liquidator of the said Company, and all other persons interested, are to be at liberty to apply generally as there may be occasion.

## No. 17. (Rule 33.)

## NOTICE TO ORDER WIND UP (FOR NEWSPAPER).

The *Companies Act* 1910.

In the matter of , Limited.

Winding-up Order made , 19 .

Date and place of first meetings:—

Creditors 19 , at

Contributories 19 , at

Official Liquidator and  
Provisional Liquidator.

## No. 18. (Rule 36.)

## AFFIDAVIT BY SPECIAL MANAGER VERIFYING ACCOUNT.

(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 Company, 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, &amp;c.

## No. 19. (Rule 101.)

## NOTICE TO CREDITORS OF FIRST MEETING.

(Title.)

(Under the Order for winding-up the above-named Company, 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 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 proxies 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 \_\_\_\_.

Official Liquidator.

Address. \_\_\_\_\_)

(The Statement of the Company's affairs (a)

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

## NOTE.

At the first meetings of the creditors and contributories they may amongst other things :—

1. By resolution determine whether or not an application is to be made to the Court to appoint a Liquidator in place of the Official Liquidator.

2. By resolution determine whether or not an application shall be made to the Court for the appointment of a Committee of Inspection to act with the Liquidator, and who are to be the members of the Committee if appointed.

NOTE.—If a Liquidator is not appointed by the Court the Official Liquidator will be the Liquidator.

## No. 20. (Rule 101.)

## NOTICE TO CONTRIBUTORIES OF FIRST MEETING.

(Title.)

Notice is hereby given that the first meeting of the contributories in the above matter will be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon.

Forms of general and special proxies 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 \_\_\_\_.

Dated this \_\_\_\_\_

day of \_\_\_\_\_

19 \_\_\_\_.

Official Liquidator.

(The Company's statement of affairs (a)

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

## NOTE.

At the first meetings of creditors and contributories they may amongst other things :—  
1. By resolution determine whether or not an application shall be made to the Court to appoint a Liquidator in place of the Official Liquidator.

2. By resolution determine whether or not an application shall be made to the Court for the appointment of a Committee of Inspection to act with the Liquidator, and who are to be the members of the Committee of Inspection.

NOTE.—If a Liquidator is not appointed by the Court the Official Liquidator will be the Liquidator.

## No. 21. (Rule 102.)

## NOTICE TO DIRECTORS AND OFFICERS OF COMPANY TO ATTEND FIRST MEETING OF CREDITORS OR CONTRIBUTORIES.

(Title.)

Take notice that the first meeting of creditors [or contributories] will be held on the day of 19, at o'clock at (a) , and that you are required to attend thereat, and give such information as the meeting may require.

Dated this day of 19 .

To (b)

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

(b) Insert name of person required to attend.

Official Liquidator.

## No. 22.

## MEMORANDUM OF PROCEEDINGS AT ADJOURNED FIRST MEETING.

(No quorum.)

(Title.)

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

Memorandum.—The adjourned meeting of (a) in the above matter was held at the time and place above-mentioned; but it appearing that there was not a quorum of (a) qualified to vote present or represented, no resolution was passed, and the meeting was not further adjourned.

(a) Insert "creditors" or "contributories," as the case may be.

Chairman.

## No. 23.

## LIST OF CREDITORS (a) ASSEMBLED TO BE USED AT EVERY MEETING.

(Title.)

Meeting held at this day 19 .

Number.	Names of Creditors (a) Present or Represented.	Amount of Proof (b).
1		
2		
3		
4		
5		
6		
7		
7	Total number of creditors (a) present or represented.	

(a) Or "contributories."

(b) In case of contributories insert "number of shares."





£	s.	d.	£	s.	d.
(d) Liabilities on bills discounted other than the company's own acceptances for value, as per List "D" Of which it is expected will rank for dividend .. ..			(c) Bills of exchange, or other similar securities on hand, as per List "J" .. ..		
(e) Other liabilities, as per List "E" Of which it is expected will rank for dividend .. ..			Estimated to produce .. ..		
(f)....Preferential creditors for rates, taxes, wages, &c., as per List "F," deducted contra .. ..			(d) Surplus from securities in the hands of creditors fully secured (per contra) (b) .. ..		
(g) Loans on debenture bonds, as per List "G," deducted contra (holders) .. ..			(e) Unpaid calls ( debtors), as per List "K" .. ..		
Estimated surplus (if any) after meeting liabilities of company, subject to cost of liquidation .. ..			Estimated to produce .. ..		

The nominal amount of unpaid capital liable to be called up is £ .. .. which is [available to meet above deficiency] or [charged to debenture-holders], or as the case may be.

## No. 24—continued.

## STATEMENT OF AFFAIRS—continued.

## II.—As regards Contributories.

		£	s.	d.	£	s.	d.	Estimated surplus as above (if any) subject to cost of liquidation ..	£	s.	d.
Capital issued and allotted, viz. :—											
Ordinary Shares of £ per share											
(a) Issued as fully paid.											
Amount called up at £											
per List "L,"											
..											
per share, as											
..											
Preference Shares of £ per share											
(a) Issued as fully paid.											
Amount called up at £											
per List "M,"											
..											
per share, as											
..											
Amount, if any, paid in advance of call ..											
£											
£											
Less unpaid calls estimated to be irrecoverable ..											
Add deficiency to meet liabilities as above ..											
Total deficiency as explained in Statement "O" ..											
£											

(a) Where capitals issued as partly paid should be altered accordingly.

(b) Add par-amount of any other capital.

I, \_\_\_\_\_  
make oath and say

of

are, to the

that the foregoing Statement and the several Lists hereunto annexed marked

best of my knowledge and belief, a full, true, and complete statement of the affairs of the above-named Company, on the

day of \_\_\_\_\_ 19 \_\_\_\_\_, the date of the winding-up order.

NOTE.—The Commissioner is particularly requested, before swearing the Affidavit, to ascertain that the full name, address, and description of the Deponent are stated, and to initial all crossings-out or other alterations on the printed form. A deficiency in the Affidavit in any of the above respects will entail its refusal by the Court, and will necessitate its being re-sworn.

Sworn at

day of

19

Signature

Before me

A Commissioner, &c.

## LIST "A."

## UNSECURED CREDITORS.

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

Notes.—1. 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	..	..	..	0
Less: Contra account	..	..	..	

No such set-off should be included in List "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.

3. 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.	
			£ s. d.			

Signature

Dated

19

## LIST "B."

Signature \_\_\_\_\_ Dated \_\_\_\_\_ 19\_\_\_\_









LIST "F."  
PREFERENTIAL CREDITORS FOR RATES, TAXES, SALARIES AND WAGES.

[illegible]

**Signature**

**Dated**

19



## LIST "H."

## PROPERTY.

Full particulars of every description of property not included in any other lists are to be set forth in this list.

Full Statement and Nature of Property.	Estimated Cost.			Estimated to produce.		
	£	s.	d.	£	s.	d.
(a) Cash at Bankers .. .. .						
(b) Cash in hand .. .. .						
(c) Stock in Trade, at .. .. .						
(d) Machinery, at .. .. .						
(e) Trade fixtures, fittings, office furniture, utensils, &c. ..						
(f) Investments in Stocks or Shares, &c. .. .. .						
(g) Loans for which Mortgage or other security held ..						
(h) Other Property, viz. :—						

[State particulars.]

[State particulars.]

Signature

Dated

19 .

DEBTS DUE TO THE COMPANY.

The names to be arranged in alphabetical order, and numbered consecutively.

**NOTE.**—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 on the 3rd column, and the balance only be inserted under the heading "Amount of Debt," thus:—

3  
2  
1

Due to Company ..	..	..	..
Less: Contra account	..	..	..

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

[illegible]

**Signature**

**Dated**

19



[illegible]

**Signature**

**Dated**

61

LIST "L."  
LIST OF ORDINARY SHARES.

Consecutive No.	Register No.	Name of Shareholder.	Address.	Nominal Amount of Share.	No. of Shares Held.	Amount per Share Called Up.	Total Amount Called Up.
						£ s. d.	£ s. d.

Signature

Dated

19

LIST "M."  
LIST OF PREFERENCE SHARES.

Consecutive No.	Register No.	Name of Shareholder.	Address.	Nominal Amount of Share.	No. of Shares Held.	Amount per Share Called Up.	Total Amount Called Up.
						£ s. d.	£ s. d.

Signature

Dated

19

Deficiency Account.

(1) DEFICIENCY ACCOUNT WHERE WINDING-UP ORDER MADE WITHIN THREE YEARS OF FORMATION OF COMPANY.

	£	s.	d.
I. Gross profit (if any) arising from carrying on business from date of formation of Company to date of Winding-up Order (as per Trading Account annexed)			
II. Receipts, if any, during same period from undermentioned sources :—			
Interest on Loans ..			
Interest on Deposits ..			
Transfer Fees ..			
Amount paid on Shares issued and subsequently forfeited (as per list annexed) ..			
III. Other receipts, if any, during same period not included under any of the above headings, viz. ..			
IV. Deficiency as per Statement of Affairs—Part II. ..			

  

	£	s.	d.
I. Expenditure in carrying on business from date of formation of Company to date of Winding-up Order, viz. :—			
II. General Expenditure :—			
Salaries ..			
Wages not charged in Trading Account ..			
Rent ..			
Rates and Taxes ..			
Law Costs ..			
Commission ..			
Interest on Loans ..			
Interest on Debentures ..			
Miscellaneous expenditure (as per details annexed) ..			
III. Directors' fees from date of formation of Company to date of Winding-up Order ..			
IV. Dividends declared during same period ..			



Total amount to be accounted for .. (2) £				
V. Losses and depreciation written off in Company's books (1) :—				
Bad Debts	..	..		
Losses on Investments	..	..		
Depreciation of Property	..	..		
Preliminary Expenses	..	..		
VI. Losses and depreciation not written off in Company's books, now written off by the Directors (1) :—				
Bad Debts	..	..		
Losses on Investments	..	..		
Depreciation on Property	..	..		
Preliminary Expenses	..	..		
VII. Other Losses and Expenses		..	..	
Total amount accounted for		..	(2) £	

NOTE.—(1) Where particulars are numerous they should be inserted in a separate Schedule.

(2) These figures should agree.

Signature

Dated

19

## LIST "O" (2).

## Deficiency Account.

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

£	s.	d.	£	s.	d.																																																								
<b>I. Excess of Assets over Capital and Liabilities on the (1) day of 19 (if any), as per Company's Balance Sheet. (This and any previous Balance Sheets to be annexed or handed to O.L.)</b>			<b>I. Excess of Capital and Liabilities over Assets on the (1) day of 19 (if any), as per Company's Balance Sheet. (This and any previous Balance Sheets to be annexed or handed to O.L.)</b>																																																										
<b>II. Gross profit (if any) arising from carrying on business from the (1) day of 19 to date of Winding-up Order as per Trading Account annexed</b>			<b>II. Expenses of carrying on business from the (1) day of 19, to date of Winding-up Order, viz. :—</b>																																																										
<b>III. Receipts (if any) during same period from under-mentioned sources :—</b> Interest on Loans .. Interest on Deposits .. Transfer Fees .. Amounts paid on shares issued and subsequently forfeited (as per List annexed) ..			<table><tr><th colspan="2">Amount Discharged.</th><th colspan="2">Due at Date of Winding-up Order.</th></tr><tr><th>£</th><th>s. d.</th><th>£</th><th>s. d.</th></tr><tr><td colspan="4"><b>General Expenditure :—</b></td></tr><tr><td>Salaries ..</td><td></td><td></td><td></td></tr><tr><td>Wages not charged in Trading Account ..</td><td></td><td></td><td></td></tr><tr><td>Rent ..</td><td></td><td></td><td></td></tr><tr><td>Rates and Taxes ..</td><td></td><td></td><td></td></tr><tr><td>Law Costs ..</td><td></td><td></td><td></td></tr><tr><td>Commission ..</td><td></td><td></td><td></td></tr><tr><td>Interest on Loans ..</td><td></td><td></td><td></td></tr><tr><td>Interest on Debentures ..</td><td></td><td></td><td></td></tr><tr><td>Miscellaneous expenditure (as per details annexed) ..</td><td></td><td></td><td></td></tr><tr><td colspan="4"><b>III. Directors' Fees from the (1) day of 19, to date of Winding-up Order</b></td></tr><tr><td colspan="4"><b>IV. Dividends declared during same period</b></td></tr></table>			Amount Discharged.		Due at Date of Winding-up Order.		£	s. d.	£	s. d.	<b>General Expenditure :—</b>				Salaries ..				Wages not charged in Trading Account ..				Rent ..				Rates and Taxes ..				Law Costs ..				Commission ..				Interest on Loans ..				Interest on Debentures ..				Miscellaneous expenditure (as per details annexed) ..				<b>III. Directors' Fees from the (1) day of 19, to date of Winding-up Order</b>				<b>IV. Dividends declared during same period</b>			
Amount Discharged.		Due at Date of Winding-up Order.																																																											
£	s. d.	£	s. d.																																																										
<b>General Expenditure :—</b>																																																													
Salaries ..																																																													
Wages not charged in Trading Account ..																																																													
Rent ..																																																													
Rates and Taxes ..																																																													
Law Costs ..																																																													
Commission ..																																																													
Interest on Loans ..																																																													
Interest on Debentures ..																																																													
Miscellaneous expenditure (as per details annexed) ..																																																													
<b>III. Directors' Fees from the (1) day of 19, to date of Winding-up Order</b>																																																													
<b>IV. Dividends declared during same period</b>																																																													
<b>IV. Other receipts (if any) during same period not included under any of the above headings</b>																																																													
<b>V. Deficiency as per Statement of Affairs (Part II.)</b>																																																													

- (1) Three years before date of Winding-up Order.
- (2) Where particulars are numerous they should be inserted in a separate Schedule.
- (3) These figures should agree.

**Dated**

## LIST "P."

IN SUBSTITUTION FOR SUCH OF THE LISTS NAMED "A" TO "O" AS WILL HAVE TO BE RETURNED BLANK.

LIST.	PARTICULARS, AS PER FRONT SHEET.	REMARKS.
A	Unsecured Creditors .. .. .	Where no particulars are entered on any one or more of the Lists named "A" to "O" the word "Nil" should be inserted in this column opposite the particular List or Lists thus left blank.
B	Creditors fully secured (not including debenture holders) .. .. .	
C	Creditors partly secured .. .. .	
D	Liabilities on Bills discounted other than the Company's own acceptances for value .. .. .	
E	Other Liabilities .. .. .	
F	Preferential Creditors for rates, taxes, wages, &c. .. .. .	
G	Loans on Debenture Bonds .. .. .	
H	Property .. .. .	
I	Book Debts .. .. .	
J	Bills of Exchange or other similar securities on hand .. .. .	
K	Unpaid Calls .. .. .	
L	Ordinary Shares .. .. .	
M	Preference Shares .. .. .	
O	Deficiency Account .. .. .	

Signature

Dated

19

## No. 25. (Rule 42.)

## REPORT OF RESULT OF MEETING OF CREDITORS OR CONTRIBUTORIES.

In the matter, &c.

I, *A.B.*, the Official Liquidator of the Court [*or as the case may be*] chairman of a meeting of the creditors [*or contributories*] of the above-named Company, summoned by advertisement [*or notice*], dated the      day of      , 19      , and held on the      day of      , 19      , at      , do hereby report to the Court the result of such meeting as follows:—

The said meeting was attended, either personally or by proxy, by creditors, whose proofs of debt against the said Company were admitted for voting purposes, amounting in the whole to the value of £      [*or by*      contributories holding in the whole      shares in the said Company, and entitled respectively by the regulations of the Company to the number of votes hereinafter mentioned.]

The question submitted to the said meeting was, whether the creditors [*or contributories*] of the said Company wished that [*here state proposal submitted to the meeting*].

The said meeting was unanimously of opinion that the said proposal should [*or should not*] be adopted; [*or the result of the voting upon such question was as follows: (a)*]

(a) Here set out the majorities by which the respective resolutions were carried.

Resolutions at Meetings.	Voting on Resolutions.					
	For.			Against.		
	No.	Amount.		No.	Amount.	
(State the substance of any Resolutions passed and give names of Committee of Inspection (if any) and amount of their proofs if Creditors or shares if Contributories.)						
CREDITORS—						
CONTRIBUTORIES—						

Dated this      day of      19      (Signed) *H.T.*  
Chairman.

## No. 26. (Rule 42.)

## ORDER APPOINTING LIQUIDATOR.

(Title.)

Upon the application of the Official Liquidator and Provisional Liquidator of the above-named Company, by summons dated      19      and upon hearing the applicant in person and reading the order to wind-up the said Company, dated      19      , and the reports of the Official Liquidator of the results of the meetings of creditors and contributories made to the Court, and respectively dated the      , and upon reading the affidavit of      as to the fitness of the Liquidator hereinafter named filed

It is ordered that

of      be appointed Liquidator of the above-named Company.

(a) It is also ordered that the following persons be appointed a Committee of Inspection to act with the said Liquidator, namely:—

(a) To be struck out if no Committee of Inspection appointed.

And it is ordered that the said Liquidator do within seven days from the date of this order give security to the satisfaction of the Prothonotary, as provided by the Companies Rules, 1911.

And notice of this order is to be gazetted and advertised in the

By the Court.

## No. 27. (Rule 43.)

CERTIFICATE THAT LIQUIDATOR OR SPECIAL MANAGER HAS GIVEN SECURITY.  
(Title.)

This is to certify that A.B., of \_\_\_\_\_, who was on the  
day of \_\_\_\_\_, 19\_\_\_\_, appointed Liquidator [or Special Manager] of the above-  
named Company, has duly given security to my satisfaction.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
(Signed) J.S.,  
Prothonotary.

## No. 28. (Rule 42.)

## ADVERTISEMENT OF APPOINTMENT OF LIQUIDATOR.

In the matter of \_\_\_\_\_, Limited.  
By order of the Court, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,  
Mr. \_\_\_\_\_ of \_\_\_\_\_, has been appointed Liquidator of the  
above-named Company with [or without] a Committee of Inspection.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

## No. 29. (Rule 48.)

## ORDER DIRECTING A PUBLIC EXAMINATION.

(Title.)

Upon reading the reports of the Liquidator in the above matter, dated respectively  
the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and  
\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and

It is ordered that the several persons whose names and addresses are set forth in the  
Schedule hereto do attend before the Court on a day and at a place to be named for the pur-  
pose, and be publicly examined as to the promotion or formation of the Company, and as to  
the conduct of the business of the Company, and as to their conduct and dealings as directors  
or officers of the Company.

## THE SCHEDULE REFERRED TO.

Name.	Address.	Connection with the Company.

## No. 30. (Rule 50.)

## ORDER APPOINTING A TIME FOR PUBLIC EXAMINATION.

(Title.)

Upon the application of the Liquidator in the above matter, it is ordered that  
the public examination of \_\_\_\_\_  
who, by the order of the Court, dated the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, was directed to attend before \_\_\_\_\_ to be publicly examined,  
be held at (a) \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon.

(a) Insert the place for  
the Examination.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

NOTE.—Notice is hereby given that if you, the above-mentioned  
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. 31. (Rule 50.)

## NOTICE TO ATTEND PUBLIC EXAMINATION.

(Title.)

Whereas by an order of this Court, made on the                      day of  
19                      , it was ordered that you, the undermentioned  
should attend before the                      Court on a day and at a place to be named  
for the purpose, and be publicly examined as to the promotion or formation of the Company,  
and as to the conduct of the business of the Company, and as to your conduct and dealings  
as (a)

(a) Insert director or  
officer (as the case  
may be).

And whereas the                      day of                      19                      ,  
at                      o'clock, in the                      noon, before the                      ,  
sitting at                      has been appointed as the  
time and place for holding the said examination.

Notice is hereby given that you are required to attend at the said time and place, and  
at any adjournments of the examination which may be ordered, and to bring with you and  
produce all books, papers, and writings and other documents in your custody or power in  
any wise relating to the above-named Company.

And take notice that if you fail, without reasonable excuse, to attend at such time and  
place, and at the adjournments of the said public examination which may be ordered, you  
will be liable to be committed to prison without further notice.

Dated the                      day of                      19                      .

To

Liquidator.

## No. 32. (Rule 56.)

APPLICATION FOR APPOINTMENT OF SHORTHAND WRITER TO TAKE DOWN NOTES OF PUBLIC  
EXAMINATION AND ORDER THEREON.

(Title.)

I,                      the Liquidator,  
herein, do hereby, apply to the Court for an order for the appointment of  
of                      to take down in shorthand the notes of examination of  
at their public examination.

Dated this                      day of                      19                      .  
Official Liquidator.

Before  
Upon the application of the Liquidator the Court hereby appoints  
of                      to take down in shorthand the  
notes of examination of the persons mentioned in the above application at their public exami-  
nation, or at any adjournment thereof.

Dated this                      day of                      19                      .

## No. 33. (Rule 56.)

## DECLARATION BY SHORTHAND WRITER.

(Title.)

I,                      of                      , the shorthand writer appointed  
by this Court to take down the examination of                      , do solemnly and  
sincerely declare that I will truly and faithfully take down the questions and answers put to  
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.]

## No. 34. (Rule 53.)

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

(Title.)

(a) Mr. an officer (or as the case may be) of the above-named Company.

Public examination of (a).

Before at the Court

this day of 19

The above-named , 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 before me this day of 19

## No. 35. (Rule 53.)

## NOTES OF PUBLIC EXAMINATION WHERE A SHORTHAND WRITER IS NOT APPOINTED.

(Title.)

(a) Mr. an officer (or as the case may be) of the above-named Company.

Public examination of (a).

Before at the Court

this day of 19

The above-named , 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 before me this day of 19

## No. 36. (Rule 57.)

## REPORT TO THE COURT WHERE PERSON EXAMINED REFUSES TO ANSWER TO SATISFACTION OF COMMISSIONER.

(Title.)

(a) A.B., a person ordered to attend for examination.

At the [public] examination of (a)

day of , 19 , held before me this [ ]  
allowed by me to be put to the said [ ]

Q. (b)

(b) Here state question.

- The (c)

(c) Witness.

refused to answer the said question.

(or) The (c)

answered the said question as follows :—

A. (d)

(d) Here insert answers (if any).

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

Mr. Justice

Dated this day of 19

A.B.

## No. 37.

## ORDER ON PERSONS TO ATTEND AT CHAMBERS TO BE EXAMINED.

(Title.)

(a) State place of examination.

A.B., of &c., and E.F., of &c., are hereby severally ordered to attend at (a) on the day of , at of the clock in the noon, to be examined on the part of the Official Liquidator [or the Liquidator] for the purpose of proceedings directed by the Court to be taken in the above matter. [And the said A.B. is hereby required to bring with him and produce, at the time and place aforesaid, the documents mentioned in the Schedule hereto, and all other books, papers, deeds, writings, and other documents in his custody or power in any wise relating to the above-named Company].

Dated this day of 19  
This order was made on the application of Messrs. C. and D., of Solicitors for

The Schedule above referred to.



## No. 38. (Rule 52.)

## WARRANT AGAINST PERSON WHO FAILS TO ATTEND EXAMINATION.

(Title.)

To X.Y., the officer of this Court and all police officers within the jurisdiction of the said Court, and to the governor or keeper of the [here insert the prison].

Whereas by evidence taken upon oath, it hath been made to appear to the satisfaction of the Court that by order of the Court, dated the                      day of 19                      , and directed to (a)                      he was directed to attend personally at the (b)                      , and be examined before (c)                      which order was afterwards, as hath been duly proved on oath, duly served upon the said (a) [or, that there is probable reason to suspect and believe that the said (a)                      , has absconded and gone abroad [or quitted his place of residence, or] is about to go abroad [or quit his place of residence] with a view of avoiding examination under the Companies Act 1910.

(a) Name of person required to attend.  
(b) Place of examination.  
(c) Name of title of commissioner before whom examination is directed to be held.

And whereas the said (a)                      did without good cause fail to attend on the said                      day of 19                      , for the purpose of being examined, according to the requirements of the said order of this Court made on the                      day of 19                      , directing him so to attend.

These are therefore to require you the said                      or bailiffs, and others], to take the said (a)                      and to deliver him to the governor or keeper of the above-named prison, and you the said governor or keeper to receive the said (a)                      and him safely to keep in the said prison until such time as this Court may order.

Dated this                      day of                      19                      .

## No. 39. (Rule 61.)

## NOTICE BY LIQUIDATOR REQUIRING PAYMENT OF MONEY OR DELIVERY OF BOOKS, ETC., TO LIQUIDATOR.

(Title.)

Take notice that I, the undersigned (a)                      , have been appointed Liquidator of the above-named Company, and that you, the undermentioned (b)                      , are required, within                      days after service hereof, to pay to me [or deliver, convey, surrender, or transfer to or into my hands] as Liquidator of the said Company at my office, situate at (c)                      , &c., the sum of £                      , being the amount of debt appearing to be due from you on your account with the said Company [or any sum or balance, books, papers, estate, or effects], [or specifically describe the property] now being in your hands, and to which the said Company is entitled [or otherwise as the case may be].

(a) Name of Liquidator.

(b) Name of person to whom notice is addressed.

(c) Address of Liquidator's office.

Dated this                      day of                      19                      .  
(Signed)

Liquidator.

To (b)  
(Address)

## No. 40. (Rule 62.)

## PROVISIONAL LIST OF CONTRIBUTORIES TO BE MADE OUT BY LIQUIDATOR.

(Title.)

The following is a list of members of the Company liable to be placed on the list of contributories of the said Company, made out by me from the books and papers of the said Company, together with their respective addresses and the number of shares [or extent of interest] to be attributed to each, so far as I have been able to make out or ascertain the same.

In the first part of the list, the persons who are contributories in their own right are distinguished.

In the second part of the said list, the persons who are contributories as being representatives of, or being liable to the debts of others, are distinguished.

## FIRST PART.—CONTRIBUTORIES IN THEIR OWN RIGHT.

Serial No.	Name.	Address.	Description.	Number of Shares [or extent of interest].

## SECOND PART.—CONTRIBUTORIES AS BEING REPRESENTATIVES OF, OR LIABLE TO THE DEBTS OF OTHERS.

Serial No.	Name.	Address.	Description.	In what Character Included.	Number of Shares [or extent of interest].

## No. 41. (Rule 63.)

## NOTICE TO CONTRIBUTORIES OF APPOINTMENT TO SETTLE LIST OF CONTRIBUTORIES.

(Title.)

(a) Insert place of appointment.

Take notice that I, \_\_\_\_\_, the Liquidator of the above-named Company, have appointed the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, at (a) \_\_\_\_\_ to settle the list of the contributories of the above-named Company, made out by me, pursuant to the *Companies Act* 1910, and the rules thereunder, and that you are included in such list in the character and for the number of shares [or extent of interest] stated below; and if no sufficient cause is shown by you to the contrary at the time and place aforesaid, the list will be settled, including you therein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_. Liquidator.

To Mr. A. B. [and to Mr. C.D., }  
his solicitor].

No. on List.	Name.	Address.	Description.	In what Character Included.	Number of Shares [or extent of interest].



June 20, 1911

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Victoria Gazette

In the matter of

Limited

SECOND PART.—CONTRIBUTORIES AS BEING REPRESENTATIVES OF OR LIABLE TO THE DEBTS  
OF OTHERS.

Serial No. in List.	Name.	Address.	Description.	In what Character Included.	Number of Shares [or extent of Interest].	Date when included in the List.

In the matter of

Limited.

The SECOND SCHEDULE above referred to.

Serial No. in List.	Name.	Address.	Description.	In what Character proposed to be Included.	Number of Shares [or extent of Interest].	Date when excluded from the List.

No. 44. (Rule 65.)

NOTICE TO CONTRIBUTORY OF FINAL SETTLEMENT OF LIST OF CONTRIBUTORIES AND THAT HIS NAME IS INCLUDED.

(Title.)

Take notice that I, \_\_\_\_\_, the Liquidator of the above-named Company, have, by certificate, dated the \_\_\_\_\_ day of \_\_\_\_\_, under my hand, finally settled the lists of contributories of the said Company, and that you are included in such list in the character and for the number of shares [or extent of interest] stated below.

Any application by you to vary the said list of contributories, or that your name may be excluded therefrom, must be made by you to the Court within 21 days from the service on you of this notice, or the same will not be entertained.

(a) State address.

The said list may be inspected by you at the office of the Liquidator at (a) \_\_\_\_\_ on any day between the hours of \_\_\_\_\_ and \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

(Signed)

Liquidator.

To Mr.  
[or to Mr.  
his solicitor].

No. in List.	Name.	Address.	Description.	In what Character Included.	Number of Shares [or extent of Interest].



## No. 48. (Rule 68 (1).)

## NOTICE TO EACH MEMBER OF COMMITTEE OF INSPECTION OF MEETING FOR SANCTION TO PROPOSED CALL.

(Title.)

(a) To be a date not less than seven days from the date when the notice will in course of post reach the person to whom it is addressed.

Take notice that a meeting of the Committee of Inspection of the above Company will be held at \_\_\_\_\_ on the (a) \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, for the purpose of considering and obtaining the sanction of the Committee to a call of £ \_\_\_\_\_ per share proposed to be made by the Liquidator on the contributories.

Annexed hereto is a statement showing the necessity for the proposed call and the amount required.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
(Signed)

Liquidator.

## STATEMENT.

1. The amount due in respect of proofs admitted against the Company, and the estimated amount of the costs, charges, and expenses of the winding up, form in the aggregate the sum of £ \_\_\_\_\_ or thereabouts.

2. The assets of the Company are estimated to realize the sum of £ \_\_\_\_\_. There are no other assets, except the amounts due from certain of the contributories to the company, and in my opinion it will not be possible to realize in respect of the said amounts more than £ \_\_\_\_\_.

3. The list of contributories has been duly settled, and \_\_\_\_\_ persons have been settled on the list in respect of the total number of \_\_\_\_\_ shares.

4. For the purpose of satisfying the several debts and liabilities of the Company, and of paying the costs, charges, and expenses of the winding up, I estimate that a sum of £ \_\_\_\_\_ will be required in addition to the amount of the Company's assets hereinbefore mentioned.

5. In order to provide the said sum of £ \_\_\_\_\_ it is necessary to make a call on the contributories, and having regard to the probability that some of them will partly or wholly fail to pay the amount of the call, I estimate that for the purpose of realizing the amount required it is necessary that a call of £ \_\_\_\_\_ per share should be made.

(Annex tabular statement showing amounts of debts, costs, &c., and of assets.)

## No. 49. (Rule 68 (2).)

## ADVERTISEMENT OF MEETING OF COMMITTEE OF INSPECTION TO SANCTION PROPOSED CALL.

(Title.)

Notice is hereby given that the undersigned Liquidator of the above-named Company proposes that a call should be made "on all the contributories of the said Company," or as the case may be,

of £ \_\_\_\_\_ per share, and that he has summoned a meeting of the Committee of Inspection of the Company, to be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, to obtain their sanction to the proposed call.

Each contributory may attend the meeting, and be heard or make any communication in writing to the Liquidator or the members of the Committee of Inspection in reference to the intended call.

A statement showing the necessity of the proposed call and the purpose for which it is intended may be obtained on application to the Liquidator at his office at (a)

(a) Insert address.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Liquidator.

## No. 50. (Rule 68 (4).)

## RESOLUTION OF COMMITTEE OF INSPECTION SANCTIONING CALL.

Resolved, that a call of £ \_\_\_\_\_ per share be made by the Liquidator on all the contributories of the Company [or, as the case may be].

(Signed)

Members of the Committee  
of Inspection.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

## No. 51. (Rule 71.)

## NOTICE OF CALL SANCTIONED BY COMMITTEE OF INSPECTION TO BE SENT TO CONTRIBUTORY.

In the matter, &amp;c.

Take notice that the Committee of Inspection in the winding up of this Company has sanctioned a call of \_\_\_\_\_ per share on all the contributories of the Company.

The amount due from you in respect of the call is the sum of £ \_\_\_\_\_

This sum should be paid by you direct to me at my office (a)

on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

To Mr.

Liquidator.

(a) State address.



## No. 54. (Rule 69.)

## ADVERTISEMENT OF INTENDED CALL.

In the matter of  
 (b) State place of  
 appointment.  
 Notice is hereby given that the Supreme Court has appointed the  
 day of 19 , at o'clock in the noon, at (b)  
 , to sanction a call on all the contributories of the said Company [or as the  
 case may be] and that the Liquidator of the said Company proposes that such call shall be for  
 £ per share. All persons interested are entitled to attend at such day, hour,  
 and place, to offer objections to such call.  
 Dated this day of 19 .  
 Liquidator.

## No. 55. (Rule 69.)

## ORDER GIVING LEAVE TO MAKE A CALL.

The day of 19 .  
 (Title.)

Upon the application of the [Official Liquidator and] Liquidator of the above-named  
 Company, and upon reading the affidavit of the said [Official Liquidator and] Liquidator, filed  
 the day of 19 , and the exhibit marked "A" therein  
 referred to, and an affidavit of  
 filed the day of 19 .

(a) Or as the case may  
 be. It is ordered that leave be given to the [Official Liquidator and] Liquidator to make a call  
 of £ per share on all the contributories of the said Company (a).

And it is ordered that each such contributory do on or before the day  
 of 19 , pay to the [Official Liquidator and] Liquidator of the  
 Company, the amount  
 which will be due from him or her in respect of such call.

## No. 56. (Rule 70.)

## DOCUMENT MAKING A CALL.

(Title.)

I, the [Official Liquidator and] Liquidator of the above-named Company,  
 in pursuance of (a) made (or passed) this day  
 of 19 , hereby make a call of per share on all the  
 contributories of the Company, which sum is to be paid at my office (b)  
 on the day of 19 .  
 Dated this day of 19 .

(a) An order of the  
 Court, or resolution  
 of the Committee of  
 Inspection.  
 (b) Insert address.

## No. 57. (Rule 71.)

## NOTICE TO BE SERVED WITH THE ORDER SANCTIONING A CALL.

(Title.)

The amount due from you, A.B., in respect of the call made pursuant to leave given by  
 the above [or within] order is the sum of £ , which sum is to be paid by you  
 to me as the Liquidator of the said Company at my office, No. Street,  
 Melbourne.

Dated this day of 19 .

To Mr. A.B.

Liquidator.



(Title.)

A.

No. on List.	Name.	Address.	Description.	In what Character included.	Amount Due. £ s. d.

(Title.)

THE SCHEDULE REFERRED TO IN THE FOREGOING ORDER.

No. on List.	Name.	Address.	Description.	In what Character Included.	Amount Due.
					£ s. d.

"If you, the undermentioned A.B., neglect to obey this order by the time mentioned therein you will be liable to process of execution, for the purpose of compelling you to obey the same."

## No. 60. (Rule 72.)

## AFFIDAVIT OF SERVICE OF ORDER FOR PAYMENT OF CALL.

(Title.)

I, *J.B.*, of, &c., make oath and say as follows :—

1. I did on the                      day of                      , 19                      , personally serve *G.F.*, of the                      day of                      , 19                      , whereby it was ordered [*set out the order*] by delivering to and leaving with, the said *G.F.*, at a true copy of the said order, and at the same time producing and showing unto him, the said *G.F.*, the said original order.

2. There was indorsed on the said copy when so served the following words, that is to say, "If you, the undermentioned *G.F.* neglect to obey this order by the time mentioned therein, you will be liable to process of execution for the purpose of compelling you to obey the same."

Sworn, &amp;c.

## No. 61. (Rule 76.)

## PROOF OF DEBT.—GENERAL FORM.

(Title.)

I(a)

of                      , make oath and say :

(b) That I am in the employ of the undermentioned creditor, and that I am duly authorized by                      to make this affidavit, and that it is within my own knowledge that the debt hereinafter deposed 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.

(c) That I am duly authorized, under the seal of the Company hereinafter named, to make the proof of debt on its behalf.

1. That the above-named Company was, at the date of the order for winding-up the same, viz., the                      day of                      19                      , and still is justly and truly indebted to (d)                      in the sum of                      pounds                      shillings and                      pence for (e)                      as shown by the account indorsed hereon, or by the following account, viz. :—

for which sum or any part thereof I say that I have not nor hath (f)                      or any person by (g)                      order to my knowledge or belief for (g)                      use had or received any manner of satisfaction or security whatsoever, save and except the following (h) :—

Admitted to vote for  
£                      :                      :  
the                      day  
of                      19                      .

Official Liquidator  
or Liquidator.

Admitted to rank for  
dividend for  
£                      :                      :  
this                      day  
of                      19                      .

Official Liquidator  
or Liquidator.

Sworn at  
this                      day of                      19                      .

Before me

[Deponent's  
Signature.]

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

(a) Fill in full name, address, and occupation of deponent. If proof made by creditor, strike out clauses (b) and (c). If made by clerk of creditor, strike out (c). If by clerk or agent of the company, strike out (b).

(d) Insert "me and to C.D. and E.F., my co-partners in trade (if any)," or, if by clerk, or agent insert name, address, and description of principal.

NOTE THIS.  
(e) State consideration (as goods sold and delivered by me (and my said partner) to the company between the dates of (or moneys advanced by me in respect of the undermentioned bill of exchange) or, as the case may be.)  
(f) "My said partners or any of them" or "the above-named creditor" (as the case may be).  
(g) "My," or "our," or "their," or "his" (as the case may be).  
(h) [Here state the particulars of all securities held, and where the securities are on the property of the company assess the value of the same, and if any bills or other negotiable securities be held specify them in the schedule].

You should attend carefully to these directions.

## No. 62. (Rule 83.)

## PROOF OF DEBT OF WORKMEN.

(Title.)

I (a)

of

(b)  
make oath and say :

1. That the above-named Company was on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and still is justly and truly indebted to the several persons whose names, addresses, and descriptions appear in the Schedule indorsed hereon in sums severally set against their names in the sixth column of such Schedule for wages due to them respectively as workmen or others in the employ of the Company in respect of services rendered by them respectively to the Company during such periods 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.

Sworn at

this \_\_\_\_\_ day of \_\_\_\_\_

19\_\_\_\_

Before me

Deponent's Signature.

SCHEDULE referred to on the other side.

No.	Full Name of Workman.	Address.	Description.	Period over which Wages Due.	Amount Due.		
					£	s.	d.

Signature of Deponent

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

(b) On behalf of the workmen and others employed by the above-named company.

## No. 63. (Rule 87.)

## NOTICE OF REJECTION OF PROOF OF DEBT.

(Title.)

Take notice, that, as [Official Liquidator and] Liquidator of the above-named Company I have this day rejected your claim against the Company (a) [to the extent of £ \_\_\_\_\_] on the following grounds :—

(a) If proof wholly rejected strike out words underlined.

And further take notice that 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.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

19\_\_\_\_

See rule 133 (2).

Signature—

Address—

To

[Official Liquidator and] Liquidator.



## No. 67. (Rule 133.)

## NOTICE OF DIVIDEND.

(Title.)

Dividend of \_\_\_\_\_ in the £.

[Address]

[Date]

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 \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, or on any subsequent \_\_\_\_\_, between the hours of \_\_\_\_\_ and \_\_\_\_\_

Upon applying for payment this notice must be produced entire, together with any bills of exchange, promissory notes or other negotiable securities held by you. If you desire the dividend to be paid to some other person you can sign and lodge with the Liquidator an authority in the prescribed Form No. 68. 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*.

To

(Signed)

Liquidator.

NOTE.—The receipt or authority should, in the case of a firm, be signed in the firm's name.

## RECEIPT.

Received of \_\_\_\_\_ pounds \_\_\_\_\_ shillings and \_\_\_\_\_ in this matter the sum of \_\_\_\_\_ pence, being the amount payable to  $\frac{\text{me}}{\text{us}}$  in respect of the \_\_\_\_\_ dividend of \_\_\_\_\_ in the £ on  $\frac{\text{my}}{\text{our}}$  claim against this Company.

Payee's Signature.

£ : :  
\_\_\_\_\_

## AUTHORITY FOR DELIVERY.

SIR,

PLEASE deliver to

(Insert the name of the person who is to receive the cheque or money order or the words " $\frac{\text{me}}{\text{us}}$  by post," at " $\frac{\text{my}}{\text{our}}$  risk," if you wish it sent to you in that way.)

the cheque or money order for the dividend payable to  $\frac{\text{me}}{\text{us}}$  in this matter.

Payee's signature

To the [Official Liquidator and] Liquidator.

## No. 68. (Rule 133 (6).)

## AUTHORITY TO LIQUIDATOR TO PAY DIVIDENDS TO ANOTHER PERSON.

(Title.)

To the [Official Liquidator and] Liquidator.

SIR,

I  
We hereby authorize and request you to pay to M

of

(a specimen of whose signature is given below), all dividends as they are declared in the above-named matter, and which may become due and payable to  $\frac{me}{us}$  in respect of the proof of debt for the sum of £ , against the above-named Company, made [by Mr.

] on  $\frac{my}{our}$  behalf.

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  $\frac{me}{us}$  in writing.

Signatures

Witness to the Signature—

of

Witness to the Signature

of

Date

Specimen of Signature of person appointed as above.

Witness to the Signature

of

Witness to the Signature of person appointed as above.

## No. 69. (Rule 134.)

## NOTICE OF RETURN TO CONTRIBUTORIES.

(Title.)

Return of £ per share.

[Address]

[Date]

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

Upon applying for payment this notice must be produced entire, together with the share certificate. If you do not attend personally you must forward the share certificate and 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)

Liquidator.

NOTE.—The receipt should be signed by the contributory personally, or in the case of joint contributories by each.

## RECEIPT.

No.

Received of the pounds in this matter the sum  
of shillings and pence, being  
the amount payable to in respect of the  
return of per share held by in this Company.  
Contributory's signature

£ : :



## No. 73. (Rule 107.)

## CERTIFICATE OF POSTAGE OF NOTICES (GENERAL).

(Title.)

I,  
a clerk in the office of the Liquidator, hereby certify :—

(a) Each creditor mentioned in the statement of affairs or each contributory mentioned in the Register of Members of the Company, or as the case may be.  
(b) "A general meeting," or "adjourned general meeting," or as the case may be.

1. That I did on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, send to (a) \_\_\_\_\_, a notice of the time and the place of the first meeting, or (b) \_\_\_\_\_ in the form hereunto annexed marked "A."

Paragraphs 2, 3, and 4 as in last preceding form.

Signature \_\_\_\_\_

Dated \_\_\_\_\_

## No. 74. (Rule 114.)

## MEMORANDUM OF ADJOURNMENT OF MEETING.

(Title.)

Before  
at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock.  
Memorandum.—The (a) \_\_\_\_\_ Meeting of  
(b) \_\_\_\_\_ in the above matter was held at  
the time and place above-mentioned; but it appearing that (c) \_\_\_\_\_ day of  
the meeting was adjourned until the \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock in the  
noon, then to be held at the same place.  
Chairman.

(a) "First" or as the case may be.  
(b) Insert "creditors," or "contributories," as the case may be.  
(c) Here state reason for adjournment.

## No. 75. (Rule 110.)

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

(Title.)

I, \_\_\_\_\_, the Liquidator of \_\_\_\_\_ of  
do hereby nominate Mr. \_\_\_\_\_ to be chairman of the meeting of creditors [or contributories] 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.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_. \_\_\_\_\_ Liquidator.

(a) Here insert "Being a person in my employment or under my official control."

## No. 76. (Rule 123.)

## GENERAL PROXY.

(Title.)

I (a) \_\_\_\_\_ of \_\_\_\_\_, a creditor [or contributory] hereby appoint (b) \_\_\_\_\_ to be (c) \_\_\_\_\_ general proxy to vote at the meeting of creditors [or contributories] to be held in the above matter on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, or at any adjournment thereof.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_. [Signed (d)]  
Signature of Witness (e) \_\_\_\_\_  
Address \_\_\_\_\_

(a) If a firm, write "we" instead of "I," and set out the full name of the firm.  
(b) Here insert either (but not both) "Mr. \_\_\_\_\_ of a clerk manager, &c., in my regular employ," in which case the standing of the person appointed must be clearly set out, or "the Liquidator in the above matter."  
(c) "My" or "our."  
(d) If a firm, sign the firm's trading title, and add "by A.B., a partner in the said firm."  
(e) The signature of the creditor or contributory appointing a proxy must not be attested as witness by the person nominated as proxy.  
(f) Here state whether clerk or manager in the regular employment of the creditor or contributory or a commissioner to administer oaths in the Supreme Court.

## NOTES.

1. The authorized agent of a corporation may fill up blanks, and sign for the corporation, thus :—  
For the \_\_\_\_\_ Company.  
J.S. (duly authorized under the seal of the Company).
2. The person appointed general proxy must be either the Liquidator or a person in the regular employ of the creditor [or contributory].

Certificate to be signed by person other than creditor [or contributory] filling up the above proxy.

I, \_\_\_\_\_ of \_\_\_\_\_, being a (f) \_\_\_\_\_ 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 Liquidator or Liquidator not later than the time named for that purpose in the notice convening the meeting at which it is to be used.



## No. 77. (Rule 123.)

## SPECIAL PROXY.

(Title.)

I, (a) of , a creditor [or contributory], hereby  
 appoint (b) as (c) proxy at the meeting of creditors  
 [or contributories] to be held on the day of 19 , or at  
 any adjournment thereof, to vote (d)  
 Dated this day of 19

[Signed] (e)

Signature of Witness.

Address.

## NOTES.

1. A creditor (or contributory) 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 the appointment or continuance in office of any specified person as Liquidator or as member of the Committee of Inspection:  
 (b) On all questions relating to any matter, other than those above referred to, arising at a specified meeting or adjournment thereof.

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

“For the

Company.

J.S. (duly authorized under the seal of the Company).”

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

I, of , being a (f)  
 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 Liquidator or Liquidator not later than the time named for that purpose in the notice convening the meeting at which it is to be used.

(a) If a firm, write “we” instead of “I,” and set out the full name of the firm.  
 (b) Here insert either “Mr.” or the Liquidator in the above matter.  
 (c) “My” or “our.”  
 (d) Here insert the word “for” or the word “against,” as the case may require, and specify the particular resolution.  
 (e) If a firm, sign the firm’s trading title, and add “by A.B., partner in the said firm.”

(f) Here state whether clerk or manager in the regular employment of the creditor or contributory or a commissioner to administer oaths in the Supreme Court.

## No. 78. (Rule 150.)

## CERTIFICATE BY COMMITTEE OF INSPECTION AS TO AUDIT OF LIQUIDATOR’S ACCOUNTS.

(Title.)

We, the undersigned, members of the Committee of Inspection in the winding-up of the above-named Company, 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 Liquidator’s receipts and payments.

Dated this day of 19

} Committee of Inspection.

## No. 79. (Rule 151.)

## AFFIDAVIT VERIFYING LIQUIDATOR’S ACCOUNT UNDER SECTION 157.

(Title.)

I, G.H., of , the Liquidator of the above-named Company, make oath and say:—

That *\*the account hereunto annexed marked B contains a full and true account of my receipts and payments in the winding up of the above-named Company from the day of 19 , to the day of 19 , inclusive \*and that I have not, nor has any other person by my order or for my use, during such period received any moneys on account of the said Company \*other than and except the items mentioned and specified in the said account.*

Sworn at, &amp;c. {

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

Victoria Gazette

(Title.)

RECEIPTS.

### PAYMENTS.

Dr.

 $C_T$ [illegible]

Liquidator. -

(Date)

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

Dated this

day of

19

Committee of Inspection

[or member of the Committee of Inspection].

**AFFIDAVIT VERIFYING LIQUIDATOR'S TRADING ACCOUNT UNDER SECTION 157.**

(Title.)

I, \_\_\_\_\_, the Liquidator of the above-named Company, 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 Company, 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.

Liquidator.

Sworn, &c.

REQUEST TO DELIVER BILL FOR TAXATION.

(Title.)

(a) Here state nature of employment.

I hereby request that you will, within \_\_\_\_\_ (date) days of this date, or such further time as the Court may allow, deliver to me for taxation by the proper officer your bill of costs [or charges] as (a) \_\_\_\_\_, failing which, I shall, in pursuance of the Companies Act and Rules proceed to declare and distribute a dividend without regard to any claim which you may have against the assets of the Company, and your claim against the assets of the Company will be liable to be forfeited.

Dated this

day of

, 19

CERTIFICATE OF TAXATION.

(Title.)

I hereby certify that I have taxed the bill of costs [or charges] [or expenses] of Mr. C.D. [here state capacity in which employed or engaged] [where necessary add "pursuant to an order of the Court dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_"], and have allowed the same at the sum of \_\_\_\_\_ pounds \_\_\_\_\_ shillings and \_\_\_\_\_ pence [where necessary add "which sum is to be paid to the said C.D. by \_\_\_\_\_ as directed by the said order"].

Dated this

day of

, 19

**Taxing Officer.**

£ : :



## No. 85. (Rules 167 and 168.)

[Re

This is the Exhibit marked B  
referred to in the affidavit of  
: sworn before me

this day of 19 .

No. of )  
Company )

A Commissioner for taking  
Affidavits.]

## STATEMENT OF RECEIPTS AND PAYMENTS AND GENERAL DIRECTIONS AS TO STATEMENTS.

(Name of Company.)

Size of sheets.

(1.) Every statement must be on sheets 13 inches by 16 inches.

Form and contents of  
Statement.

(2.) Every statement must contain a detailed account of all the Liquidator's realizations and disbursements in respect of the Company. The statement of realizations should contain a record of all receipts derived from assets existing at the date of the winding-up order or resolution and subsequently realized, including balance in bank, book debts and calls collected, property sold, &c.; and the account of disbursements should contain 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 to the Receiver of Revenue (except unclaimed dividends—see par. 5) or 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 by the Liquidator, and investments realized.

Interest allowed or charged by the bank, bank commission, &c., and profit or loss upon the realization of temporary investments, should, 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.*

Trading Account.

(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.

Dividends, &amp;c.

(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 return to contributories, actually paid, 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 surplus assets payable to each contributory, distinguishing in each list the dividends or instalments of composition and shares of surplus assets actually paid and those remaining unclaimed. Each list must be on sheets 13 inches by 8 inches.

(5.) When unclaimed dividends, instalments of compositions or returns of surplus assets are paid to the Receiver of Revenue, the total amount so paid in should be entered in the statement of disbursements as one sum.

(6.) Credit should not be taken in the statement of disbursements for any amount in respect of Liquidator's remuneration unless it has been duly allowed by resolution of the Company in general meeting, or by order of Court.

LIQUIDATOR'S STATEMENT OF ACCOUNT.

*Pursuant to Section 222 of the Companies Act 1910.*

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 Liquidator

This statement is required in duplicate.

LIQUIDATOR'S STATEMENT OF ACCOUNT PURSUANT TO SECTION 223 OF THE COMPANIES ACT 1910.

REALIZATIONS.				DISBURSEMENTS.			
Date.	Of whom received.	Nature of Assets Realized.	Amount.	Date.	To whom paid.	Nature of Disbursements.	Amount.
		Brought forward ..	£ s. d.			Brought forward ..	£ s. d.
		Carried forward ..	£ s. d.			Carried forward ..	£ s. d.

\* NOTE.—No balance should be shown on this Account, but only the total Realizations and Disbursements, which should be carried forward to the next Account.

## ANALYSIS OF BALANCE.

	£	s.	d.
Total Realizations .. .. .			
„ Disbursements .. .. .			
Balance .. .. .			
The Balance is made up as follows :—			
1. Cash in hands of Liquidator.. .. .			
	£	s.	d.
2. Total payments into Bank, including balance at date of commencement of winding-up ( <i>as per Bank Book</i> ) .. .. .			
Total withdrawals from Bank .. .. .			
Balance at Bank .. .. .			
3. Amount paid to Receiver of Revenue .. .. .			
	£	s.	d.
*4. Amounts invested by Liquidator .. .. .			
Less Amounts realized from same .. .. .			
Balance .. .. .			
Total Balance, as shown above .. .. .			

[NOTE.—Full details of Stocks purchased for investment and for realization thereof should be given in a separate statement.]

\* The investment or deposit of money by the Liquidator does not withdraw it from the operation of section 222 of the Companies Act 1910, and any such investments representing money held for six months or upwards must be realized and paid into the Receiver of Revenue, except in the case of investments in Government Securities, the transfer of which to the control of the Receiver of Revenue will be accepted as a sufficient compliance with the terms of the section.

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 (after deducting amounts charged to secured creditors and debenture holders) £ |
|   | Liabilities {   |
|   | Secured creditors ..£<br>Debenture holders ..£<br>Unsecured creditors ..£             |

- (2.) The total amount of the capital paid up at the date of the commencement of the winding-up.
- |   |  |
|---|--|
| { | Paid up in cash .. ..£                           |
|   | Issued as paid-up otherwise than for cash .. ..£ |

- (3.) The general description and estimated value of outstanding assets (if any) }

- (4.) The causes which delay the termination of the winding-up. }

- (5.) The period within which the winding-up may probably be completed. }

No. of Company

No. 86. (Rules 167 and 168.)

AFFIDAVIT VERIFYING STATEMENT OF LIQUIDATOR'S ACCOUNT UNDER SECTION 222.

(Name of Company.)

I,  
of  
the Liquidator of the above-named Company, made oath and say :—That *\*the account hereunto annexed, marked B, contains a full and true account of my receipts and payments in the winding-up of the above-named Company, from the* day of 19 to the day of 19, inclusive, *\*and that I have not, nor has any other person by my order or for my use during such period, received or paid any moneys on account of the said Company \*other than and except the items mentioned and specified in the said account.*

I further say that the particulars given in the annexed Form 85, marked B, with respect to the proceedings in and position of the liquidation, are true to the best of my knowledge and belief.

Sworn at

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

The Affidavit is *not* required in duplicate, but it must in every case be accompanied by a statement on Form 85 in duplicate.

No. of Company

No. 87.

LIQUIDATOR'S TRADING ACCOUNT UNDER SECTION 222.

(Name of Company.)

Insert here the name of the Company.

Insert here the name of the Liquidator.

the Liquidator of the above-named Company in account with the Estate.

This Account is required in duplicate in addition to Form No. 85.



[illegible]

## No. 88. (Rule 170.)

## AFFIDAVIT VERIFYING ACCOUNT OF UNCLAIMED AND UNDISTRIBUTED ASSETS.

(Title.)

I, \_\_\_\_\_ of \_\_\_\_\_ make oath and say that the particulars entered in the statement hereunto annexed, marked A, are correct, and truly set forth all money in my hands or under my control, representing unclaimed or undistributed assets of the above Company, and that the amount due by me to the Receiver of Revenue in respect of unclaimed dividends is £.

Sworn, &amp;c.

Signature.

## No. 89. (Rule 173.)

## NOTICE TO CREDITORS AND CONTRIBUTORIES OF INTENTION TO APPLY FOR RELEASE.

(Title.)

Take notice that I, the undersigned Liquidator of the above-named Company, intend to apply to the Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ for my release, and further take notice that any objection you may have to the granting of my release must be notified to the Prothonotary within twenty-one days of the date hereof.

A summary of my receipts and payments as Liquidator is hereto annexed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Liquidator.

To

NOTE.—Section 159 (3) of the *Companies Act* 1910 enacts that "An order of the Court releasing the Liquidator 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 Company, or otherwise in relation to his conduct as Liquidator, 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. 90. (Rule 173.)

## APPLICATION BY LIQUIDATOR TO THE COURT FOR RELEASE.

(Title.)

I, \_\_\_\_\_, the Liquidator of the above-named Company, do hereby report to the Court as follows:—

1. That the whole of the property of the Company has been realized for the benefit of the creditors and contributories [and a dividend to the amount of \_\_\_\_\_ shillings in the pound has been paid, as shown by the statement hereunto annexed, and a return of \_\_\_\_\_ per share has been made to the contributories of the Company];  
[or That so much of the property of the Company as can, according to the joint opinion of myself and the Committee of Inspection, hereunto annexed in writing under our hands, be realized without needlessly protracting the liquidation, has been realized, as shown by the statement hereunto annexed, and a dividend to the amount of \_\_\_\_\_ shillings has been paid, together with a return of \_\_\_\_\_ per share to the contributories of the Company]; (a)

(a) Add, if necessary, "That the rights of the contributories between themselves have been adjusted."

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\_\_\_\_

Liquidator.

(Title.)

Dr.

Cr.

	Estimated to produce per Company's Statement.			Receipts.			Payments.		
	£	s.	d.	£	s.	d.	£	s.	d.
To total receipts from date of winding-up order, viz. :— (State particulars under the several headings specified in the Statement of Affairs.) Receipts per trading account Other receipts .. ..									
Total .. ..									
Losses : Payments to redeem securities .. .. Costs of execution .. .. Payments per trading account .. ..									
Net realizations .. ..									
Amounts received from calls on contributories made by the Liquidator .. ..									
By fees (including Stationery, Printing, and Postages in respect of Creditors, and for audit) .. ..									
Law costs of petition .. ..									
Law costs of Solicitor to Liquidator .. ..									
Other law costs .. ..									
Liquidator's remuneration, viz. :— per cent. on £ .. .. Assets realized .. .. per cent. on £ .. .. Assets distributed in dividend .. ..									
Shorthand writer's charges .. .. Special manager's charges .. .. Person appointed to assist in preparation of Statement of Affairs .. .. Auctioneer's charges as taxed .. .. Other taxed costs .. .. Costs of possession and maintenance of estate .. .. Costs of notices in Gazette and other papers .. .. Incidental outlay .. ..									
Total cost and charges .. ..									
Creditors, viz. :— (a) Preferential .. .. (a) Unsecured : dividend of s. d. in the £ on £ .. .. The estimate of amount expected to rank for dividend over £ .. .. Amount returned to contributories .. ..									
Balance .. ..									

(a) State number of creditors.

(Address)

### REGISTER OF WINDING-UP ORDERS TO BE KEPT IN THE COURTS.

Number of Winding-up Order.	Number of Petition.	Date of Petition.	Date of Winding-up Order.	Dates of Public Examinations (If any.)	Liquidator.

2898

No. 93. (Rule 184.)

No. of Petition.	Name of Company.	Address of Registered Office.	Description of Company.	Date of Petition.	Petitioner.	Date of Winding-up Order.

## PART II.

## REDUCTION OF CAPITAL.

PROCEDURE ON APPLICATIONS FOR CONFIRMATION BY THE COURT OF THE  
REDUCTION OF THE CAPITAL OF COMPANIES.*Preliminary.*

1. These Rules shall take effect and come into operation on the first day of July, 1911, and shall apply to all proceedings in the Supreme Court with relation to the confirmation by the Court of the reduction of the capital of companies, whether commenced before or after that day, but every such proceeding taken before that day shall have the same validity as it would have had if these rules had not been made. Commencement order.

2. The interpretation of terms in Rule 2 of Part I. shall apply to this Part of these Rules, except that in this Part — Interpretation.

“The Company” means the company which presents the petition for reduction of its capital;

“The petition” means the petition presented by the company for the confirmation by the Court of the reduction of the capital of the company.

3. The petition shall in the first instance be lodged with the Associate, who shall thereupon fix a date for the presentation thereof to the Court, and for the making of the application under Rule 6 (1), and it shall then be filed with the Prothonotary.

4. The rules of the Supreme Court for the time being in force, and the general practice of that Court, shall apply as regards all proceedings in relation to the confirmation of any reduction of capital by the Court, so far as may be practicable, except if and so far as by the Act or this Part otherwise provided. Application of rules of Supreme Court.

5. The petition and all notices, affidavits, and other proceedings under the petition shall be intitled in the matter of the company, and in the matter of “*The Companies Act 1910.*” Title of petition.

6.—(1) When the petition has been presented, an application shall, in every case, be made, *ex parte*, in chambers to the judge, for directions as to the proceedings to be taken preliminary to the hearing of the petition or otherwise with reference thereto. Summons for directions.

(2) Upon the hearing of the application, or upon any adjourned hearing or hearings thereof, or any subsequent application the judge may make such order or orders, and give such directions as he may think fit as to all the proceedings to be taken on and with reference to the petition, and more particularly with respect to the following matters, that is to say—

(a) The publication of notice of the presentation of the petition;

(b) In cases within section 56 (1) of the Act, the proceedings to be taken for settling the list of creditors entitled to object to the proposed reduction; fixing the date with reference to which the list of such creditors is to be made out, pursuant to that section; and generally fixing a time for and giving directions as to all other necessary or proper steps in the matter of the petition, whether expressly mentioned in any of the rules or not.

(3) In cases within section 56 (1) of the Act, the first insertion in a newspaper of the notice of presentation of the petition and fixing the date with reference to which the list of creditors is to be made out, shall be directed to be made at such time before the date so fixed as the judge shall think fit, not being, unless for special reasons shown to the satisfaction of the judge, less than one calendar month before the date so fixed, and in such cases the first order may be in the Form No. 1 in the Schedule hereto, with such variations as the circumstances of the case may require.

Advertisement of  
petition.

7. Notice of the presentation of the petition shall be published at such times, and in such newspapers as the judge shall direct, and may be in the Form No. 2 in the Schedule hereto with such variations as the circumstances of the case may require.

Affidavit as to  
creditors.

8. In cases within section 56 (1) of the Act the company shall, within such time as the judge shall direct, file with the Prothonotary an affidavit made by some officer or officers of the company competent to make the same, verifying a list containing so far as possible the names and addresses of the creditors of the company as defined by that section at the date fixed as mentioned in Rule 6 (2) (b), and the amounts due to them respectively, or in the case of any debt payable on a contingency or not ascertained or any claim admissible to proof in a winding-up of the company, the value, so far as can be justly estimated of such debt or claim, and file the said list with the Prothonotary, but such list is not to be inspected except by order of a judge.

Form of affidavit.

9. The person making such affidavit shall state therein his belief that such list is correct, and that there was not at the date so fixed as aforesaid any debt or claim which, if that date were the commencement of the winding-up of the company, would be admissible in proof against the company, except the debts and claims set forth in such list, and shall state his means of knowledge of the matters deposed to in such affidavit. Such affidavit may be in the Form No. 3 in the Schedule hereto, with such variations as the circumstances of the case may require.

Inspection of list of  
creditors.

10. Copies of such list containing the names and addresses of the creditors, and the total amount due to them (including the value of any debts or claims estimated as aforesaid), but omitting the amounts due to them respectively, or (as the judge shall think fit) complete copies of such list, shall be kept at the registered office of the company and at the offices of their solicitors and Melbourne agents (if any) and any person desirous of inspecting the same may at any time during the ordinary hours of business inspect and take extracts from the same on payment of the sum of one shilling.

Notice to creditors.

11. The company shall, within seven days after the filing of such affidavit, or such further or other time as the judge may allow, send to each creditor whose name is entered in the said list a notice stating the amount of the proposed reduction of capital, and the amount or estimated value of the debt or the contingent debt or claim or both for which such creditor is entered in the said list, and the time (such time to be fixed by the judge) within which, if he claims to be a creditor for a larger amount, he must send in his name and address, and the particulars of his debt or claim, and the name and address of his solicitor (if any) to the solicitor of the company; and such notice shall be sent through the post in a prepaid letter addressed to each creditor at his last known address or place of abode, and may be in the form or to the effect of the Form No. 4 set forth in the Schedule hereto, with such variations as the circumstances of the case may require.

Advertisement as to  
list of creditors.

12. Notice of the list of creditors shall, after the filing of the affidavit mentioned in Rule 8 of this order, be published at such times, and in such newspapers, as the judge shall direct. Every such notice shall state the amount of the proposed reduction of capital, and the places where the aforesaid list of creditors may be inspected, and the time within which creditors of the company who are not entered on the said list, and are desirous of being

entered therein, must send in their names and addresses, and the particulars of their debts or claims, and the names and addresses of their solicitors (if any) to the solicitor of the company; and such notice may be in the Form No. 5 set forth in the schedule hereto, with such variations as the circumstances of the case may require.

13. The company shall, within such time as the judge shall direct, file with the Prothonotary an affidavit made by the person to whom the particulars of debts or claims are, by such notices as are mentioned in Rules 11 and 12 of this order, required to be sent in, stating the result of such notices respectively, and verifying a list containing the names and addresses of the persons (if any) who shall have sent in the particulars of their debts or claims in pursuance of such notices respectively, and the amounts of such debts or claims, and some competent officer or officers of the company shall join in such affidavit, and shall in such list distinguish which (if any) of such debts and claims are wholly, or as to any and what part thereof, admitted by the company, and which (if any) of such debts and claims are wholly, or as to any and what part thereof, disputed by the company. Such affidavit may be in the Form No. 6 in the Schedule hereto, with such variations as the circumstances of the case may require; and such list shall be filed with the Prothonotary, but shall not be inspected except by order of a judge.

Affidavit as to result of Rules 11 and 12.

14. If any debt or claim, the particulars of which are so sent in, shall not be admitted by the company at its full amount, then and in every such case, unless the company is willing to appropriate in such manner as the judge shall direct the full amount of such debt or claim, the company shall, if the judge think fit to so direct, send to the creditor a notice that he is required to come in and prove such debt or claim, or such part thereof as is not admitted by the company, by a day to be therein named, being not less than four clear days after such notice, and being the time appointed by the judge for adjudicating upon such debts, and claims, and such notice shall be sent in the manner mentioned in Rule 11, and may be in the Form No. 7 in the Schedule hereto, with such variations as the circumstances of the case may require.

Proceedings where claims not admitted.

15. Such creditors as come in to prove their debts or claims in pursuance of any such notice as is mentioned in Rule 14 shall be allowed their costs of proof against the company, and be answerable for costs, in the same manner as in the case of persons coming in to prove debts under an administration judgment.

Costs of proof.

16. The result of the settlement of the list of creditors shall be stated in a certificate to be settled and signed by the Associate, and such certificate shall state what debts or claims (if any) have been disallowed, and shall distinguish the debts or claims the full amount of which the company is willing to appropriate, and the debts or claims (if any) the amount of which has been fixed by inquiry and adjudication in manner provided by section 56 (3) of the Act and these rules, and the debts or claims (if any) the full amount of which is not admitted by the company, nor such as the company is willing to appropriate and the amount of which has not been fixed by inquiry and adjudication as aforesaid; and shall show which of the creditors have consented to the proposed reduction, and the total amount of the debts due to them, and the total amount of the debts or claims the payment of which has been secured in manner provided by section 56 (3) of the Act and the persons to or by whom the same are due or claimed; but it shall not be necessary to show in such certificate the several amounts of the debts or claims or any persons who have consented to the proposed reduction or the payment of whose debts or claims has been secured as aforesaid. Such certificate shall be forthwith filed with the Prothonotary.

Certificate as to creditors.

17. The consent of any creditor, whether in respect of a debt due or presently due or a debt payable on a contingency or not ascertained or a claim admissible to proof in a winding-up of the company, may be evidenced in any manner which the judge shall think reasonably sufficient having regard both to the amount of his debt or claim and all the circumstances of the case.

Evidence of consent of creditors.

Certificate before  
hearing of petition.

18. In any case within section 56 (1) of the Act, the petition shall not be heard until the expiration of at least eight clear days from the filing of such certificate as is mentioned in Rule 16.

Advertisement of  
hearing.

19. Before the hearing of the petition, notices stating the day on which the same is appointed to be heard shall be published at such times and in such newspapers as the judge shall direct. Such notices may be in the Form No. 8 in the Schedule hereto, with such variations as the circumstances of the case may require.

Who may appear.

20. Any creditor settled on the said list whose debt or claim has not, before the hearing of the petition, been discharged or determined, or been secured in manner provided by section 56 (3) of the Act, and who has not before the hearing consented to the proposed reduction of capital, may, if he think fit, upon giving two clear day's notice to the solicitor of the company of his intention so to do, appear at the hearing of the petition and oppose the application.

Costs of appearance.

21. Where a creditor who appears at the hearing under the last preceding rule is a creditor the full amount of whose debt or claim is not admitted by the company, and the validity of such debt or claim has not been inquired into and adjudicated upon under section 56 (3) of the Act, the costs of and occasioned by his appearance shall be dealt with as to the Court shall seem just, but in all other cases a creditor appearing under the last preceding rule shall be entitled to the costs of such appearance, unless the Court shall be of opinion that in the circumstances of the particular case his costs ought not to be allowed.

Directions at the  
hearing.

22. When the petition comes on to be heard the Court may, if it shall think fit, give such directions as may seem proper with reference to the securing in manner mentioned in section 56 (3) of the Act the payment of the debts or claims of any creditors who do not consent to the proposed reduction; and the further hearing of the petition may, if the Court shall think fit, be adjourned for the purpose of allowing any steps to be taken with reference to the securing in manner aforesaid the payment of such debts or claims.

Order confirming  
reduction.

23. Where the Court makes an order confirming a reduction, such order shall give directions in what manner, and in what newspapers, and at what times, notice of the registration of the order and of such minute as mentioned in section 58 of the Act is to be published; and (unless it shall have dispensed altogether with the addition of the words "and Reduced" or shall then dispense with any further use thereof) shall fix the date until which the words "and Reduced" are to be deemed part of the name of the company as mentioned in section 55 of the Act.

#### *Fees.*

Solicitors' fees.

24. Solicitors shall be entitled to charge and be allowed for duties performed under the Act in relation to matters dealt with by these rules the same fees as they have hitherto been entitled to charge and be allowed for the like duties performed under the Companies Acts, unless the Court or judge shall otherwise specially direct.

Court fees.

25. The same fees of Court shall be paid in relation to proceedings dealt with by Part II. of these Rules as are paid in relation to proceedings dealt with by Part I. thereof.



## THE SCHEDULE.

## No. 1 (RULE 6 (3).)

## FORM OF ORDER.

In the Supreme Court.

In the matter of the  
matter of *The Companies Act 1910*.

Company, Limited and Reduced; and in the

Upon the application of the petitioners  
and upon hearing the solicitor for the petitioners, and on reading the petition presented to  
the Supreme Court it is ordered, that an inquiry be made what are the debts, claims, and  
liabilities of or affecting the said company on the                      day of                      19                      ,  
and that notice of the presentation of the said petition be inserted in (the newspapers) on  
the                      day of                      , and (other times of insertion), and that a list  
of the persons who are creditors of the company on the said                      day of                      ,  
and an office copy of the affidavit verifying the same be left with the Prothonotary on or  
before the                      day of                      .

## No. 2. (Rule 7.)

In the matter of the  
in the matter of the *Companies Act 1910*.

Company, Limited and Reduced; and

Notice is hereby given that a petition for confirming a resolution reducing the capital of  
the above company from £                      to £                      was on the                      day of                      ,  
presented to the Supreme Court, and is now pending; and that the list of creditors of the  
company is to be made out as for the                      day of                      19                      .  
A.B., of

Solicitor for the Company.

## No. 3. (Rule 9.)

## AFFIDAVIT VERIFYING LIST OF CREDITORS.

In the Supreme Court.

In the matter of the  
in the matter of the *Companies Act 1910*.

Company, Limited and Reduced; and

I, A.B., of                      , make oath and say as follows:—

1. The paper writing now produced and shown to me, and marked with the letter A, con-  
tains a list of the creditors of and persons having claims upon the said company on the  
day of                      19                      (the date fixed by the order in this matter  
dated                      ), together with their respective addresses, and the nature  
and amount of their respective debts or claims, and such list is, to the best of my knowledge,  
information, and belief, a true and accurate list of such creditors and persons having claims  
on the day aforesaid.

2. To the best of my knowledge and belief there was not, at the date aforesaid, any debt  
or claim which, if such date were the commencement of the winding-up of the said company  
would be admissible in proof against the said company other than and except the debts and  
claims set forth in the said list, I am enabled to make this statement from facts within my  
knowledge as the                      of the said company, and from information derived upon  
investigation of the affairs and the books, documents, and papers of the said company.

Sworn, &c.

## LIST OF CREDITORS REFERRED TO IN THE LAST FORM.

A.

In the matter of the  
in the matter of the *Companies Act, 1910*.

Company, Limited and Reduced; and

This list of creditors marked A was produced and shown to A.B., and is the same list of  
creditors as is referred to in his affidavit sworn before me this                      day of                      19                      .

X.Y., Commissioner.

Names, Addresses, and Descriptions of the Creditors.	Nature of Debt or Claim.	Amount or Estimated Value of Debt or Claim.

## No. 4. (Rule 11.)

In the matter of the \_\_\_\_\_ Company, Limited and Reduced; and  
in the matter of the *Companies Act* 1910.  
To Mr. \_\_\_\_\_

You are requested to take notice that a petition has been presented to the Supreme Court to confirm a special resolution of the above company for reducing its capital to £ \_\_\_\_\_, and that in the list of persons admitted by the company to have been on the \_\_\_\_\_ day of \_\_\_\_\_ of \_\_\_\_\_ creditors of the company, your name is entered as a creditor (*here state the amount of the debt or nature of the claim*).

If you claim to have been on the last-mentioned day a creditor to a larger amount than is stated above, you must on or before the \_\_\_\_\_ day of \_\_\_\_\_ send the particulars of your claim and the name and address of your solicitor (if any) to the undersigned at \_\_\_\_\_. In default of your so doing, the above entry in the list of creditors will in all the proceedings under the above application to reduce the capital of the company be treated as correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
A.B.,  
Solicitor for the company.

## No. 5. (Rule 12.)

In the matter of the \_\_\_\_\_ Company, Limited and Reduced; and  
in the matter of the *Companies Act* 1910.

Notice is hereby given that a petition has been presented to the Supreme Court for confirming a resolution of the above company for reducing its capital from £ \_\_\_\_\_ to £ \_\_\_\_\_. A list of the persons admitted to have been creditors of the company on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ may be inspected at the offices of the company at \_\_\_\_\_ or at the office of \_\_\_\_\_, at any time during usual business hours, on payment of the charge of one shilling.

Any person who claims to have been on the last mentioned day and still to be a creditor of the company, and who is not entered on the said list and claims to be so entered, must on or before the \_\_\_\_\_ day of \_\_\_\_\_ send in his name and address, and the particulars of his claim, and the name and address of his solicitor (if any) to the undersigned at \_\_\_\_\_, or in default thereof he will be precluded from objecting to the proposed reduction of capital.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
A.B.,  
Solicitor for the company.

## No. 6. (Rule 13.)

In the Supreme Court.  
In the matter of the \_\_\_\_\_ Company, Limited and Reduced; and  
in the matter of the *Companies Act* 1910.

We, C.D., &c. (the secretary of the said company), E.F., of &c. (the solicitor for the said company), and A.B., of, &c. (the managing director of the said company), severally make oath and say as follows:—

(Rule 11.)

I, the said C.D., for myself say as follows:—

1. I did, on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, in the manner herein-after mentioned, serve a true copy of the notice now produced and shown to me and marked "B" upon each of the respective persons whose names, addresses, and descriptions appear in the first column of the list of creditors, marked "A," referred to in the affidavit of \_\_\_\_\_ filed on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

2. I served the said respective copies of the said notice by putting such copies respectively duly addressed to such persons respectively, according to their respective names and addresses appearing in the said list (being the last known addresses or places of abode of such persons respectively), and with the proper postage stamps affixed thereto as prepaid letters, into the post office in \_\_\_\_\_ street, \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_ of the clock, in the \_\_\_\_\_ noon of the said \_\_\_\_\_ day of \_\_\_\_\_.

And I, the said E.F., for myself say as follows:—

If notice is issued under Rule 12.

3. A true copy of the notice now produced and shown to me, and marked "C," has appeared in the \_\_\_\_\_ of the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, the \_\_\_\_\_ of the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, &c.

(Rule 13.)

4. I have, in the paper writing now produced and shown to me, and marked "D," set forth a list of all claims, the particulars of which have been sent in to me pursuant to the said notice B, now produced and shown to me by persons claiming to be creditors of the said company for larger amounts than are stated in the list of creditors, marked A, referred to in the affidavit of \_\_\_\_\_, filed on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

5. I have, in the paper writing now produced and shown to me, marked "E," set forth a list of all claims, the particulars of which have been sent in to me pursuant to the notice referred to in the third paragraph of this affidavit by persons claiming to be creditors of the said company on the       day of       19       , not appearing on the said list of creditors marked "A," and who claimed to be entered thereon. If notice is issued under Rule 12.

And we, C.D. and A.B., for ourselves say as follows:—

6. We have, in the first part of the said paper writing marked "D," (now produced and shown to us), and also in the first part of the said paper writing marked "E" (also produced and shown to us), respectively set forth such of the said debts and claims as are admitted by the said company to be due wholly or in part, and how much is admitted to be due in respect of such of the same debts and claims respectively as are not wholly admitted. (Rule 12).

7. We have, in the second part of each of the said paper writings, marked "D" and "E," set forth such of the said debts and claims as are wholly disputed by the said company. (Rule 12).

8. In the said exhibits "D" and "E" are distinguished such of the debts the full amounts whereof are proposed to be appropriated in such manner as the Judge shall direct.

Sworn, &c.

EXHIBIT D, REFERRED TO IN THE LAST-MENTIONED AFFIDAVIT.

D.

In the matter, &c.

LIST OF DEBTS AND CLAIMS of which the particulars have been sent in to by persons claiming to be creditors of the said company for *larger amounts* than are stated in list of creditors made out by the company.

This paper writing, marked "D," was produced and shown to C.D., E.F., and A.B., respectively, and is the same as is referred to in their affidavit sworn before me this day of       19       .

X.Y., Commissioner.

#### FIRST PART.

*Debts and Claims wholly or partly admitted by the Company.*

Names and Addresses and Descriptions of Creditors.	Particulars of Debt or Claim.	Amount Claimed.	Amount admitted by the Company to be owing to Creditor.	Debts proposed to be appropriated in full, although Disputed.

#### SECOND PART.

*Debts and Claims wholly disputed by the Company.*

Names, Addresses, and Descriptions of Claimants.	Particulars of Claim.	Amount Claimed.	Debts proposed to be Appropriated in full although Disputed.

EXHIBIT E, REFERRED TO IN LAST AFFIDAVIT.

E.

In the matter, &c.

LIST OF DEBTS AND CLAIMS of which the particulars have been sent in to Mr. by persons claiming to be creditors of the company, and to be entered on the list of the creditors made out by the company.

This paper writing marked "E," was produced and shown to C.D., E.F., and A.B., respectively, and is the same as is referred to in their affidavit sworn before me this day of       19       .

X.Y., Commissioner.

#### FIRST PART.

*(Same as in Exhibit D.)*

#### SECOND PART.

*(Same as in Exhibit D.)*

NOTE.—The names are to be inserted alphabetically.

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No. 7. (Rule 14.)

In the matter of the \_\_\_\_\_ Company, Limited and Reduced; and  
in the matter of the *Companies Act* 1910.

To Mr.

You are hereby required to come in and prove the debt claimed by you against the above company, by filing your affidavit and giving notice thereof to Mr. \_\_\_\_\_ the solicitor for the company, on or before the \_\_\_\_\_ day of \_\_\_\_\_ next; and you are to attend personally or by your solicitor at the Practice Court, William-street, Melbourne, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, being the time appointed for hearing and adjudicating upon the claim. and produce any securities or documents relating to your claim.

In default of your complying with the above directions, you will (be precluded from objecting to the proposed reduction of the capital of the company) or (in all proceedings relative to the proposed reduction of the capital of the company be treated as a creditor for such amount only as is set against your name in the list of creditors).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

A.B.,  
Solicitor for the Company.

No. 8. (Rule 19.)

In the matter of the \_\_\_\_\_ Company, Limited and Reduced; and  
in the matter of the *Companies Act* 1910.

Notice is hereby given, that a petition presented to the Supreme Court on the \_\_\_\_\_ day of \_\_\_\_\_, for confirming a resolution reducing the capital of the above from £ \_\_\_\_\_ to £ \_\_\_\_\_, is directed to be heard before His Honour Mr. Justice \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A.B.,  
Solicitor for the Company.  
The \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Dated this 2nd day of June, 1911.

JOHN MADDEN, C.J.  
THOS. A'BECKETT, J.  
H. E. A. HODGES, J.  
J. H. HOOD, J.

L.S.

W.R.

By the Court,

J. W. O'HALLORAN,  
Prothonotary.