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INSOLVENCY ACT 1915.

GENERAL RULES

MADE PURSUANT TO SECTIONS 34, 247, AND 248 OF
THE INSOLVENCY ACT 1915.



GENERAL RULES MADE PURSUANT TO SECTIONS 34, 247, AND
248 OF THE INSOLVENCY ACT 1915.

It is ordered as follows:—

PRELIMINARY.

1. These Rules may be cited as the Insolvency Rules 1917; they shall come into operation on the 4th day of July, 1917, and shall also, so far as practicable and unless otherwise expressly provided, apply to all matters pending or arising, and to all proceedings taken in any matters under the *Insolvency Act 1915*, on or after the said day, except proceedings under Part XI. of the said Act, and any matters in which jurisdiction is given by the said Act to the Supreme Court or a Judge thereof. Short title and commencement and application.

2. The Insolvency Rules of 1898 are hereby annulled. Provided that such annulment shall not affect anything done or suffered before the commencement of these Rules under any rule annulled by these Rules, and that no rule or practice repealed by the said Rules or any of them shall be revived by reason of the annulment effected by these Rules. Repeal.

INTERPRETATION OF TERMS.

3. In these Rules unless the context or subject-matter otherwise requires— Interpretation of terms.
- (a) "The Act" means the *Insolvency Act 1915*.
 "Court" means Court of Insolvency.
 "Judge" means Judge of the Court of Insolvency of the district in which the proceedings are being prosecuted.
 "Solicitor" means any attorney, solicitor, or barrister entitled to practise in the Supreme Court.
 "Affidavit" includes statutory declarations and affirmations.
 "Sworn" includes declaring and affirmed according to Statute.
 "District," or "the district," means the district of the Judge of the Court of Insolvency in which the insolvent, respondent, or debtor shall reside or to which the proceedings may be transferred, and an insolvent, respondent, debtor, or other person, shall be deemed to reside in that district in which he has lived or carried on business during the six months immediately preceding the sequestration or debtor's summons, or for the longest period during such six months.
 "Local paper" means a paper circulating in the locality of the Court of the district in which the proceedings are being prosecuted.
 "Gazette" means *Victoria Government Gazette*.
 "Gazetted" means that the notice or thing is to be published in the *Victoria Government Gazette*.
 "Prescribed" means prescribed by the Act or these Rules or any order made under the Act.
 "Writing" includes print and type-writing, and "written" includes printed and type-written.
 "Creditor" includes a corporation and a firm of creditors in partnership.

"Debtor" means any debtor whose estate has been sequestrated, or adjudged to be sequestrated, or whose affairs have been liquidated by arrangement, and includes a firm of debtors in partnership, and includes any debtor proceeded against under the Acts, whether adjudged insolvent or not.

"Name of a person" means both the Christian name, or the initial letter, or contraction of the Christian name and the surname of such person.

"Composition" means a composition pursuant to the Act.

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

"Chief Clerk" means Chief Clerk of the Court of the district in which the proceedings are being prosecuted, and in Parts IX. and X. means the Chief Clerk of the district in which the debtor might present a petition for sequestration, and in section 74 of the Act means the Chief Clerk of the Court for the district in which any order under that section is made.

"Trustee" means in any insolvency the trustee in such insolvency, and also includes an assignee when no trustee is appointed, and in any liquidation by arrangement the trustee in such liquidation, and in any composition under section 248 of the Act the trustee in such composition.

"The Official Accountant" means the Official Accountant under Division 5 of Part IV. of the Act.

"Taxing Officer" means and includes the officer of the Court whose duty it is to tax costs in insolvency proceedings.

"Local Bank" means any bank in the neighbourhood of the Court of the district in which the proceedings are taken or to which the proceedings may be transferred.

(b) The provisions of section 4 of the Act 1915 shall apply to these Rules, and any other terms or expression defined by the Act shall in these Rules, have the meanings thereby assigned to them.

Computation of time.

4. (a) In all cases in which any particular number of days not expressed to be clear days is prescribed by these Rules or by the practice of the Court the same shall be reckoned exclusive of the first day and inclusive of the last day, unless the last day shall fall on a Sunday or a holiday, in which case the time shall be reckoned exclusive of that day also.

(b) In any case where anything is required to be done by these Rules or by any order of the Court or Judge, within a certain period, as for instance within 24 hours, no part of Sunday, Christmas Day, Good Friday, or any public holiday or day on which the office of the Court may be entirely closed shall be included in the computation of such period.

(c) For the purposes of these Rules "a day on which the Court does not sit" shall mean a day on which the offices of the Court are closed.

FORMS.

Use of forms in Appendix.

5. The forms in the Appendix where applicable, and where they are not applicable forms of the like character with such variations as circumstances may require, shall be used—where such forms are applicable, any costs occasioned by the use of any other or more prolix forms shall be borne by or disallowed to the party using the same unless the Court shall otherwise direct, provided that the Court or Judge may from time to time alter any forms or substitute new forms in lieu thereof.

PART I.—COURT PROCEDURE.

COURT AND CHAMBERS.

6. (1) The following matters and applications shall be heard and determined in open Court (namely):—
- Matters to be heard in Court.
- (a) Examinations under Part VII. of the Act.
 - (b) Applications for certificates of discharge.
 - (c) Applications to consider, and the consideration of a composition.
 - (d) Applications to set aside or avoid any settlement, conveyance, transfer, security, or payment, or to declare for or against the title of trustees or assignees to any property adversely claimed.
 - (e) Applications for the committal of any person to prison.
 - (f) Appeals against the rejection of a proof or application to admit, reject, expunge, or reduce a proof where the amount of proof exceeds £200.
 - (g) Applications for the trial of issues of fact with a jury, and the trial of such issues.

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

(2) Upon the application of any party to a proceeding heard in Court, or during an examination under Part VII. of the Act, on the application of the trustee or assignee the Judge may make an order that all or any witnesses or persons summoned for examination in the matter leave the Court until called on to give evidence.

7. Any matter or application pending before a Chief Clerk, which under the Act or the Insolvency Rules for the time being in force under the Act, a Chief Clerk has jurisdiction to determine, shall be adjourned to be heard before the Judge if the Judge shall either specially or by any general direction applicable to the particular case so direct.

Adjournment from Chief Clerk to Court.

PROCEEDINGS.

8. Every proceeding in Court under the Act shall be dated, and shall be intitled "The Insolvency Act" "In the Court of Insolvency," with the name of the district in which it is taken and of the matter to which it relates. Numbers and dates may be denoted by figures.

Proceedings, how instituted. Form 1.

9. All proceedings in Court shall be either in print or manuscript or type-written, or partly in one and partly in another.

Print, manuscript, or type-written.

10. All notices required by the Act or these Rules shall be either in print or manuscript or type-written, or partly in one and partly in another, unless the Court shall in any particular case otherwise order.

Notices to be in print, manuscript, or type-written.

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

Proceedings to be sealed.

12. All office copies of proceedings, affidavits, books, papers, and writings, or any parts thereof required by any assignee, or by any trustee, or by any debtor, or by any creditor, or by the solicitor of any such assignee, trustee, debtor, or creditor shall be provided by the Chief Clerk, and shall, except as to figures, be fairly written at length, and be sealed with the seal of the Court and delivered without any unnecessary delay, and in the order in which they shall have been bespoken.

Office copies.

13. Whenever any *Gazette* or other newspaper contains any advertisement relating to any application, matter, or proceeding under the Act or these Rules, one copy of such *Gazette* and newspaper shall be left with the Chief Clerk by the person inserting the advertisement.

Filing *Gazette* and local newspaper.

TRANSFER OF PROCEEDINGS.

14. Every request of creditors to transfer proceedings from one district to another shall be accompanied by an affidavit of some solicitor of the Court verifying the signatures of the creditors signing the request, and stating that

Request of creditors to be verified by affidavit.

such creditors are all or the majority in number of those (as the case may be) who have proved debts in the estate.

Sealed copy of order to be sent to Court affected thereby.

15. When an order of transfer has been made under section 18 of the Act the party obtaining such order shall lodge with the Chief Clerk the original order and a copy thereof, and the Chief Clerk shall thereupon send by post a sealed copy of the order of transfer to the Chief Clerk of the Court of the district affected by the order.

On transfer records of proceedings to be sent to Court of district to which transfer made. Proceedings commenced in wrong district.

16. Where the proceedings in any matter are transferred from a district to any other district the Chief Clerk of the first district shall send by prepaid registered letter the records of proceedings transferred to the Chief Clerk of the district to which the transfer is made.

17. When any insolvency proceeding has been commenced in a district in which it should not have been commenced the Judge of the Court of such district may order that the proceedings shall be transferred to the district in which the same should have been commenced, or that it be continued in the district in which it was commenced; but unless and until a transfer is made under these Rules the proceeding shall continue in the district in which it was commenced.

MOTIONS AND PRACTICE.

Applications to be by motion.

18. Every application to the Court (unless otherwise provided by these Rules or the Court shall in any particular case otherwise direct) shall be made by motion, and shall, except as to motions under sections 15, 17, and 183 of the Act, be supported by affidavit.

Notice of motion and *ex parte* applications.

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

Service of notices of motion, &c.

20. Unless the Court gives leave to the contrary or it is otherwise provided by these Rules, notice of motion and summons under section 159 and Orders or Rules to Show Cause shall be served personally on any party to be affected thereby by delivering to each of them a copy of the notice of motion, summons, Order or Rule to Show Cause, but the Court or Judge may order substituted service in such manner as the Court or Judge may think fit. The affidavits intended to be used in support of any motion shall be stated in the notice and copies thereof served therewith. An application for leave to serve short notice of motion may be made *ex parte*.

Affidavits to be stated in notice and served therewith. Affidavits in reply to be served.

21. Unless otherwise provided all motions shall be served on the party to be affected thereby not less than seven days before the date of hearing.

22. Where any matter is to be heard upon affidavit, either wholly or in part, the applicant shall, unless the Court or Judge shall otherwise order, serve upon the respondent, or if more than one respondent then upon each respondent, copies of all affidavits intended to be used by him in reply not less than two days before the day appointed for the hearing, provided that no further affidavits shall be used upon the hearing unless the Court shall so direct.

Affidavits against motion.

23. Where a respondent intends to use affidavits, in opposition to a motion other than a motion under sections 15, 17, and 183 of the Act, he shall deliver copies of such affidavits to the applicant or his solicitor not less than four days before the day appointed for the hearing, or within such other time as the Court shall order.

24. If either party desires that any deponent shall be in attendance for cross-examination, he shall give notice to the party relying upon the affidavit of such deponent not later than two days before the day of hearing; and if any deponent shall not be in attendance for cross-examination after such notice given as aforesaid, the party to whom such notice has been given shall not (unless the Court shall otherwise order) in any way make use of the affidavit of such deponent.

Notice for cross-examination of a deponent.

25. It shall not be necessary for the party giving such notice to tender the expenses of any deponent required to be in attendance for cross-examination, provided that the Court may at the hearing make any order it may deem fit as to the expense and costs occasioned by such notice.

Expenses of deponents need not be tendered.

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

Notice not served on all proper parties.

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

Adjournment.

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

Personal service.

29. Every affidavit to be used on supporting or opposing any opposed notice, in which the time for filing affidavits is not otherwise provided for by these Rules, shall be filed with the Chief Clerk not later than two days before the day appointed for the hearing.

Filing affidavits.

30. Unless otherwise prescribed or ordered by the Court or Judge, a party intending to move the Court shall at least seven days prior to the hearing file with the Chief Clerk the notice of motion and affidavit in support thereof, and thereupon the Chief Clerk shall appoint a day and set the matter down for hearing and cause a list to be made of such applications which shall be heard in the order in which they appear on such lists unless otherwise ordered.

Notice of motion to be filed.

31. There shall be endorsed on the notice, summons, or rule the name of the applicant, or the name and place of business of the applicant's solicitor (if any), and also the name of the respondent, or if known, the name and place of business of the respondent's solicitor (if any).

Precedence of motions.

32. (1) In all cases the party in whose favour an order is made shall have the carriage of the order. Provided that where the same is not procured and served within seven days next following the carriage thereof shall be in his adversary.

Carriage of order.

(2) A person who has the carriage of an order shall, when required by the opposing party, or the Court, or Judge, or the Chief Clerk, or any party affected, obtain from the Chief Clerk an appointment to settle the order, and shall give reasonable notice of the appointment to all persons who may be affected by the order or to their solicitors.

Notice of appointment to settle order.

33. All applications to a Judge in Chambers, unless *ex parte*, shall be made upon notice in writing, which shall be served twenty-four hours before the time fixed in the notice. Copies of the affidavits intended to be used in support of the application shall be served with the notice. Copies of the affidavits intended to be used in opposition or in reply shall be served before the hearing.

Applications in Chambers, how made.

Affidavits in support, opposition and reply to be served.

PROCEDURE ON MOTIONS UNDER SECTIONS 15, 17, AND 183 OF THE ACT, AND ON SUMMONS UNDER SECTION 159 OF THE ACT.

34. Any motion under sections 15, 17, and 183 of the Act and any summons under section 159 of the Act may be set down for hearing and served on the respondent fourteen days at least prior to the date appointed for hearing. Provided that the Court may, upon application made *ex parte*, direct that such hearing take place at an earlier date than herein provided,

Motions under sections 15, 17, and 183 of the Act.

Contents of such notice of motion and summons under section 159.	<p>and give leave to serve short notice of hearing upon such terms and in such manner as the Court shall think fit. Provided, however, that where a notice of motion under sections 15, 17, and 183 of the Act has been filed, and it is desired by any party thereto to make an application in that motion, two days' notice of the same shall be given unless the Court shall otherwise order, and all affidavits filed in answer thereto shall be filed and served at least one day before the hearing of the application.</p> <p>35. Such notice of motion and every summons under section 159 of the Act shall contain an address of the applicant or of some solicitor at which notice of defence may be served, and service thereat shall be deemed good service on the applicant.</p>
Indorsement on notice.	<p>36. Such notice of motion shall also contain the name of the person against whom such application is made, and all grounds of equitable or legal claim intended to be relied on, and all necessary particulars of the object of the motion and of the settlement, conveyance, assignment, transfer, gift, delivery, charge, payment, obligation, or proceedings sought to be set aside or avoided, and of the property sought to be recovered or affected, or the amount of the damages claimed.</p> <p>37. Such notice shall bear an indorsement in the form or to the effect set out in Form No. 117 in the Appendix as nearly as practicable.</p>
Notice of defence.	<p>38. If any such motion or summons be opposed notice thereof shall be served upon the applicant at the address given in the notice of motion or summons seven days before the time fixed for hearing. Every such notice of defence shall contain all grounds of legal or equitable defence intended to be relied on, and the address of the defendant or his solicitor, and service at such address shall be deemed sufficient.</p>
Parties to be deemed plaintiff and defendant. Amendment.	<p>39. The claimant or party supporting the proof of debt shall be deemed the plaintiff; and the person against whom the application or summons is directed and the party opposing the proof of debt the defendant; and with the leave of the Court the plaintiff or defendant may amend or add to his notice of motion or summons or defence upon such terms (if any) as to adjournment, security, costs, or otherwise as the Court may think fit. Every notice of motion may be in the Form No. 113 in the Appendix, and every summons under section 159 of the Act shall be in the Form No. 112 in the Appendix, and every notice of defence may be in the Form No. 114 in the Appendix.</p>
Form 113. Form 112. Form 114. Order for particulars.	<p>40. The plaintiff or defendant upon any such notice of motion or summons may apply to the Court to order particulars, and the Court may order the same upon such terms (if any) as to adjournment, security, costs, or otherwise as it may think fit.</p>
To be heard upon <i>viva voce</i> evidence or (with consent) upon affidavit. Affirmative to be on plaintiff.	<p>41. Such motion or summons shall be heard upon evidence <i>viva voce</i> in the same manner as nearly as may be as a civil trial in the Supreme Court, unless both parties consent that the same shall be heard upon affidavit.</p> <p>42. The affirmative shall be on the plaintiff unless in the case of a proof which has been already admitted by the Court after opposition, in which case the defendant must satisfy the Court that the proof ought to be expunged.</p>
Where notice based on more than one ground.	<p>43. Where such notice of motion is based on two or more grounds the applicant must in his case in chief give evidence in support of all the grounds, otherwise he shall be deemed to have abandoned the ground or grounds in support of which no such evidence has been given.</p>
Nonsuit.	<p>44. The respondent may before going into his case apply to the Court for an order or decision in his favour as by way of nonsuit.</p>
How applicant to open.	<p>45. The applicant, his counsel, or solicitor, may open his case by stating concisely the facts upon which he intends to rely; and the respondent, his counsel, or solicitor, may also state concisely his defence, but, save as aforesaid, all arguments shall be heard upon the conclusion of the evidence as on a civil trial in the Supreme Court.</p>
Rules of Supreme Court with reference to trials to apply.	<p>46. All Rules now in force in the Supreme Court with reference to trials in civil proceedings shall, so far as the same are applicable, regulate inquiries under any motion under sections 15, 17, and 183 of the Act, and summons under section 159 of the Act.</p>

47. With every notice of motion under section 183 of the Act, if such notice is given before or at any meeting for the election of a trustee, there shall be served an affidavit of the applicant and a solicitor stating that such application is *bonâ fide*, and not to prevent the person claiming to be a creditor voting at the meeting.

Affidavit in support of motion as to proof of debt.

INFANT.

48. When any infant is the claimant or plaintiff in any application to the Court under the Act, the same shall be made by a next friend of such infant and the consent of such next friend to act as such shall be filed before any such application shall be heard, and every next friend shall be liable to costs as if he were a next friend in an action in the Supreme Court.

Infant.

49. The Court may appoint a guardian *ad litem* to any infant being a party defendant to any application to the Court, and such appointment may be made on the application of the infant or of the claimant or plaintiff, but in the latter case upon four days' notice to the persons in whose custody or care the infant may be, and such guardian shall perform the same duties and be liable in the same way and to the same extent, as nearly as may be, as a guardian *ad litem* in an action in the Supreme Court.

Guardian ad litem.

PAYMENT INTO COURT.

50. Where the defendant is desirous of paying money into Court, it shall unless with the leave of the Court upon such terms as it may think fit, be paid seven days prior to the day appointed for the hearing, with the costs (if any) which shall be fixed by the Chief Clerk, and the defendant shall in his notice of defence state that he has paid such money in, and the amount thereof, and whether the same is in satisfaction of the whole or what part of the plaintiff's demand.

Payment into Court.

51. If the plaintiff intends to accept in full satisfaction of his claim and costs the money paid into Court by the defendant, he shall serve notice thereof on the Chief Clerk and on the defendant four days at least before the day appointed for the hearing and the motion or summons shall be struck out by the Chief Clerk. In default of such notice by the plaintiff the motion or summons shall be heard in due course, and unless the plaintiff recovers more than the amount paid into Court he shall pay the defendant's costs, and the money paid into Court shall remain in Court until after the hearing as a security for payment of such costs; but if the plaintiff accepts the same in full satisfaction the money paid into Court shall be paid out to the plaintiff forthwith after the receipt of his notice of acceptance by the Chief Clerk. The plaintiff or defendant taking money out of Court must produce, if required, an affidavit of identity unless the money is taken out by an attorney.

Acceptance in satisfaction of money paid into Court.

Affidavit of identity.

SECURITY IN COURT.

52. Except where these rules otherwise provide, where a person is required to give security, such security shall be in the form of a bond, with one or more surety or sureties, to be approved by the Chief Clerk, to the person proposed to be secured, such bond shall be taken in a penal sum, which shall be not less than the sum for which security is to be given, and probable costs, unless the opposite party consents to its being taken for a less sum.

Security by bond.

Amount of bond.

53. Bonds entered into by way of securities shall be executed and attested in the presence of the Chief Clerk, or before a justice of the peace, or a commissioner for taking affidavits, or a solicitor, not being the solicitor of the person giving the securities, or a notary public.

Execution of bond.

54. The sureties shall make an affidavit of their sufficiency (which shall be in the Form No. 33 in the Appendix) unless the opposite party shall dispense with such affidavit, and such sureties shall attend the Court, to be examined if required.

Justification by surety.

Deposit in lieu of bond.	55. Where a person is required to give security, he may, in lieu thereof, lodge in Court a sum equal to the sum in question in respect of which security is to be given, and the probable costs of the trial of the question, together with a memorandum to be approved by the Chief Clerk, and to be signed by such person, his solicitor, or agent, setting forth the conditions on which the money is deposited.
Cases in which Chief Clerk to fix amount.	56. In cases in which the amount in question for which security is to be given or a deposit to be made cannot be calculated, the amount of such security or deposit shall be fixed by the Chief Clerk.
Money lodged in Court.	57. The Rules for the time being in force in civil proceedings in the Supreme Court relating to payment into and out of Court of money lodged in Court by way of security, shall apply to money lodged in Court under these Rules.
Notice in case of deposit.	58. Where a person makes a deposit of money in lieu of giving a bond, the Chief Clerk shall forthwith give notice to the person to whom the security is to be given of such deposit having been made.
Security of guarantee society.	59. The security of a guarantee association or society approved of by the Governor in Council, under the Administration and Probate Acts, or by the opposite party, may be given in lieu of a bond or a deposit.
Notice of sureties.	60. In all cases where a person proposes to give a bond by way of security, he shall serve by post or otherwise on the opposite party, and on the Chief Clerk, notice of the proposed sureties, which shall be in the Form No. 12 in the Appendix, and the Chief Clerk shall forthwith give notice to both parties of the time and place at which he proposes that the bond shall be executed, and shall state in the notice that should the proposed obligee have any valid objection to make to the sureties, or either of them, it must be made at that time.
AFFIDAVITS.	
Cost of unnecessary matter.	61. The costs of every affidavit which shall unnecessarily set forth matters of hearsay or argumentative matter, or copies of or extracts from documents, shall be paid by the party filing the same.
Form.	62. Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct portion of the subject. No costs shall be allowed for any affidavit or part of an affidavit substantially departing from this rule.
Deponent's name, description, and abode.	63. Every affidavit shall state the name, description, and true place of abode of the deponent, and also what facts or circumstances deposed to are within his knowledge.
Several deponents.	64. In every affidavit made by two or more deponents the names of the several persons making the affidavit shall be inserted in the jurat, except that if the affidavit of all the deponents is taken at the one time by the same officer, it shall be sufficient to state that that it was sworn to by both (or all) of the "above-named" deponents.
Scandalous matter.	65. The Court may order to be struck out from any affidavit any matter which is scandalous, and may order the costs of any application to strike out such matter to be paid as between solicitor and client.
Erasure, &c.	66. No affidavit having in the jurat or body thereof any interlineation, alteration, or erasure shall, without the leave of the Court, be read or made use of in any matter depending in Court unless the interlineation or alteration (other than by erasure) is authenticated by the initials of the officer or person taking the affidavit, nor in the case of an erasure unless the words or figures appearing at the time of taking the affidavit to be written on the erasure are re-written and signed or initialed in the margin of the affidavit by the officer or person taking it.
Blind or illiterate persons.	67. Where an affidavit is sworn by any person who appears to the officer or person taking the affidavit to be illiterate or blind, the person taking the

affidavit shall certify in the jurat that the affidavit was read in his presence to the deponent, that the deponent seemed perfectly to understand it, and that the deponent made his signature in the presence of such officer or person. No such affidavit shall be used in evidence in the absence of this certificate unless the Court or Judge is otherwise satisfied that the affidavit was read over to and appeared to be perfectly understood by the deponent.

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

Formal defects.

69. In cases in which by the present practice an original affidavit is allowed to be used, it shall before it is used be stamped with a proper filing stamp and filed.

Filing office copies, &c.

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

71. (1) No affidavit shall be sufficient if sworn before the solicitor acting for the party on whose behalf the affidavit is to be used, or before any clerk, partner, or agent of such solicitor, or before the party himself.

Swearing of affidavit.

(2) An affidavit may be sworn to either in print or manuscript or type-written, or partly in one and partly in another.

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

Time for filing.

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

73. The Court shall take judicial notice of the seal or signature of any officer or person authorized by or under the Act to take affidavits or to certify to such authority.

Proof of affidavit.

WITNESSES AND DEPOSITIONS.

74. A subpoena for the attendance of a witness shall be issued by the Court at the instance of the Official Accountant, a trustee, a creditor, a debtor, or any applicant or respondent in any matter with or without a clause requiring the production of books, deeds, papers, documents, and writings in his possession or control, and in such subpoena the name of three witnesses may be inserted; a subpoena may be issued in blank, as in the Supreme Court.

Subpoena.

75. A sealed copy of the subpoena shall be served personally on the witness by the person at whose instance the same is issued, or by his solicitor or agent, or by some person in their employ within a reasonable time before the time of the return thereof.

Service of subpoena.

76. Service of the subpoena may, if required, be proved by affidavit.

Evidence of service.

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

Costs of witnesses.

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

Costs of witnesses not examined.

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

Depositions, &c.

80. If the Court shall in any case and at any stage in the proceedings be of opinion that it would be desirable that a person other than the person before whom the examination is taken should be appointed to take down the

Shorthand notes, &c.

evidence of the debtor, or of any witness or witnesses examined in any matter or in any proceeding heard by or taken before it in shorthand or otherwise, it shall be competent for the Court to make such appointment, and every person so appointed shall be paid the fees prescribed by the Governor in Council under section 14 of the *Evidence Act* 1915, to be payable to a shorthand writer licensed under the provisions of the said Act, and such fees shall be paid, in the first instance, by the party at whose instance any appointment was made, or out of the estate, as may be directed by the Court. Provided that upon the making of any order such fees may be directed to be paid by any party to the proceedings.

Shorthand
writers.

81. Where the assignee or trustee, as the case may be, applies for the appointment of a person to take down in shorthand the evidence of a debtor at an examination sitting held under section 221 of the Act, or of the debtor or his wife or any other person examined under section 223 of the Act, he shall nominate a person for the purpose, and the person so nominated shall be appointed, unless the Court or Judge shall otherwise order.

Form of
commission.

82. All commissions or letters of request to take evidence under the Act shall follow the forms for the time being in use in the Supreme Court, with such variations as circumstances may require.

Production of
document.

83. The Court may, on the application of any party interested, or on its own motion in any matter at any stage of the proceedings, order the attendance of any person for the purpose of producing any writings or other documents named in the order which the Court may think fit to be produced.

Disobedience of
order.

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

Conduct money.

85. Any witness required to attend for the purpose of being examined or of producing any document, shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in the Supreme Court.

DISCOVERY.

Discovery.

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

NOTICE TO ADMIT DOCUMENTS AND FACTS.

Admissions.

87. A party to any proceeding may call on any other party competent to make admissions to admit any facts or any document, including proof of debt with all annexures thereto admitted against the estate of any insolvent, saving all just exceptions, or to allow proof of any fact by affidavit, and in case of his not admitting the same or allowing such proof by affidavit the cost of proving the facts or documents shall be paid by the party so neglecting or refusing to admit, whatever the result of the proceeding, unless the Court shall otherwise order, and no cost of proving any document shall be allowed unless such notice has been given. An affidavit of signature to any admission by the party or his solicitor or clerk shall be sufficient evidence of such admission.

NOTICE TO PRODUCE.

Notice to
produce.

88. Any party to any application to the Court may serve notice on the other party to produce documents, and such notice may be proved orally or by

the affidavit of the person who served the same, and the costs of proving the same shall be paid by the party refusing to admit the service of such notice to produce.

TAKING ACCOUNTS OF PROPERTY MORTGAGED AND OF THE SALE THEREOF.

89. Upon application by motion by any person claiming to be a mortgagee of any part of the insolvent's real or leasehold estate and whether such mortgage shall be by deed or otherwise and whether the same shall be of a legal or equitable nature the Court shall proceed to inquire whether such person is such mortgagee, and for what consideration and under what circumstances, and if it shall be found that such person is such mortgagee, and if no sufficient objection shall appear to the title of such person to the sum claimed by him under such mortgage, the Court shall direct such accounts and inquiries to be taken by the Chief Clerk as may be necessary for ascertaining the principal money, interest, and costs due upon such mortgage, and of the rents and profits or dividends, interest, or other proceeds received by such person or by any other person by his order or for his use in case he shall have been in possession of the property over which the mortgage shall extend or any part thereof, and the Court, if satisfied that there ought to be a sale, shall direct notice to be given in such newspapers as the Court shall think fit, when, where and by whom and in what way the said premises or property or the interest therein so mortgaged are to be sold, and that such sale be made accordingly, and that the assignee or trustee as the case may be (unless it be otherwise ordered) shall have the conduct of such sale, but it shall not be imperative on any such mortgagee to make such application. At any such sale the mortgagee may bid and purchase.

Inquiry into mortgage.

90. All proper parties shall join in the conveyance, transfer, or assurance to the purchaser as the Court shall direct.

Conveyance.

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

Proceeds of sale.

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

Proceedings on inquiry.

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

Accounts, &c.

DISCOVERY OF DEBTOR'S PROPERTY.

94. Every application to the Court under section 222 of the Act shall be in writing, print, or type-written, and shall state shortly the grounds upon which the application is made.

Application for discovery.

APPROPRIATION OF PAY, HALF-PAY, SALARY, EMOLUMENT, OR PENSION.

Notice to insolvent of application.

95. When an assignee or trustee intends to apply to the Court for an appropriation order under section 161 of the Act, he shall give to the insolvent notice of his intention to do so. Such notice shall specify the time and place fixed for hearing the application, and shall state that the insolvent is at liberty to show cause against such order being made. The notice shall be in the Form No. 104 in the Appendix, with such variations as circumstances may require.

Copy of order to chief of department.

96. Where an order is made under section 161 of the Act, the Chief Clerk shall give to the assignee or trustee, as the case may be, a sealed copy of the order, who shall communicate the same to the chief of the Department or other person under whom the pay, half-pay, salary, emolument, or pension is enjoyed.

Review of order

97. Where an order has been made for the payment by an insolvent, or by his employer for the time being, of a portion of his income or salary, the insolvent may, upon his ceasing to receive a salary or income of the amount he received when the order was made, or upon the happening of any event affecting his financial position, apply to the Court to rescind the order or to reduce the amount ordered to be paid by him to the assignee or trustee; and the assignee or trustee, as the case may be, may upon the insolvent receiving a salary or income of an amount greater than that received by the insolvent when the order was made, or upon the happening of any event affecting the financial position of the insolvent, apply to the Court to increase the amount ordered to be paid by the insolvent to the assignee or trustee, as the case may be.

WARRANTS, ARRESTS, AND COMMITMENTS.

To whom warrants addressed.

98. A warrant of seizure or a search warrant, or any other warrant issued under the provisions of the Act shall be addressed to a messenger of the Court or to such officer of the Court or to such other person as the Court may in each case direct.

Custody and production of insolvent.

99. Where an insolvent is arrested under a warrant issued under section 216 of the Act, he shall be given into the custody of the governor or keeper of the gaol mentioned in the warrant, who shall produce such insolvent before the Court, as it may from time to time direct, and shall safely keep him until such time as the Court shall otherwise order, and any books, papers, moneys, goods, and chattels in the possession of the insolvent, which may be seized, shall forthwith be lodged with the assignee or trustee, as the case may be.

Application to commit.

100. An application to the Court to commit any person for contempt of Court shall be supported by affidavit, and be filed in the Court in which the proceedings are being prosecuted.

Notice and hearing of application.

101. Subject to the provisions of the Act and Rules upon the filing of an application to commit, and the affidavit in support thereof, the Chief Clerk shall fix a time and place for the Court to hear the application, notice whereof, and a copy of the affidavit shall be personally served on the person sought to be committed not less than three days before the day fixed for the hearing of the application. Provided that in any case in which the Court may think fit, the Court may allow substituted service of the notice by advertisement, or otherwise, or shorten the length of notice to be given.

Suspension of issue of committal order.

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

Writs of execution.

EXECUTION.

103. Writs of execution may be in the Forms Nos. 121 to 127 in the Appendix or as near thereto as the circumstances of the case may require, and

such writs, when sealed, may be delivered to the sheriff or other officer to whom the execution of the like writs issuing out of the Supreme Court belongs, and shall be executed by such sheriff or other officer, as nearly as may be, in the same manner in which he doth or ought to execute such like writs, and for the execution of such writs, such sheriff or other officer shall be allowed such fees as are or shall be from time to time allowed in like cases in the Supreme Court.

104. (1) Writs of execution shall be tested in the name of the Judge of the district and of the day when actually issued, and be made returnable immediately after the execution thereof. How tested, &c.

(2) At the time of issuing any writ of execution the solicitor causing the same to be issued shall file a præcipe thereof with the Chief Clerk according to Form No. 120 in the Appendix. Præcipe.

SERVICE AND EXECUTION OF PROCESS.

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

106. Service of notices, summonses, orders, or other documents and proceedings, shall, in cases other than that of personal service, be effected before the hour of Five of the clock in the afternoon, except on Saturdays, when it shall be effected before the hour of One in the afternoon. Hours for service.

107. Such service effected after Five in the afternoon on any week day except Saturday shall, for the purpose of computing any period of time subsequent to such service, be deemed to have been effected on the following day. Such service effected after One in the afternoon on Saturday shall for the like purpose be deemed to have been effected on the following Monday.

108. Where notice or other document or proceeding may be served by prepaid letter it shall be sent by registered letter. How served by post.

109. (a) Every order of the Court may be enforced as if it were a judgment of the Court to the same effect. Enforcement of order.

(b) Except where personal service is required by the Act or Rules thereunder service may be effected by prepaid letter.

110. Every insolvent shall, until he obtains his certificate, keep his assignee or trustee informed of his true place of residence and business, and any order, summons, notice, or other proceeding (unless personal service be required by the Act or these Rules), posted by prepaid letter to or delivered at the address given by him shall be deemed served upon the insolvent. Service of orders on insolvent.

TRIAL BY JURY.

Settlement of Issues for Trial.

111. Where upon any application to the Court for its decision on any question, the Court, with or without the application of any person, shall have directed that a question of fact be tried with a jury, such question of fact shall be reduced into writing and submitted to the Judge for his approval, and shall, when approved, be signed by the Judge and filed, and shall be called the record for trial, but the Court shall have power to allow any amendment thereof at any time upon such terms as the Court may think fit. Settlement of issues for trial.

112. An order of the Court for the trial of a question of fact before a jury in the Supreme Court or the Court shall specify the place of trial and whether it shall be before a special jury of six men or a special jury of twelve men, but the order may be amended by the substitution of one jury for the other upon such terms as the Court may think fit. Special jury of six or twelve men in the Court or Supreme Court.

A jury of four or six in the County Court.	113. An order of the Court for the trial of a question of fact before a jury in the County Court shall specify the place of trial, and whether it shall be before four or six jurors.
Trial of issues of fact in County Courts.	114. The issues of fact approved by the Court shall be tried in a County Court according to the Rules for the time being in force in relation to jury trials in County Courts and in the Court or in the Supreme Court in the same manner as if it were the trial by jury of an issue of fact in an action in the Supreme Court.
Indorsement on record for trial of verdict for finding.	115. Where such issues are ordered to be tried in the Supreme Court, or a County Court, the verdict or finding of the jury shall be indorsed by the proper officer on the record for trial and returned by him to the Chief Clerk.
Time and place of trial.	116. Where such issues are ordered to be tried in the Court, the Chief Clerk shall, within three days after the filing of the record, fix the time and place at which the trial shall be had.
Issue of precept.	117. Where such trial is to take place in the Court, the Chief Clerk shall issue a precept according to the Form in the 6th Schedule to the <i>Juries Act</i> 1915, and shall deliver it to the Sheriff ten days at least before it is returnable.
Deposit for expenses of jury: scale of payment.	118. Where such trial is to take place in the Court the sum to be paid as fees for jurors shall be £2 2s. in case of a special jury of six men, and £4 4s. in case of a special jury of twelve men.
Nomination and reduction of jury.	119. The mode and practice of proceeding in the Court to nominate and reduce a jury shall be the same in all respects as are now or for the time being shall be in force in the Supreme Court, when a special jury is ordered to be struck, or as near thereto as the practice of that Court will admit.
Swearing jury and witnesses.	120. The Chief Clerk shall attend on a trial before a jury in the Court, and the jurors shall be called and sworn by him.
Addresses to the jury or Court.	121. Upon every such trial in the Court, the addresses to the jury or to the Court, as the case may be, shall be regulated as follows:—The party who begins, or his counsel or solicitor, shall be allowed in the event of his opponent not announcing at the close of the case of the party who begins, his intention to adduce evidence to address the jury a second time at the close of such case for the purpose of summing up the evidence; and the party on the other side, or his counsel or solicitor, shall be allowed to open the case and also to sum up the evidence (if any), and the right to reply shall be the same as at present in force in the Supreme Court on civil trials.
Retirement of jury.	122. Where the jury retire from the Court to consider their verdict they shall be taken charge of by an officer of the Court; but previously thereto the Chief Clerk shall swear such officer according to the Form No. 175 in the Appendix.
Indorsement on record.	123. Where such issues are tried in the Court, the verdict or finding of the jury, as the case may be, shall be indorsed by the Chief Clerk on the records for trial, and with the jury panel and the names of the jurors who were sworn indorsed thereon.
CHIEF CLERK.	
Chief Clerk to take opinion of Court.	124. The Chief Clerk shall submit any matter before him upon which he is doubtful or which the parties, or either of them, desire should be submitted to the Judge for his opinion direction and order.
One Chief Clerk may act for another.	125. Any Chief Clerk may act for any other Chief Clerk in any matter in relation to his office.
Office hours of Chief Clerk.	126. The office of the Chief Clerk shall be kept open daily throughout the year from ten till four o'clock, except on Sunday, Christmas Day, Good Friday, the Saturday after Good Friday, Monday and Tuesday in Easter week, or any day appointed for a public fast or thanksgiving, and except also on Saturdays, when the office may be closed at twelve o'clock. Provided that during vacation of the Court the office may be closed at twelve.

127. The Chief Clerk of the Court of each district shall keep a book, in which he shall enter the name, address, and description of every person who, under section 74 of the Act, may be ordered by the Court to be registered as qualified to be appointed to the office of trustee under the Insolvency Acts, with the date of the order and the district in which the same was made, and the date of such entering.

Register-books of generally qualified trustees.

128. The Chief Clerk of the Court of each district shall transmit by post to the Official Accountant, and to the Chief Clerk of the Court of every other district, an office copy of every order made under section 74 of the Act, by the Court of the district of which he is Chief Clerk, and every Chief Clerk on receiving such office copy order shall forthwith enter in the register-book kept by him the name, address, and description of the person therein named, with the date of the order, and the district in which the same was made, and the date of such entering.

Chief Clerk to transmit copy order to every other Chief Clerk and Official Accountant.

129. The Chief Clerk of the Court of each district shall, on any order being made under section 74 of the Act, for the cancellation of the registration of any such person, forthwith strike out the name of such person from the register-book kept by him, and make entry therein of the date of the order, and the district in which it was made, and shall transmit by post to the Official Accountant and the Chief Clerk of the Court of every other district an office copy of such order of cancellation, and every Chief Clerk shall forthwith, on receiving such office copy order, strike out the name of such person from the register-book kept by him, and make entry therein of the date of the order, and the district in which it was made, and the date of such entry.

To enter particulars of order in register-book. Entry to be made of cancellation of qualification.

130. Every Chief Clerk shall also keep a book, in which he shall enter the name, address, and description of every person who, under section 75 of the Act, may be ordered by the Court of his district to be registered as qualified to be appointed to the office of trustee under the Insolvency Acts, in respect of any particular estate, with the date of such order and of such entry.

Register-book of trustee qualified for particular estate.

131. Every Chief Clerk shall, on any order being made by the Court of his district for the cancellation of the registration of any person mentioned in the last preceding rule, strike out the name of such person from the register-book kept by him, and make entry therein of the date of the order, and of such entry.

On order for cancellation name to be struck out of register.

132. The notice required by sub-section (3) of section 86 of the Act to be advertised in the *Government Gazette* shall be in the Form No. 36A in the Appendix.

Form of notice under section 86 of Act.

133. Any person shall be entitled at all reasonable times to search the register-books kept by any Chief Clerk on payment of One shilling, or such other fee as may from time to time be prescribed.

Register-books open to inspection.

134. The Chief Clerk forthwith upon any order of sequestration being made shall, in addition to forwarding a copy of the order of sequestration as required by section 38 forward to the Registrar-General, Sheriff, and Official Accountant a notice setting out the name of the Insolvent, his address and occupation, the date and hour of the Order of sequestration, and the name of the Assignee or other Officer who may be in possession of the insolvent's estate or effects.

Chief Clerk to notify Registrar-General, Official Accountant and Sheriff of every order of sequestration.

135. The Chief Clerk shall, upon the request of the assignee or any creditor, and upon payment of the sum of Five shillings, telegraph to the Sheriff, or other officer who may be in possession of the estate or effects of the insolvent, notice that such order has been made.

Chief Clerk to telegraph Sheriff notice of order of sequestration.

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

Indorsement and filing of affidavits.

- Filing Gazette.** 137. Whenever any *Gazette* containing any advertisement relating to any application matter or proceeding shall be left with the Chief Clerk, he shall file the page of the *Gazette* in which the advertisement appears with the proceedings in the application matter or proceeding.
- Filing newspaper.** 138. Whenever any local or other paper containing any advertisement relating to any application matter or proceedings shall be left with the Chief Clerk he shall file the same with the proceedings in the application matter or proceedings.
- Preparation of orders.** 139. If within one week from the making of an order of sequestration, order on application to approve a composition, order annulling a composition, or order on application for a certificate of discharge, such order has not been completed, the Chief Clerk may prepare and complete such order.

Costs.

- Awarding costs.** 140. (1) The Court, in awarding costs, may direct that the costs of any matter or application shall be taxed and paid, as between party and party, or as between solicitor and client, or the Court may fix a sum to be paid in lieu of taxed costs.
- (2) In the absence of any expressed direction costs of an opposed motion shall follow the event, and shall be taxed as between party and party.
- Taxation of costs.** 141. The costs directed by any order to be paid shall be taxed on production of an office copy of such order, and the allocatur shall be signed and dated by the Chief Clerk taxing the costs.
- Chief Clerk to tax.** 142. All bills of costs, charges, fees, and disbursements in matters under the Act shall be taxed by the Chief Clerk, subject to the revision of the Court.
- Scale of costs and charges.** 143. The scale of costs set forth in the Appendix, and the regulations contained in such scale, shall, subject to these Rules, apply to the taxation and allowance of costs and charges in all proceedings under the Act and these Rules.
- Solicitor's costs in case of petition by debtor.** 144. The solicitor in the matter of a petition presented by a debtor under Part III. of the Act shall, in his bill of costs, give credit for such sum or security (if any) as he may have received from the debtor as a deposit on account of the costs and expenses to be incurred in and about the filing and prosecution of such petition, and the amount of any such deposit shall be noted by the Chief Clerk upon the allocatur issued for such costs.
- Bill of costs to be filed.** 145. (1) Upon the taxation of any bill of costs, charges or expenses being completed, the Chief Clerk shall forthwith file such bill with the proceedings in the matter, and shall thereupon issue to the person presenting such bill for taxation his allocatur or certificate of taxation, which shall be in the Form No. 107 or No. 108 in the Appendix.
- Costs paid otherwise than out of estate.** 146. When a bill of costs is taxed under any special order of the Court, and it appears by such order that the costs are to be paid otherwise than out of the estate of the insolvent the taxing officer shall specially note upon the allocatur by whom, or the manner in which, such costs are to be paid.
- Registrar of bills taxed.** 147. Every Chief Clerk shall keep a register of all bills taxed by him according to Form No. 109 in the Appendix.
- Certificate of employment.** 148. Before taxing the bill or charges of any solicitor, accountant, auctioneer, broker, or other person employed by an assignee or trustee, the taxing officer shall require a certificate, in writing, signed by the assignee or trustee, as the case may be, to be produced to him, setting forth whether any, and, if so, what special terms of remuneration have been agreed to.
- Attendance of trustee at taxation of costs.** 149. The trustee, if required by the Chief Clerk or other taxing officer, shall, either personally or by his attorney, attend before the Chief Clerk or other taxing officer on the taxation of all costs relating to the estates of which he is trustee.
- Notice of appointment.** 150. Every person whose bill of charges is or are to be taxed shall, in all cases, give not less than three days' notice of the appointment to tax the same to the assignee or trustee, as the case may be.

151. Every person whose bill or charges is or are to be taxed shall, on application either of the Official Accountant or the assignee or trustee, furnish a copy of his bill or charges so to be taxed on payment of 6d. for folio, which payment may be charged to the estate.

Copy of bill.

152. The Official Accountant shall call the attention of the Chief Clerk to any items which in his opinion ought to be disallowed or reduced.

Official Accountant to call attention to items.

153. If the bill of costs of any solicitor in the matter of a petition presented under Parts III. or IV. of the Act, or of any solicitor employed by an assignee or trustee, when taxed be less by a sixth part than the bill delivered, then such solicitor, or the executors, administrators, or assignee of such solicitor, or the trustee of his estate, shall pay the costs of taxation.

If more than one-sixth disallowed.

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

Application for costs.

- (1) Such party or person shall serve notice of his intended application on the assignee or trustee.
- (2) The assignee or trustee may appear on such application and object thereto.
- (3) No costs of or incident to such application shall be allowed to the applicant unless the Court is satisfied that the application could not have been made at the time of the proceeding.

155. The Assignee of an Insolvent estate shall subject to the provisions of the Act and any order of the Court pay and apply the proceeds arising from the collection getting in and sale or mortgage of the Insolvent estate in manner following, that is to say:—

Priority of cost and charges payable out of estate.

1. Assignees costs, charges, allowances and expenses of interim management of the estate as allowed by the Court.
2. The actual expenses incurred by the assignee in protecting the property or assets of the insolvent or any part thereof, and any expenses or outlay incurred by him or by his authority in carrying on the business of the insolvent and allowed by the Court.
3. The percentage payable under section 209.
4. The taxed costs of sequestration.
5. The costs of an Execution creditor debarred from selling by the Order of sequestration.
6. Other taxed costs, charges, allowances and expenses properly incurred by the Assignee in the execution of his office.
7. The remuneration of the Assignee.
8. The taxed charges of any shorthand writer appointed by the Court.
9. The trustees necessary disbursements other than actual expenses of realization heretofore provided for.
10. The costs of any person properly employed by the trustee.
11. Any allowance made to the Insolvent under section 105 S.S. 2 of the Act.
12. The actual out-of-pocket expenses incurred by the Committee of Inspection.

156. Where, at the instance of the assignee or trustee, a shorthand writer is appointed to take notes of the examination of the debtor, of any witness or witnesses, the cost of such notes shall be deemed to be an expense incurred by the assignee or trustee, as the case may be, and shall be payable out of the estate of the insolvent in the order of priority in which such expenses are respectively payable under the provisions of this rule.

Costs of shorthand notes.

157. In the case of an insolvency, petition by or against a firm of partnership, the costs payable out of the estates incurred up to and inclusive of the close of the meeting for the election of trustees shall be apportioned between the joint and separate estates in such proportions as the assignee or trustee, as the case may be, may in his discretion determine.

Apportionment of costs in case of partnership.

Costs out of
joint or separate
estates.

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

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

APPEALS.

On appeal to
Supreme Court
production of
papers.

159. Upon any appeal to the Supreme Court, if the papers in the estate are not kept in the office of the Court in the Melbourne District) the Chief Clerk of the Court in whose custody such papers are shall forward the same to the Chief Clerk at Melbourne by registered letter, upon the request of the appellant or respondent, upon payment of the fee of £1; and the Chief Clerk of the Court at Melbourne (if the papers are in his custody or have been transmitted to him), or some other clerk deputed by him, shall attend the Supreme Court upon any appeal with the papers in the estate. After any appeal shall have been disposed of by the Supreme Court the Chief Clerk at Melbourne shall return the papers, by registered letter, to the Chief Clerk of the district from whom he received the same.

Judge's notes of
evidence.

160. Whenever an order of a Judge is appealed against, the appellant or the solicitor for the appellant, shall forthwith obtain, make, and prepare, at his own cost and charges, a fair copy of the Judge's notes of the evidence taken before him in the matter of such order, and shall pay to the officer or person appointed by the Judge to make such copy the sum of 1s. per folio for his own use; and shall as soon as may be send or deliver the same, together with a copy of the appeal notice, to the Judge, to be by him forwarded to the Supreme Court, together with a statement of his reasons for making such order. Notice of appeal shall be in Form No. 53 in Appendix.

Form of notice
of appeal.

SPECIAL CASE UNDER SECTION 32 OF THE ACT.

Preparation of
special case.

161. The party (hereinafter called the applicant) at whose instance or in consequence of whose opposition any question of law by way of special case shall be transmitted to the Supreme Court shall prepare the case, and he shall deliver the same to the opposite party or to the solicitor engaged on his behalf; and if there be several such parties appearing separately, or by separate solicitors, then a copy to each of such parties or to each of the solicitors so engaged within fourteen days after request made for transmission of such question to the Supreme Court; and such parties, hereinafter called the respondents, shall return the case to the applicant indorsed as either agreed to or dissented from within fourteen days after the respondent shall have received the same.

162. If the respondent do not return to the applicant the case indorsed as agreed to within the time fixed by the last preceding rule, or if he return it with amendments to which the applicant cannot agree, the applicant shall forthwith file with the Chief Clerk an affidavit showing that he has complied with the provisions of the last preceding rule, and that the respondent has not agreed to the case or has returned it with amendments to which the applicant cannot agree, and the applicant shall, at the same time, deliver to the Chief Clerk a copy of the case as stated by himself together with the case (if any) as amended by the respondent; and the Chief Clerk shall thereupon transmit the same together with the said affidavit to the Judge, who shall, so soon as he shall have settled the case, sign the same with a statement thereon that the parties have not agreed, and it shall then be sealed by the Chief Clerk.

Proceedings where parties disagree.

163. If the Judge in perusing the case, and the respondent's emendation, think fit, he may strike out the whole or any parts of the statements of the case and evidence by both parties, and substitute copies of his own notes of the evidence, with such remarks thereon as he may think fit.

Judge may alter case.

164. Except as provided in the next rule, every case shall be transmitted to the proper officer of the Supreme Court, in accordance with section 32 of the Act, within two months from the date of the request made for transmission of the question of law to the Supreme Court.

Time for transmitting case.

165. If the case should not be returned by the Judge, settled and signed, within fourteen days after he shall have received the same, then he shall indorse upon the case an enlargement of the time for transmitting the case to the proper officer of the Supreme Court of fourteen days from the day upon which he shall return the case so settled and signed to the applicant.

Enlargement of time.

PART II.

PROCEEDINGS FROM ACT OF INSOLVENCY TO DISCHARGE.

DECLARATION OF INABILITY TO PAY DEBTS.

166. A declaration by a debtor of his inability to pay his debts shall be dated, signed, and witnessed, and shall be in the Form No. 2 in the Appendix, with such variations as circumstances may require, and shall be filed with the Chief Clerk of the Court in the district in which such debtor might present a petition for sequestration. The witness shall be a solicitor, or justice of the peace, or the Chief Clerk.

Form of declaration.

PETITION FOR SEQUESTRATION BY DEBTOR.

167. Every petition for sequestration under Part III. of the Act shall be in the Form No. 3 in the Appendix, with such variations as circumstances may require, and shall be attested by a solicitor or the Chief Clerk or justice of the peace or Commissioner for taking affidavits, and accompanied by a schedule containing the particulars specified in Form No. 4 of the Appendix, and such petition and schedule shall be verified by the affidavit of the Insolvent in Form No. 4 of the Appendix, and if such schedule has been prepared wholly or in part by any other person or persons, by the affidavit of such other person or persons.

Form of petition for sequestration and contents of affidavit in support.

Schedule.

168. The debtor shall besides inserting in the petition his name and description, and his address at the date when the petition is presented, further describe himself as lately residing or carrying on business at the address or several addresses, as the case may be, at which he has incurred debts and liabilities which at the date of the petition remain unpaid or unsatisfied.

Description and address of debtor.

169. The Judge or Chief Clerk may dispense with the whole or such portion of the particulars mentioned in the said schedule as he may think fit, but he shall not do so except upon affidavit showing sufficient grounds. In cases of petitions for the sequestration of trust estates or partnership estates the same form of schedule shall be used as nearly as may be; and as to partners, the schedule shall distinguish joint and separate estates and liabilities.

Particulars in Schedule may be dispensed with.

CREDITOR'S PETITION.

- Rules of practice made by the Judges of the Supreme Court in regard to orders *nisi* to be followed. Office copies order *nisi*. Service of order *nisi* upon petition under sections 54-55 of the Act.
170. (1) The rules of practice made by the Judges of the Supreme Court in regard to the granting of orders *nisi* for sequestration under Part IV. of the Act shall be followed by the Judges of the Court of Insolvency.
- (2) Office copies of an order *nisi* for compulsory sequestration made by a Judge of the Court shall be signed or certified by a Chief Clerk.
- (3) An order *nisi* made upon a creditor's petition under sections 54 and 55 of the Act shall unless the Judge of the Court making the order otherwise directs be served on each executor who has proved the will, or, as the case may be, on each person who has taken out letters of administration. The said Judge may also if he thinks fit order the order *nisi* to be served on any other person.
- Security held by petitioning creditor.
171. Where the estate of a debtor has been adjudged to be sequestrated upon the petition of a secured creditor who has been admitted as the petitioning creditor to the extent of the balance of the debt due to him after deducting the amount estimated by the creditor as the value of his security he shall, upon the application of the trustee at any time before he has realized the security, give up the security to the trustee upon the payment to him of the value so estimated.
- Filing of schedule after adjudication of sequestration.
172. Within one week after adjudication of sequestration, or such further time as the Judge or Chief Clerk may allow, the insolvent shall file in the office of the Chief Clerk the schedule hereinbefore referred to, verified in manner aforesaid, and the Judge or Chief Clerk may in like manner as aforesaid dispense with any portions of the said schedule upon such terms (if any) as he may think fit, and within the said time the insolvent shall file an affidavit containing the particulars mentioned in No. 163 of these Rules.
- Debtor's summons.
173. A debtor's summons in the Form No. 6 in the Appendix may be granted by the Court.
- Affidavit to be filed.
174. A creditor desirous that a debtor's summons may be granted must file an affidavit of the truth of his debt, and lodge the summons, with the particulars of demand attached thereto with a copy of such summons and particulars of demand.
- Particulars of demand.
175. The particulars of demand shall be expressed with reasonable and convenient certainty as to dates and all other matters, but no objection shall be allowed to the particulars unless the Court shall consider that the debtor has been misled by them.
- Particulars of demand to be sealed and filed.
176. The Chief Clerk shall seal such particulars, and such particulars shall then be deemed part of the summons, and the original summons and copy thereof shall be sealed and issued to the creditor.
- Indorsement of name on summons.
177. Every debtor's summons shall be indorsed with the name and place of business of the solicitor actually suing out the same; but in case no solicitor shall be employed for the purpose, then with a memorandum expressing that the same has been sued out by the creditor in person.
- Indorsement of notice on summons.
178. There shall be indorsed on the debtor's summons in addition to an intimation of the consequences of neglect to comply with the requisitions of the summons a notice to the debtor that if he disputes the debt and desires to obtain the dismissal of the summons he must file an affidavit with the Chief Clerk within fourteen days, stating that he is not so indebted or only so to a less amount than £50.
- Application to dismiss summons.
179. Where a debtor files the above-mentioned affidavit the Chief Clerk shall fix the time and place at which the application for the dismissal of the summons will be heard by the Court, and give notice thereof to the creditor and debtor three days before the day so fixed.
- Proceedings after trial of validity of debt.
180. Where the proceedings on a debtor's summons have been stayed pending the trial of the question of the validity of the creditor's debt the creditor or

debtor may after the proceedings on the trial of such question have terminated set down the summons for further order of the Court on a day to be fixed by the Chief Clerk.

181. Where proceedings on a debtor's summons have been stayed for the trial of the question of the validity of the creditor's debt, and such question has been decided against the validity of the debt, the debtor on production of an office copy of the judgment of the Court shall be entitled to have the debtor's summons dismissed, and if the Court think fit with costs, but the order for costs shall not be enforced for seven days, or where the creditor has lodged a notice showing that he has taken the necessary steps to set aside the judgment until after the final decision thereon.

Dismissal of summons after trial of validity of debt.

182. Where the proceedings on a debtor's summons have been stayed pending the trial of the question of the validity of the creditor's debt, and such question has been decided in favour of the validity of the debt, the creditor shall be entitled to an order of the Court refusing the application of the debtor to dismiss the summons, and if the Court thinks fit with costs.

When result of trial of validity of debt in favour of creditor.

183. When proceedings on a debtor's summons are stayed upon security being given the creditor shall take or continue proceedings for the payment of the debt within 21 days from the dates on which the security was completed, or if no such security was ordered or given then within 21 days from the date of the order staying proceedings on the summons, and shall prosecute the same with effect without delay, and if he fail to do so the debtor shall be entitled to have the summons dismissed with costs.

Continuance of proceedings.

184. Where proceedings on a debtor's summons are stayed upon security being given, if the debtor do not within the specified time enter into the bond to the creditor or other security required by the Court the creditor shall be entitled to an order of the Court refusing the application of the debtor to dismiss the summons with costs.

Bond upon stay of proceedings.

185. A debtor's summons shall be personally served within 21 days from the date of the summons by delivering to the debtor a sealed copy of the summons, but if personal service cannot be effected the Court may grant extension of the time for service, or if the Court is satisfied by affidavit or the examination of witnesses that the debtor has left Victoria, or is keeping out of the way to avoid such service, it may order service to be made by delivery of a sealed copy of the summons to some adult inmate at his usual or last known place of residence or business, or if such inmate will not receive the same, or if there be no such inmate, by affixing such copy upon some conspicuous place upon the premises, or it may order that a notice of the granting of the summons according to Form No. 8 in the Appendix be gazetted and advertised in a local paper, and that the publication of such notice in the *Gazette* and local paper shall be deemed to be service on the debtor on the seventh day after the last of such publications.

Service of summons.

186. Service of the summons shall be proved by affidavit, indorsed on or attached to the summons and filed in Court.

Proof of service.

187. An application for an extension of time for service of a debtor's summons may be made to the Court or Judge, and need not be supported by affidavit unless in any case the Court shall otherwise require.

Application to extend time for service.

188. The Judge shall indorse on the summons the date on or before which service shall be effected and a copy of such indorsement shall be made on the sealed copy of the summons to be served on the debtor.

Date of service.

189. When, upon a petition under Part IV. of the Act, the act of insolvency relied on is that the debtor has neglected to pay, secure, or compound with the petitioner a sum mentioned in a debtor's summons, no order shall be made if the debtor has applied for the dismissal of such summons until after the hearing of the application, or where the summons has been dismissed, or during a stay of the proceedings thereon.

When order not to be made.

EXAMINATION OF INSOLVENT.

Trustee may apply to Court for examination sitting and shall etc.

190. The trustee may at any time within three months after sequestration under Part III. or adjudication of sequestration, and shall, on the request in writing of one-fourth of the creditors in number and value who have proved, or when thereunto directed by the Court, apply to the Court to appoint a day and hour for holding an examination sitting of the Court under section 221 of the Act, and upon such application being made the Court shall by an order appoint the day and hour for such examination, and shall order the debtor to attend the Court upon such day and at such hour.

Failure of debtor to attend examination.

191. If the debtor fails to attend the examination at the time and place appointed by any order for holding or proceeding with the same, and no good cause is shown by him for such failure, it shall be lawful for the Court, upon its being proved to the satisfaction of the Court that the order requiring the debtor to attend the examination was duly served, and without any further notice, to commit him to prison, as provided by section 222 of the Act, or to make such other order as the Court shall think fit.

Service of order appointing time for examination meeting.

192. Where any order is made appointing the time and place for holding an examination sitting of the Court, the trustee shall, seven days before the day appointed for the examination, serve a copy thereof on the insolvent, and shall advertise in a local paper and send to the creditors notice of such order and of the time and place appointed thereby.

Trustee when required shall summon person under section 222 of the Act.

193. The trustee shall, when thereunto directed by the Court or on the request in writing of one-fourth of the creditors in number and value who have proved, summon before the Court any person liable to be summoned under section 222 of the Act.

Notes of examination to be read to or by debtor and be signed by him.

194. Every application to the Court under section 222 of the Act shall be in writing, print or typewritten and shall state shortly the grounds upon which the application is made.

195. The notes taken of a debtor's examination in pursuance of section 221 or 222 of the Act shall be read over to or by the debtor and be then signed by him at the foot of each page.

APPLICATIONS UNDER SECTIONS 218 AND 219 OF THE ACT.

Applications under sections 218 and 219.

196. An insolvent intending to apply for a release of his estate from sequestration under section 218 or 219 of the Act shall make his application to the Court, in writing, in the Form No. 54 in the Appendix, with such variations as circumstances may require, and thereupon the Court shall appoint a day for hearing the application in open Court.

197. Notice of any application under section 218 or 219 of the Act shall be in the Form No. 55A in the Appendix, and shall be served upon the trustee and Official Accountant and upon every creditor of the insolvent, whether such creditor has proved or not, 30 days before the day appointed for hearing such application. If any creditor be dead, service upon his personal representative shall be sufficient, or if any creditor be absent from Victoria, service upon his agent shall be sufficient; but the Court may dispense with service if there be no representative or agent in Victoria of such deceased or absent person.

Opposition to application.

198. Any creditor who has proved his claim or the Official Accountant or trustee may without notice to the insolvent be heard upon any such application in opposition to or support thereof, as the case may be.

Form of order.

199. An order of the Court releasing the estate of any insolvent from sequestration shall be in the Forms Nos. 56 or 57 in the Appendix, with such variations as circumstances may require.

Court to hear report of trustee.

200. (1) On any motion for the release of an estate from sequestration, it shall be the duty of the trustee to report to the Court, in writing, that he has investigated the matter, and to state whether the requirements of the section have been complied with.

(2) Such report shall be filed not less than four days before the time fixed for hearing the application.

201. No order for the release of an estate from sequestration shall be made unless the Court is duly satisfied that provision is made for payment of all proper costs, charges, and expenses of, and incidental to, the insolvency.

Court to refuse order if offer not reasonable, &c.

202. If any facts are proved, on proof of which the Court would be required to refuse dispensation under section 233 of the Act, the Court shall refuse to make an order releasing the debtor's estate from sequestration under section 218 of the Act, unless the offer provides reasonable security for payment of not less than 7s. in the £1 on all the unsecured debts provable against the insolvent's estate.

Or if certificate would be suspended or granted conditionally.

203. In any other case the Court may either make or refuse to make an order releasing the insolvent's estate from sequestration.

Other cases.

204. The Court, on any application for an order releasing the estate of an insolvent from sequestration, may, if it shall think fit, direct that the amount payable to any creditor who has not received the composition shall be secured in such manner as the Court shall direct.

Amount payable to a creditor who has not received same to be secured.

PROOF OF DEBT.

205. Every creditor shall prove his debt as soon as may be after the making of the order of sequestration.

Creditor to prove.

206. A debt may be proved at any duly summoned meeting of creditors, or at any time before the meeting, by delivering or sending through the post in a prepaid letter, before the appointment of a trustee, to the assignee, and, after the appointment of a trustee to such, an affidavit verifying the debt.

How to be proved.

207. The affidavit shall be in the Form No. 75 in the Appendix, with such variations as circumstances may require, and shall contain an address of the creditor or his solicitor at which notices may be served, and service of notices at such address, except herein otherwise provided, shall be sufficient.

Form and contents of affidavit.

208. The affidavit 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.

By whom affidavit may be made.

209. A corporation or other body incorporated or authorized to sue may prove their debt by an agent duly authorized under the seal of the corporation.

Proof of debt due to a corporation.

210. The affidavit 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 trustee may at any time call for the production of the vouchers.

Statement of account to be contained or referred to in affidavit.

211. The affidavit shall state whether the creditor is or is not a secured creditor.

Statement that creditor secured or unsecured.

212. The affidavit of proof may be sworn before any Commissioner for taking affidavits, not being the solicitor or clerk of the solicitor of the deponent, or before any Justice of the Peace.

Before whom to be sworn.

213. A creditor shall bear the cost of proving his debts, unless the Court otherwise specially orders.

Costs of proof.

214. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first general meeting of creditors under section 72 of the Act, and at all reasonable times.

Inspection of proofs.

215. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount which he may have agreed to allow for payment in cash.

Trade discounts to be deducted.

216. If a secured creditor realizes his security, he may prove for the balance due to him after deducting the net amount realized.

Proof by secured creditor realizing his security.

217. If a secured creditor surrenders his security to the trustee for the general benefit of the creditors, he may prove for his whole debt.

On surrender of security.

218. If a secured creditor does not either realize or surrender his security he shall before ranking for dividend state in his proof the particulars of his

If creditor neither realizes or surrenders his security.

security, the date when it was given, and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

Trustee may
redeem security.

(a) Where a security is so valued, the trustee or assignee, as the case may be, may at any time redeem it on payment to the creditor of the assessed value.

If trustee
dissatisfied with
assessment.

(b) If the trustee is dissatisfied with the value at which a security is assessed he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the trustee, or as in default of such agreement the Court may direct. If the sale be by public auction the creditor or the trustee on behalf of the estate may bid or purchase.

Election by
trustee to
redeem.

(c) Provided that the creditor may at any time by notice in writing require the trustee elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the trustee does not within six months after receiving the notice signify, in writing, to the creditor his election to exercise the power he shall not be entitled to exercise it, and the equity of redemption or any other interest in the property comprised in the security which is vested in the trustee shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

Amending
assessment.

219. Where a creditor has so valued his security but has not voted or received a dividend, he may at any time amend the valuation and proof on showing to the satisfaction of the trustee or the Court that the valuation and proof were made *bonâ fide* on a mistaken estimate; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the trustee shall allow the amendment without application to the Court.

Security
assessed below
what it may
produce.

220. Any secured creditor so proving shall be bound to pay over to the assignee or trustee, as the case may be, the amount which his security shall produce beyond the amount of such assessed value or amended valuation.

Security
assessed above
what it realizes.

221. The proof of any such creditor shall not be increased in the event of the security realizing a less sum than the value at which he has so assessed the same.

Non-compliance
with rules by
secured creditor.

222. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

A creditor not
to receive more
than 20s. in
the £1.

223. Subject to the provisions of Rule 217 (a) a creditor shall in no case receive more than 20s. in the £1, and interest as provided by the Act.

Workmen's
wages.

224. In any case in which it shall appear from the debtor's schedule or statement of affairs that there are numerous claims for wages by workmen and others employed by the debtor, it shall be sufficient if one proof for all such claims is made either by the debtor or his foreman, or some other person on behalf of all such creditors. Such proof shall be in the Form No. 76 in the Appendix, and shall have annexed thereto, as forming part thereof, a schedule setting forth the names of the workmen and others, and the amounts severally due to them. Any proof made in compliance with this rule shall have the same effect as if separate proofs had been made by each of the said workmen and others.

Production of
bills of exchange
and promissory
notes.

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

226. A proof intended to be used at the general meeting of creditors to be held under section 72 of the Act shall be lodged with the assignee not later than 24 hours before the time fixed for holding such meeting. Time for lodging proofs.
227. A proof intended to be used at an adjournment of the first meeting (if not lodged in time for the first meeting) must be lodged not less than 24 hours before the time fixed for holding the adjourned meeting. Lodging proofs where first meeting adjourned.
228. Where a trustee is appointed in any matter all proofs of debt that have been received by the assignee shall be handed over to the trustee; but the assignee shall first make a list of such proofs, and take a receipt thereon from the trustee for such proofs. Transmission of proofs to trustee.
229. The trustee shall examine every proof and the grounds of the debt, and, subject to the power of the Court or Judge to extend the time, shall within 28 days after receiving proof, in writing, either admit or reject it wholly or in part, or require further evidence in support thereof. Provided that where the trustee has given notice of his intention to declare a dividend, he shall, within seven days after the day mentioned in such notice as the latest date up to which proofs must be lodged, examine and, in writing, admit or reject every proof which has not been already admitted or rejected. If he rejects a proof he shall state, in writing, to the creditor the grounds of the rejection. Time for admission or rejection of proof by trustee.
230. Where a creditor's proof has been admitted, the notice of dividend shall be sufficient notification to such creditor of such admission. Notice of admission of proofs.
231. The trustee shall, within seven days after allowing or disallowing a proof, file such proof with the Chief Clerk with a memorandum thereon of his allowance or disallowance thereof. Proof to be filed.
232. If the trustee thinks that a proof has been improperly admitted the Court may, on the application of the trustee after notice to the creditor who made the proof, expunge the proof or reduce its amount. Trustee may apply to expunge or reduce admitted proof.
233. If a creditor is dissatisfied with the decision of the trustee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision. Application to reverse, &c., decision of trustee.
234. The Court may also expunge or reduce a proof of debt upon the application of a creditor or the debtor if the trustee declines to interfere in the matter. Court may deal with proof on application of creditor or debtor.
235. Whenever the trustee shall reject the claim or proof of any creditor such creditor may be excluded from any dividend unless he apply to the Court to admit his proof of debt prior to the payment of such dividend. If appeal against trustee's decision not made prior to payment of dividend creditor to be excluded from dividend.
236. Any separate creditor of any insolvent shall be at liberty to prove his debt under any sequestration made against such insolvent jointly with any other person or persons. Separate creditor may prove jointly.
237. On any debt or sum certain, payable at a certain time or otherwise, whereupon interest is not reserved or agreed for, and which is overdue at the date of the order of sequestration and provable in insolvency, the creditor may prove for interest at a rate not exceeding Six pounds per centum per annum to the date of the said order 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, or if payable otherwise, then from the time when a demand, in writing, has been made, giving the debtor notice that interest will be claimed from the date of the demand until the time of payment. Interest on debts.
238. A creditor may prove for a debt not payable at the date of sequestration 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. Debts not payable at sequestration may be proved.

DIVIDENDS.

Notice of
intended
dividend.

239. Not more than two months before declaring a dividend the trustee shall cause notice of his intention to do so to be advertised in the *Government Gazette* and in one of the Melbourne daily newspapers, and also in some local newspaper where the debtor last carried on business, or resided previous to sequestration, if not in Melbourne, and shall also send reasonable notice thereof, in writing, to such of the creditors mentioned in the debtor's schedule or statement of affairs or otherwise known to the trustee as have not proved their debts. Such notice shall specify the latest date up to which proofs must be lodged, which shall be not less than fourteen days from the date of such notice.

Time for
appeal against
rejection of
proof.

240. (1) Where any creditor, after the date mentioned in the notice of intention to declare a dividend as the latest date upon which proofs may be lodged, appeals against the decision of the trustee rejecting a proof, such appeal, shall, subject to the power of the Court to extend the time in special cases, be commenced, and notice thereof given to the trustee within fourteen days from the date of the notice of the decision against which the appeal is made, and the trustee shall in such case make a provision for the dividend upon such proof, and the probable costs of such appeal in the event of the proof being admitted. Where no appeal has been commenced within the time specified in this Rule, the trustee shall exclude all proofs which have been rejected from participation in the dividend.

(2) Immediately after the expiration of the time fixed by this Rule for appealing against the decision of the trustee, he shall proceed to declare a dividend, and shall send a notice of dividend to each creditor whose proof has been admitted, accompanied by a summary of the receipts and payments showing the position of the estate.

Forms Nos. 91,
92, and 95.

(3) The notices shall be in the Forms Nos. 91, 92, and 95 in the Appendix, with such variations as circumstances may require.

Postponement
of dividend.

241. If it becomes necessary, in the opinion of the trustee and committee of inspection (if any), to postpone the declaration of the dividend beyond the prescribed limits of two months, the trustee shall cause a fresh notice of his intention to declare a dividend to be advertised in the *Government Gazette*, and in one of the Melbourne daily newspapers and also in some local newspaper where the debtor last carried on business or resided previous to sequestration, if not in Melbourne, but it shall not be necessary for such trustee to give a fresh notice to such of the creditors mentioned in the debtor's schedule or statement of affairs as have not proved their debts. In all other respects the same procedure shall follow the fresh notice as would have followed the original notice.

Production of
bills, notes, &c.

242. Subject to the provisions of section 71 of the *Instruments Act* 1915, and subject to the power of the Court in any other case on special grounds to order production to be dispensed with, every bill of exchange, promissory note, or other negotiable instrument or security, upon which proof has been made, shall be exhibited to the trustee before payment of dividend thereon, and the amount of dividend paid shall be indorsed on the instrument.

Dividend may
be sent by post.

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

Dividends.
Forms 93 or 94.

244. Prior to the declaration of a dividend the trustee shall prepare a list of all proofs admitted. The list must be in the Form No. 93 or 94 in the Appendix, and must be transmitted to the Chief Clerk.

245. The total amount of the dividend payable shall be charged in the estate cash-book in one sum.

246. The trustee shall, at the expiry of six months from the date of the declaration of a dividend, forward to the Official Accountant for audit vouchers for the dividends paid and a list of those remaining unclaimed, and shall within 48 hours thereafter pay into the insolvency unclaimed dividend fund the amount of the dividends unclaimed. Under no circumstances are unclaimed dividends to be credited to the estate.

247. Notice of intention to declare a final dividend shall be in the form No. 96 in the Appendix. Notice of final dividend.

PROXIES.

248. A general proxy shall be in the Form No. 78; a special proxy shall be in the Form No. 79 in the Appendix. Form and filing of proxies.

249. A proxy shall be lodged with the assignee, or, as the case may be, the trustee, not later than four o'clock on the day before the meeting or adjourned meeting at which it is to be used. As soon as a proxy has been used it shall be filed with the proceedings in the matter. Proxy lodged with assignee.

250. A proxy given by a creditor shall be deemed to be sufficiently executed if it is signed by any person in the employ of the creditor having a general authority to sign for such creditor, or by the authorized agent of such creditor, if resident abroad; such authority shall be in writing. Signature of proxy.

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

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

MEETINGS OF CREDITORS.

253. The general meeting of creditors, to be held under section 72 of the Act, shall be summoned for a day not later than twenty-one days after the date of the order for sequestration, unless the Court for any special reason deem it expedient that the meeting be summoned for a later day. First meeting creditors under section 72 of the Act.

254. The Chief Clerk shall summon the meeting by giving not less than five days' notice of the time and place thereof in the *Government Gazette*, and in one of the Melbourne daily newspapers, and also in some local newspaper if the proceedings are not being prosecuted in Melbourne. Chief Clerk to summon.

255. The assignee shall also, as soon as practicable, send to the Official Accountant and each creditor mentioned in the debtor's schedule, a notice in to Form No. 40 of the Appendix, with such variations as circumstances may require of the time and place of the meeting, but the proceedings at such meeting shall not be invalidated by reason of any such notice not having been sent or received before the meeting. Assignee to send notice thereof to Official Accountant and creditors.

256. The Chief Clerk shall fix the time and place for the meeting, and shall, unless the meeting appoint a chairman, be the chairman thereat. Chief Clerk to fix day.

257. The chairman may adjourn the meeting from time to time until any disputed proof is finally rejected or admitted, or for any other sufficient reason. Adjournment of meeting.

258. The assignee, or if he cannot conveniently, some other person authorized by writing under his hand, shall attend the meeting and produce the proofs of debt delivered to or sent to him. Assignee to attend meeting.

259. The trustee may at any time summon a general meeting of creditors, and shall do so whenever so directed by the Court, or so requested by a resolution of creditors, or so requested in writing by one-sixth of the creditors in number and value who have proved. The trustee may summon meeting of creditors.

260. Meetings subsequent to the meeting under section 72 of the Act shall be summoned by sending notice in the Form No. 82 in the Appendix, with such variation as circumstances may require of the time and place thereof to each creditor at the address given in his proof, and, if he has not proved, at the address given in the debtor's schedule or statement of affairs, or at such Subsequent meetings, how summoned.

- other address as may be known to the person summoning the meeting; where no special time is prescribed the notices shall be sent off not less than three days before the day appointed for the meeting.
- Chairman.** 261. The chairman at meetings subsequent to the meeting under section 72 of the Act shall be such person as the meeting by resolution appoints.
- Non-reception of notice by creditor.** 262. Where a meeting of creditors is called by notice the proceedings had and resolutions passed at such meeting shall, unless the Court otherwise orders, be valid, notwithstanding that some creditors shall not have received the notice sent to them.
- Proof of notice.** 263. An affidavit by the trustee or his solicitor, or the clerk of either of such persons, that the notice of any meeting of creditors or sitting of the Court has been duly posted, shall be sufficient evidence of such notice having been duly sent to the person to whom the same was addressed. The affidavit shall be in the Form No. 83 in the Appendix, with such variations as circumstances may require.
- Cost of creditors meetings.** 264. The costs of summoning a meeting of creditors, at the instance of any person other than the assignee or trustee, shall be paid by the person at whose instance it was summoned, to be repaid by him out of the estate, if the creditors or the Court shall so direct.
- Adjournment of meetings.** 265. Meetings of creditors may be adjourned from time to time, as the creditors by an ordinary resolution may direct.
- Place and time of adjourned meeting.** 266. Where a meeting of creditors is adjourned, the adjourned meeting shall be held at the same place as the original place of meeting, unless in the resolution for adjournment another place is specified.
- Ordinary resolution.** 267. (1) Directions of creditors at a meeting shall, except where by the Act or these Rules otherwise required, be given by an ordinary resolution.
- Copy of resolution for Chief Clerk.** (2) The trustee shall send to the Chief Clerk a copy certified by him of every resolution of a meeting of creditors, except the meeting under section 72 of the Act.
- Meeting of creditors.** 268. A person shall not be entitled to vote as a creditor at the meeting held under section 72 of the Act, or at any other meeting of creditors, unless he has duly proved a debt, provable in insolvency, to be due to him from the debtor, and the proof has been duly lodged within the time prescribed.
- Voting by secured creditor.** 269. 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 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.
- Vote on debt secured by current bill or note.** 270. A creditor shall not 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 debtor, and against whom an order for sequestration in insolvency has not been made, and whose affairs are not being liquidated by arrangement, and who has not made a statutory composition with his creditors 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.
- Proof of partnership debt against insolvent of a firm.** 271. If an order of sequestration is made against one partner of a firm any creditor to whom that partner is indebted, jointly with the other partners of the firm or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.
- Chairman may admit or reject a proof for purpose of voting.** 272. The chairman of a meeting 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 the proof of a creditor should be admitted or rejected he shall mark the proof as objected to, and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

273. A creditor may vote either in person or by proxy. Voting.
274. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In such case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor. General proxy.
275. A proxy shall not be used unless it is deposited with the assignee or trustee, as the case may be, not later than Four o'clock on the day before the meeting at which it is to be used. Deposit of proxy with assignee.
276. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time and from place to place. Chairman may adjourn meeting.
277. A meeting of creditors shall not be competent to 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, or all the creditors if their number does not exceed three. What meeting may do if no quorum.
278. In calculating a quorum of creditors present at a meeting, those persons only who are entitled to vote at the meeting shall be reckoned. Quorum.
279. If within half-an-hour from the time appointed for the meeting other than the general meeting under section 72 of the Act a quorum of creditors 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 days as the chairman may appoint, not being less than seven or more than 21 days. Adjournment of meeting if no quorum.
280. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up and except as to meetings held under section 72 to be fairly entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting. Minutes of meeting.

PROCEEDINGS BY COMPANY OR CO-PARTNERSHIP.

281. A petition under Part III. or IV. of the Act, or a debtor's summons against any debtor to any company or co-partnership duly authorized to sue and be sued in the name of a public officer, or agent of such company or co-partnership, may be presented by or sued out by such public officer or agent as the nominal petitioner for and on behalf of such company or co-partnership, on such public officer or agent filing an affidavit stating that he is such public officer or agent, and that he is authorized to present or sue out such petition or debtor's summons. Where a corporate body is petitioner or plaintiff, any affidavit in support of such petition or debtor's summons may be made by a director or other officer on its behalf. Public officer or agent of company, &c.

PROCEEDINGS BY OR AGAINST FIRM.

282. Any notice, petition, or debtor's summons for which personal service is necessary shall be deemed to be duly served on all members of a firm if it is served at the principal place of business of the firm in Victoria on any one of the partners, or upon any person having, at the time of service, the control or management of the partnership business there. Service on firm.
283. Where a firm of debtors file a declaration of inability to pay their debts, or petition under Part III. of the Act, the same shall contain the names in full of the individual partners, and if such declaration or petition is signed in the firm name the declaration or petition shall be accompanied by an affidavit, made by the partner who signs the declaration or petition, showing that all the partners or the greater number of partners concur in the filing of the same. Debtor's petition by firm.
284. An order of sequestration under Part III. of the Act, made against a firm, shall operate as if it were an order made against each of the persons who at the date of the order is a partner in that firm. Adjudication against firm.

JOINT AND SEPARATE ESTATES.

Meeting under
sec. 72 of the
Act.

285. (1) Where the estate of a firm is sequestrated, or adjudged to be sequestrated, the joint and separate creditors shall collectively be convened to the general meeting of creditors under section 72 of the Act.

Adjudication.
Trustee of joint
estate to be
trustee of
separate
estates.

(2) On the sequestration, or adjudication of sequestration, of a partnership the person appointed trustee under section 72 (1), or section 89 of the Act to fill the office of trustee of the joint estate shall be the trustee of the separate estates. Each set of separate creditors may appoint its own committee of inspection; but if any set of separate creditors do not appoint a separate committee, the committee (if any) appointed by the joint creditors shall be deemed to have been appointed also by such separate creditors.

Separate firms.

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

Apportionment
of trustee's
remuneration.

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

Property of
partners to vest
in same trustee.

(2) Where the estate of one member of a partnership has been sequestrated or adjudged to be sequestrated, and subsequently the estate of another member of the same partnership is sequestrated or adjudged to be sequestrated, the proceedings in such last-mentioned sequestration shall be prosecuted in or transferred to the Court of the district in which proceedings under the first-mentioned sequestration are in course of prosecution, and, unless the Court otherwise directs, the same trustee shall be appointed as may have been appointed in respect of the property of the first-mentioned member of the partnership, and the Court may give such directions for consolidating the proceedings under the sequestrations as it thinks just.

LUNATICS.

Lunatics.

288. Where any debtor, or creditor, or insolvent is a lunatic, not so found by inquisition, or declared, the Court may appoint such person as the Court shall think fit to do any act required by the Act or Rules to be done by such debtor, creditor, or insolvent.

CERTIFICATE OF DISCHARGE.

Application for
certificate.

289. An insolvent intending to apply for a certificate of discharge shall make his application to the Court, in writing, in the Form No. 58 in the Appendix, with such variations as circumstances may require, and thereupon the Chief Clerk shall appoint a day for hearing the application in open Court.

Affidavit by
insolvent before
application.

290. Every insolvent before applying to the Chief Clerk for an appointment for an application for a certificate shall file an affidavit stating that three months have elapsed since the date of the order of sequestration, and that his estate has paid or will pay 7s. in the £1 to all his creditors.

Affidavit by
insolvent where
seven shillings
not paid.

291. If an insolvent cannot truly state that his estate has paid or will pay 7s. in the £1 to all his creditors, he shall, instead of filing the affidavit required by the last preceding Rule, file an affidavit setting out the true circumstances of his case, and that his estate has not and will not be able to pay 7s. in the £1.

292. Notice of the appointment by the Court of the day for hearing the application for a certificate in the Form No. 61 in the Appendix shall twenty days before the day so appointed be sent by prepaid post letter to each creditor, as to those creditors who have proved in the insolvency, to the address given in the creditor's proof, and as to those creditors who have not proved to the address appearing in the insolvent's schedule. Provided always that due notice shall be sent to the last address known by the insolvent of such creditors.

Application.

Notice to creditors.

293. The Court may for any sufficient reason dispense with notice on any creditor or the trustee or it may order substituted service of such notice.

Notice may be dispensed with.

294. The notice to be published by the insolvent in the *Government Gazette* of the day appointed by the Court for hearing the application shall be signed by the insolvent, and shall be in the Form No. 59 in the Appendix with such variations as circumstances may require.

Notice published in *Government Gazette*.

295. Notice of the time and place appointed by the Chief Clerk for hearing the application for his certificate shall be given by the insolvent to the trustee and the Official Accountant not later than twenty days before the time so appointed. Such notice may be given by a registered letter sent by post to the Official Accountant and to the last-known address of the trustee.

Notice to trustee and official accountant. Form No. 60.

296. Not less than three days before the day appointed by the Court for hearing the application the insolvent shall file in the Court an affidavit in the Form No. 62 in the Appendix (so far as such form is applicable), stating therein that twenty days before the day so appointed the notices to creditors and the notice to the trustee required by the two last preceding Rules have been duly sent as prescribed by the said Rules. The insolvent shall also at the same time leave with the Chief Clerk a copy of the *Government Gazette* containing the publication of the notice prescribed by section 228 of the Act, and the Chief Clerk shall thereupon file with the proceedings the page of the *Government Gazette* in which such notice is published.

Affidavit to be filed by insolvent.

297. Such application shall be heard upon affidavit; all depositions of the insolvent already taken in the estate, and the trustee's report and the Official Accountant's report (if any) may be read; the Court may postpone its decision upon such application until it shall have heard the application for a certificate; the Court may adjourn the hearing of any application for a certificate to give an opportunity of compliance with the conditions of paying 7s. in the £1.

Proceedings on application for dispensation.

298. (1) In every case of an application by an insolvent for a certificate, the report by the trustee to the Court shall be signed by him and filed in the Court seven days before the day appointed for hearing the application.

Report of trustee.

(2) Such report shall afford the fullest possible information with regard to the insolvent's conduct and affairs, and the cause of his insolvency, and shall state either that the insolvent did keep proper books in the business or occupation carried on by him, and the name and character of such books; or if he did not keep proper books shall specify the books which, in his opinion, should have been kept by the insolvent, and shall state clearly the names and characters of those which the insolvent has omitted to keep. It shall be the duty of the trustee, whether the report is favorable or otherwise, to bring under the notice of the Court all facts which the Court ought to have in mind in considering whether a certificate should or should not be granted. It shall not be sufficient for the trustee to say that he knows of no reason why a certificate should not be granted.

299. Where an insolvent intends to dispute any statement with regard to his conduct and affairs contained in the trustee's report he shall not less than two days before the hearing of the application for a certificate give notice, in writing, to the trustee specifying the statements in the report, if any, which he proposes at the hearing to dispute. Any creditor who intends

Evidence in answer to report.

to oppose the certificate of an insolvent on grounds other than those mentioned in the trustee's report shall give notice of the intended opposition, stating the grounds thereof to the trustee not less than two days before the hearing of the application.

Procedure where application not opposed.

300. On the hearing of an application by an insolvent for a certificate of discharge, if the same be not opposed, the Court may take into consideration the depositions (if any) of the insolvent, and any written report made to the Court by the trustee or Official Accountant as to the conduct and affairs of the debtor, and any evidence the insolvent may bring forward, and if the insolvent desire it and the Court shall think fit, shall direct the Chief Clerk to furnish the insolvent with notice, in writing, of matters requiring explanation, and after such explanation (if any) the Court shall decide upon the application in accordance with the Act.

Trustee or any creditor may oppose.

301. The trustee or Official Accountant or any creditor who has proved his claim may without notice to the insolvent oppose the insolvent's application for a certificate.

Consolidation of oppositions.

302. Oppositions to an application for a certificate of discharge may be consolidated by order of the Court.

Procedure where application opposed.

303. If an application for a certificate be opposed the person opposing shall open his case and give such evidence, in addition to depositions of the insolvent already taken, if he relies upon any such depositions, as he may think fit, and after he has closed his case the insolvent shall open his case and give such evidence as he may think fit, and sum up the same, and the person opposing may reply. If the insolvent intends to give no evidence he shall state his intention, and the person opposing shall sum up his evidence, and the insolvent may reply.

Evidence how given.

304. Upon application for a certificate evidence in addition to depositions of the insolvent already taken and the trustee's report and Official Accountant's report (if any) shall be given *viva voce* in open Court, but the Court may allow affidavits to be used, or the whole or part of the evidence to be taken on commission.

Attendance by insolvent.

305. The insolvent shall attend the Court on the day appointed for hearing the application for his certificate, and on any day or days of adjournment unless the Court otherwise orders, and if he fail to attend without reasonable excuse he shall be deemed guilty of contempt of Court, and may be punished accordingly.

Trustee or creditor may force application for certificate.

306. If an insolvent does not apply within six months after sequestration for his certificate, a Judge, on the application of the trustee or a creditor, may order him to attend on a day named in the order, and if he attend, or, if not attending, he is brought before the Court on warrant, the Court shall proceed to hear the witnesses (if any) produced by the trustee or opposing creditor, and the Court shall then hear the insolvent's witnesses (if any) and argument as on an ordinary application, and make such order as it may think fit.

Court may adjourn application for costs, &c., of assignee and trustee to be paid.

307. If, at the hearing of any application for a certificate of discharge, it shall appear to the Court that all costs, charges and expenses of the assignee and trustee allowed by the Court or by these Rules have not been paid, the Judge may adjourn the hearing of the application until such costs, charges, and expenses have been paid.

Order.

308. The order of the Court made on an application for a certificate of discharge shall not be delivered out until after the expiration of the time allowed for appeal, or if an appeal be entered, until after the decision of the Supreme Court thereon. The order shall be dated the day on which it is made, but it shall not take effect until it has been delivered out. As soon as the order has been delivered out the order shall take effect as from the day of its date. The order shall be in one of the Forms Nos. 66 to 70 in the Appendix, as the case may require. The certificate shall be in the Form No. 71 in the Appendix, with such variations as circumstances may require.

309. An insolvent shall not be entitled to have any of the costs of or incidental to his application for a certificate of discharge allowed to him out of his estate. The Court may make such order as to the costs incurred by the trustee or the Official Accountant or any creditor of and incidental to the insolvent's application for his certificate of discharge as the Court may think fit.

Costs of application.

310. Where an insolvent has not obtained a certificate of discharge, or where he has obtained a certificate of discharge subject to any conditions as to his future earnings or after-acquired property, or subject to the suspension of such certificate either for a specified time or until such dividend as the Court may fix has been paid to the creditors, it shall be his duty until he obtains a certificate of discharge, or until such condition is satisfied, or until the period of extension has expired, or until such dividend is paid (as the case may be), from time to time to give the trustee and Official Accountant or the Court such information as the trustee, Official Accountant, or the Court may require with respect to his earnings and after-acquired property and income, or rights to property or income, and not less than once a year to file in the Court a statement showing the particulars of any property or income he may have acquired or become entitled to, subsequent to his discharge.

Accounts of after-acquired property.

311. Any statement of after-acquired property or income filed by an insolvent who has not obtained a certificate of discharge or whose certificate of discharge has been granted subject to conditions shall be verified by affidavit, and the Official Accountant or trustee may require the insolvent to attend before the Court to be examined on oath with reference to the statements contained in such affidavit, or as to his earnings, income, after-acquired property, or dealings. Where an insolvent neglects to file such affidavit or to attend the Court for examination when required so to do, or properly to answer all such questions as the Court may put or allow to be put to him, the Court may, on the application of the Official Accountant or trustee, rescind the order of discharge. The affidavit shall be in the Form No. 72 in the Appendix, with such variations as circumstances may require.

Verification of statements of after-acquired property.

312. Where the insolvent applies to the Court to modify the terms of the order for a certificate of discharge on the ground that there is no reasonable probability of his being in the position to comply with the terms of such order, he shall give fourteen days' notice of the day fixed for hearing the application to the Official Accountant and the trustee, and to all his creditors.

Application for modification of order.

PART III.—TRUSTEES—COMMITTEE OF INSPECTION—OFFICIAL ACCOUNTANT—ACCOUNTS AND AUDIT.

ACCOUNTS AND AUDIT.

313. The trustee shall keep a book to be called the "Record Book," in which he shall record all minutes, all proceedings had, and resolutions passed at any meeting of creditors, except the general meeting, under section 72 of the Act, or of the committee of inspection, and all such matters as may be necessary to give a correct view of his administration of the estate; but he shall not be bound to insert in the record any document of a confidential nature (such as the opinion of counsel on any matter affecting the interests of the creditors), nor need he exhibit such document to any person other than a member of the committee of inspection.

Record Book.

314. The trustee shall keep a book to be called the "Cash Book," which shall be in the Form in the second schedule to the Act, in which he shall enter from day to day each receipt and payment made by him in such detail as will fully explain its nature. Payments for rents, salaries, wages, &c., due at the date of sequestration or liquidation by arrangement shall be entered under the head of preferential payments, and carefully distinguished from similar payments which may arise or become necessary while carrying on

Cash Book.

trade. All bank transactions, whether with local banks or insolvency estates account, shall be duly entered in bank columns, save only when local banks are used for purposes of transmission to the insolvency estates account, in which case the payments to the latter account alone should appear in the bank columns.

315. The cash book must record the actual dates on which all moneys are received on account of an estate, and the payments must be entered under the date when cheques are issued, except in the case of dividends, which must be entered as of the date when the cheques are received.

316. The trustee shall submit the record book and cash book, together with any other requisite books and vouchers, to the committee of inspection (if any) when required, and not less than once every three months, and to the Judge or Official Accountant when required.

317. The committee of inspection (if any) shall not less than once every three months audit the cash book and certify therein under their hands the day on which the said book was audited. The certificate shall be in the Form No. 99 in the Appendix, with such variations as circumstances may require.

318. (1) Every trustee shall, at the expiration of six months from the date of his appointment, and at the expiration of every succeeding six months thereafter, transmit to the Official Accountant the record book, together with any original resolutions of the creditors or committee of inspection not entered in the record book, and a copy of the cash book for such period, with the filing fee thereon verified by affidavit or statutory declaration, together with the vouchers for all payments and allocations for taxable charges and copies of the certificates of audit by the committee of inspection (if any). He shall also forward with the first accounts, unless otherwise required by the Official Accountant, one office copy of lists A, D, E, and F of the insolvent's schedule, or of sheets B, C, F, G, and H of the debtor's statement of affairs, showing thereon respectively in red ink the amounts realized, and explaining the cause of the non-realization of such assets as may be unrealized.

(2) The trustee shall at each audit forward to the Official Accountant a report on the position of the estate.

(3) When the estate has been fully realized and distributed, the trustee shall forthwith send in his accounts to the Official Accountant, although the six months may not have expired.

(4) The accounts sent in by the trustee shall be certified and verified by him according to the Form No. 98 in the Appendix.

319. When the trustee's account has been audited, the Official Accountant shall certify that the account has been duly passed, and thereupon the copy, bearing a like certificate, shall be transmitted to the Chief Clerk, who shall file the same with the proceedings in the sequestration.

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

321. Where an order of sequestration has been made against debtors in partnerships, distinct accounts shall be kept of the joint estate and of the separate estate or estates, and no transfer of a surplus from a separate estate to the joint estate on the ground that there are no creditors under such separate estate shall be made until notice of the intention to make such transfer has been published in the *Government Gazette* and in one of the Melbourne daily newspapers and in some local newspaper when the proceedings are not being prosecuted in Melbourne.

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

Books to be submitted to committee of inspection.

Audit of cash book.

Official Accountant's audit of trustee's accounts.

Report with audit.

Accounts of trustee on full realization and distribution of estate.

Trustee's account to be certified and verified.

Copy of accounts to be filed.

Affidavit of no receipts.

Joint and separate estates' accounts.

Disposal of bankrupt's books and papers.

323. Where property forming part of a debtor's estate is sold by the trustee through an auctioneer or other agent the gross proceeds of the sale shall be paid over by such auctioneer or agent, and the charges and expenses connected with the sale shall afterwards be paid to such auctioneer or agent on the production of the necessary allocatur of the Chief Clerk. Every trustee by whom such auctioneer or agent is employed shall be accountable for the proceeds of every such sale. Expenses of sales.
324. In the case of any sale by private contract the trustee's account shall show the name, address, and occupation of the purchaser, and the mode in which the amount of the purchase money has been arrived at. Sale by private contract.
325. In any case in which, under the provisions of section 105 (2) of the Act, a trustee makes an allowance to an insolvent out of his property, such allowance, unless the creditors by special resolution determine otherwise, shall be in money, and the amount allowed shall be duly entered in the trustee's accounts. Allowance to debtor.
326. A trustee shall not be allowed in his accounts any sum paid by him to his solicitor for his bill of costs unless the same shall have been duly taxed as between solicitor and client. Solicitor's bill of costs to be taxed.
327. Every application to the Court under section 74, sub-section (1) of the Act shall be made by motion. Application to the Court for registration.
328. No order under section 74, sub-section (1), that any person shall be registered as qualified to be appointed to the office of trustee under the Act shall be made except after the expiration of fourteen days from the publication of an advertisement by the applicant, or some solicitor on his behalf, in the *Government Gazette* and in one of the Melbourne daily newspapers, and also in some local newspaper where the applicant resides, if not in the Melbourne district, and from the giving of notice in writing by him or some solicitor on his behalf to the Official Accountant of his intention to apply to be so registered. Application to be advertised, &c.
329. Every such application shall be made to the Court of the district in which the applicant resides. Where to be made.
330. Every such application shall be supported by an affidavit setting forth the giving of notice to the Official Accountant, and by an affidavit according to Form No. 176 in the Appendix. Affidavit in support.
331. The Official Accountant or any person may, without notice to the applicant, oppose such application. Opposition.
332. Application to cancel any such registration or any registration of a trustee under section 75 of the Act may be made to the Court at any time by the Official Accountant or any creditor or person. Application to cancel registration.
333. The security to be given by a trustee under the Act shall be in the form of a bond to be executed to the Official Accountant to insure for the benefit of the Official Accountant for the time being his successors and assigns with two sufficient sureties to be approved of by the Chief Clerk, conditioned for the faithful and sufficient performance and execution from time to time of all and singular the duties required of him as trustee by the Act, or any rule of Court made or hereafter to be made. Such bond shall be in the Form No. 32 in the Appendix. Security by trustee.
334. Such bond, if general, shall be taken in a penal sum of £2,000, and in all other cases the bond shall be in a penalty of £1,000, which may from time to time, if the Court shall think fit, be increased to any sum not exceeding £2,000, or diminished to any sum not less than £100. Amount of bond.
335. The sureties shall make an affidavit of their sufficiency (which shall be in the Form No. 33 in the Appendix), and such sureties shall attend the Chief Clerk to be examined if required. Justification by sureties.
336. The bond shall be executed in the presence of and attested by the Chief Clerk, or before a Commissioner of the Supreme Court of Victoria for taking affidavits in Victoria, not being the solicitor or clerk of the solicitor of the trustee. Execution and attestation of bond.

- Deposits in Court in lieu of bond.** 337. A trustee may, in lieu of giving security, deposit in Court a sum equal to the sum in respect of which he is required to give security, together with a memorandum to be approved by the Judge of the Court, and to be signed by such trustee, setting forth the conditions on which the money is deposited.
- Bond by incorporated company or guarantee society.** 338. Security of any incorporated company or guarantee society, approved of by the Governor in Council under the Administration and Probate Act, may be given in place of such bond with securities or deposit.
339. When the bond of an incorporated company or guarantee society is given, such bond and the condition thereof shall be in the Form No. 32 of the Appendix, substituting the name of such company or society for those of the individuals.
- Deposit of bond with Official Accountant.** 340. In all cases where the security is by bond the bond shall be deposited with the Official Accountant.
- Premium not to be allowed against estate.** 341. The cost of the premium on a trustee's guarantee bond shall not, nor shall the price a trustee may pay for procuring the security either of individuals or of a company or society, be allowed against any estate.
- Assignment of bond.** 342. The Court may, on application made on motion in a summary way, and on being satisfied that the condition of any such bond has been broken, order the Official Accountant to assign the same to some person to be named in such order, and such person, his executors or administrators, shall thereupon be entitled to sue upon the said bond in his or their own name or names as if the same had been originally given to him, and shall be entitled to recover thereon as trustee for all persons interested the full amount recoverable in respect of any breach of the condition of the said bond.
- Notice of appointment.** 343. When an order of the Court is made confirming the appointment of a trustee the trustee shall forthwith insert notice of his appointment in the *Government Gazette* and a local newspaper in the Form No. 36 in the Appendix. The expense of such gazetting and notice may be charged by the trustee to the estate.
- Refusal to confirm, &c., trustee.** 344. It shall be a sufficient reason for refusing to confirm the appointment of or to order the registration of a person as trustee that he has not complied with the requirements of section 208 of the Act, or that in any other proceeding under the Act such person has either been removed under section 86, subsections (1-2) of the Act, from the office of trustee, or has failed or neglected, without good cause shown by him, to render his accounts for audit for one month after the date by which the same should have been rendered.
- Removal for failing to keep up security.** 345. (1) Where a trustee has given security in the manner hereinbefore prescribed, but fails to keep up such security, the Court may, if it think fit, remove him from his office.
- (2) If a person ordered to be registered under section 74 of the Act do not give the prescribed security within 21 days after the date of the order for his registration, the Court may, on the application of the Chief Clerk or the Official Accountant, if it think fit, order such registration to be cancelled.
- (3) If a person ordered to be registered under section 75 of the Act in respect of a particular estate do not give the prescribed security within seven days after the date of the order for his registration, the Court may, if it think fit, order such registration to be cancelled and remove such person from his office.
- Statement of application and disposal of estate.** 346. The trustee or trustees or, in estates in which there is no trustee, the assignee shall file the statements mentioned in sections 121 and 206 of the Act on the first days of the months of January, April, July, and October in each year.
- Application by trustee for leave to resign to be made by motion.** 347. Every application to the Court by a trustee for leave to resign his office shall be made by motion.
- Notice of resignation.** 348. A trustee intending to resign his office shall give not less than seven days' notice of his intention to apply to the Court for leave to every creditor who has proved his claim and to the Official Accountant.

349. The Official Accountant, or any creditor who has proved his claim, may, without notice to the trustee, oppose the trustee's application for leave to resign.

Opposition to application.

350. (1) Except as provided by the Act or Rules, no trustee shall be entitled to receive out of the estate any remuneration for services rendered to the estate, except the remuneration to which under the Act and Rules he is entitled as trustee.

Limit of remuneration.

(2) A trustee shall not be entitled to make a profit charge in respect of keeping possession of the debtor's estate, but only to charge the amount actually paid. A trustee shall terminate the possession at the earliest possible date.

351. (1) Where the trustee carries on the business of the debtor, he shall keep a distinct account of the trading, and shall incorporate in the cash book the total weekly amount of the receipts and payments on such trading account.

Trustee carrying on business.

(2) The trading account shall from time to time, and not less than once in every month, be verified by a statutory declaration of the trustee, and the trustee shall thereupon submit such account to the Committee of Inspection (if any), or such member thereof as may be appointed by the committee for that purpose, who shall examine and certify the same.

352. Where a trustee desires to apply to the Court for directions in any matter, he may file an application in the Form No. 86 in the Appendix. The Court shall then hear the application or fix a day for hearing it, and direct the trustee to apply by motion.

Application for directions.

353. Where, in pursuance of section 99 of the Act, the trustee is required to transmit to creditors a statement of the accounts, such statement shall be in the Form No. 104 in the Appendix, with such variations as circumstances may require, and the cost of furnishing and transmitting such statement shall be calculated at the rate of Threepence per folio for each statement where the creditors do not exceed ten, and where the creditors exceed ten, One shilling per folio for the preparation of the statement and the actual cost of printing.

Statements of accounts to be furnished to creditors.

354. Where the trustee is an auctioneer, he shall not by himself or any partner act as such in the sale of any of the property vested in him, except by leave of the Court upon such terms as it may think fit.

Sales when trustee an auctioneer.

355. In any case in which the sanction of the Court is obtained under section 210 or 211 of the Act, the cost of obtaining such sanction shall be borne by the person in whose interest such sanction is obtained, and shall not be payable out of the debtor's estate.

Cost of obtaining sanction under section 210 or 211 of the Act.

ASSIGNEE.

356. Where a debtor's estate is sequestrated or adjudged to be sequestrated, the assignee upon the appointment of a trustee shall forthwith put the trustee into possession of all property of the insolvent of which the assignee may be possessed.

Estate to be handed by assignee to trustee.

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

358. The assignee shall give a receipt for all books lodged with him by the insolvent specifying the same. Such receipt shall be in duplicate, and such duplicate shall be signed by the insolvent as correct, and then retained by the assignee.

ACCOUNTING BY ASSIGNEES AND TRUSTEES.

359. Where a debtor's estate is sequestrated or adjudged to be sequestrated, and a trustee is appointed, the assignee shall account to the trustee in the insolvency.

360. Where an insolvent's estate is ordered to be released from sequestration, the assignee or trustee, as the case may be, shall account to the insolvent.

COMMITTEE OF INSPECTION.

Quorum of committee of inspection.

361. Where the creditors neglect by resolution to fix the quorum required to be present at a meeting of the Committee of Inspection, the quorum shall be three, or if the number of the committee be less than three, the quorum shall be the whole number. A resolution of the Committee of Inspection shall be passed unanimously or by a majority in number of the members present at the meeting.

Sanction of payments to members of committee of inspection.

362. Where the sanction of the Court under section 90, sub-section (2), of the Act to a payment to a member of a Committee of Inspection for services rendered by him in connexion with administration of the estate is obtained, the order of the Court shall specify the nature of the services, and shall only be given where the service performed is of a special nature.

OFFICIAL ACCOUNT.

Meetings of creditors to consider conduct of trustee.

363. Where the Official Accountant is of opinion that any act done by a trustee, or any resolution passed by a Committee of Inspection, should be brought to the notice of the creditors for the purpose of being reviewed or otherwise, the Official Accountant may summon a meeting of creditors accordingly to consider the same, and the expense of summoning such meeting shall be paid by the trustee out of any available assets under his control.

Official Accountant to act in sudden emergency.

364. In any case of sudden emergency where there is no trustee or assignee capable of acting, any act or thing required or authorized to be done by a trustee or assignee may be done by the Official Accountant.

Where no committee of inspection Official Accountant to exercise its function.

365. Where there is no Committee of Inspection, any functions of the Committee of Inspection may be exercised by the Official Accountant.

Costs and expenses of Official Accountant.

366. The costs and expenses which the Official Accountant may have to pay, or to which he may be put in doing any act or thing under either of the two last preceding Rules, shall be paid out of the estate of the debtor.

Local bank.

PAYMENTS INTO AND OUT OF A BANK.

367. Where the creditors by resolution direct that the trustee of any estate shall keep an account in a bank to be named in such resolution, or where the trustee is authorized by the Court to have an account with a bank, such account shall be opened and kept by the trustee in the name of the insolvent's or debtor's estate, and he shall pay all moneys received by him into such bank to the credit of the estate. All payments out of such bank shall be made by cheque payable to order, and every cheque shall have marked or written on the face of it the name of the estate, and shall be signed by the trustee, and shall be countersigned by at least one member of the Committee of Inspection, and by such other person (if any) as the creditors or the Committee of Inspection or the Court may appoint.

Trustees to bank daily.

368. The trustee shall bank all collections daily, and a book initialed by the bank teller showing the nature of the deposits shall be kept for reference. Post-office orders shall not be cashed, but shall be shown in the bank deposits

PARTS IX. AND X.

PROCEEDINGS FOR LIQUIDATION BY ARRANGEMENT OR COMPOSITION WITH CREDITORS.

(SECTIONS 247 AND 248.)

Commencement of proceedings for arrangement or composition. Place and time of first meeting.

369. Proceedings under these sections shall be instituted by the debtor by petition and affidavit thereto annexed, according to the Forms Nos. 144 and 145 in the Appendix, and such petition and affidavit shall be forthwith filed.

370. (1) The first general meeting shall be summoned to be held at the place mentioned in the affidavit filed with the petition (subject to such place being changed by order of the Court, as hereinafter provided), and the time

of meeting shall be at a stated hour between half-past ten and four p.m. on a day within six weeks from the filing of the petition, unless the Court in any particular case shall otherwise order.

(2) The first general meeting of creditors shall be summoned by the debtor by sending by prepaid post letter to each of his creditors, or, if dead, their personal representatives, or, if out of the State, their agents, a notice in the Form No. 146 in the Appendix.

Notice and
summoning
first meeting.

(3) The debtor shall also cause notice of the meeting, in the Form No. 148 in the Appendix, to be advertised in the *Government Gazette* and in one of the Melbourne daily newspapers, and also in some local newspaper if the proceedings are not being prosecuted in the Melbourne district, seven days before the meeting is to be held.

Notice of
meeting to be
advertised and
gazetted.

371. Notices summoning any first general meeting shall be posted at least five days before the day on which the meeting is to be held. A notice posted to a firm at its place of business shall be sufficient notice to the partners thereof. Notice may be posted to the manager, inspector, or secretary, or other head office of any corporation.

Time of posting
notices.

372. The person posting the said notices shall forthwith make and file an affidavit exhibiting a form of notice and a list of creditors, and stating that he had posted similar notices to the persons mentioned in the said list, and stating also the date, time, and place of posting.

Affidavit of
service of
notices.

373. Upon sufficient cause proved to the satisfaction of the Court by the debtor, or by any creditor, either *ex parte* or otherwise, the Court may order and direct the place of any general meeting to be changed, provided application be made in such time as will allow notice of the change to be given to the creditors. Any order so made by the Court shall be according to the Form No. 152 in the Appendix; and notice thereof shall be posted by the debtor or creditor on whose application the order is granted to the creditors, or on before the third day prior to the meeting.

Change of place
of meeting.

374. Every debtor shall state in his petition the estimated amount of the debts owing by him to his creditors, and a majority in value of such creditors may at any time prior to the passing of the special or extraordinary resolution (as the case may be) nominate and appoint a receiver or manager of the trade effects or business of the debtor, or any part thereof, according to the Form No. 149 in the Appendix. Where any such receiver or manager has been so appointed, he shall investigate the state of the debtor's affairs, and report thereon to the general meeting of creditors. The nomination and appointment of any such receiver or manager shall be confirmed by the Court upon summary application in any case in which the debtor refuses to give possession or control to the receiver or manager so appointed. Any such nomination-paper shall be in duplicate, and may be signed by the creditors in their individual or partnership names, or by some person who shall state in his signature that he does so by procuration on the creditor's behalf. The signatures or debts need not be verified further than by the affidavit of one of the three principal creditors signing the nomination paper (or a partner in the firm of one of them) and such affidavit shall be filed in Court with one of the nomination-papers.

Appointment of
receiver by
creditors.

375. Where a receiver or manager has been appointed, the Court may at any time cancel his appointment by consent of the debtor and of the creditor or creditors upon whose application the appointment was made, or if the Court shall see fit.

Cancelling
appointment of
receiver or
manager.

376. When a receiver or manager has been appointed, he shall be entitled to the custody of the books and effects of the debtor, and the debtor or any person having the previous custody thereof on his behalf shall forthwith deliver the same to the receiver or manager.

Custody of
books and
effects.

377. The receiver or manager shall at all times permit the debtor or any of his creditors or their agents to have access to and inspect the debtor's books of account.

Inspection of
books.

- Termination of receiver's duties.** 378. If a receiver or manager has been appointed, his duties shall terminate upon the appointment of a trustee, in cases of liquidation by arrangement, and upon the approval of a composition in cases of composition, unless the resolution for composition shall otherwise provide.
- Receiver to render account.** 379. Where a receiver or manager has been appointed, and his duties are concluded, he shall render his accounts, and pay or deliver over any money or property in his hands to the trustee (in cases of liquidation by arrangement) or to the debtor or his nominee (in cases of composition).
- Remuneration, removal, and accounts of receiver.** 380. The Court shall have the same power and discretion as to the remuneration and removal of the receiver or manager and in the settlement of his accounts, and in directing the appropriation of moneys or property in his hands, as it can exercise in the case of a trustee in insolvency.
- Chairman.** 381. The chairman of the first general meeting shall be elected by a majority of the persons present thereat claiming to be or to represent creditors. The chairman of any subsequent general meeting shall be elected by a majority in value of the creditors present or represented thereat who have proved their debts.
- Proofs and proxies.** 382. Creditors may prove their debts by affidavit or declaration, and appoint proxies, as in insolvency.
- Debts which may be proved.** 383. All debts which would have been provable in insolvency had the estate of the debtor been sequestrated, or adjudged to be sequestrated at the date of the institution of the proceedings, shall be provable under any such proceedings.
- Proofs and proxies to be handed to chairman.** 384. All proofs and proxies intended to be used at any general meeting shall be handed in to the chairman of the meeting, any objection thereto shall be marked thereon by the chairman, and shall in the case of composition be dealt with by the Court on its considering the composition, and, in the case of a liquidation by arrangement by the Chief Clerk, upon the extraordinary resolution therefor being presented to him for registration.
- Proof by secured creditor.** 385. A secured creditor, unless he shall have realized his security, shall, previously to being allowed to prove or vote, state in his proof the particulars of his security and the value at which he assesses the same, and he shall be deemed to be a creditor only in respect of the balance due to him after deducting such assessed value of the security. In cases of liquidation by arrangement, any secured creditor so proving shall be bound to pay over to the trustee the amount which his security shall produce beyond the amount of such assessed value, and the trustee shall be entitled, at any time before realization of such security by the creditor, to redeem the same upon payment of such assessed value. The proof of any secured creditor shall not be increased in the event of the security realizing a less sum than the value at which he has so assessed the same.
- Retiring from a meeting.** 386. Where any creditor shall desire to retire from any meeting, and not to be considered as present, he may withdraw his proof without prejudice to his again proving his debt on any subsequent occasion.
- Debtor to produce statement at meetings.** 387. The debtor shall produce to the first general meeting, and also, in case there be any, to the second general meeting, a statement showing the whole of his debts and assets, and the names and addresses of the creditors to whom such debts respectively are due. The name of each creditor in such list shall be numbered consecutively, and the list of creditors whose debts do not exceed £25 shall be separated from and follow after the list of those creditors whose debts exceed that amount. The debtor's statement of affairs shall be in the Form No. 150 in the Appendix, with such variations or additions as circumstances may require.
- Resolutions as to arrangement or composition to be passed and registered.** 388. The resolution passed at the first general meeting (or the first and second general meetings, as the case may be) shall determine whether the affairs of the debtor are to be liquidated by arrangement and not in insolvency, or whether any and what composition shall be accepted in satisfaction of the debts due to the creditors from the debtor, or it may reject

either of such modes of arrangement. The resolution may declare to whom the registration of the resolution and the debtor's statement of affairs shall be intrusted, and the original resolution and the statement shall forthwith be delivered accordingly to the person so appointed; and, in the event of no such declaration being made in the resolution, the same shall be registered by the debtor. Only such resolutions as are reduced into writing and are signed by or on behalf of the statutory majority of the creditors assembled at a meeting shall be taken cognisance of by the Court, but the signatures of such creditors may be subscribed subsequently to the meeting but prior to the filing or registration of the resolution.

389. The chairman shall be bound forthwith to deliver to the person (if any) so appointed, or, in default of such appointment, to the debtor, every declaration or affidavit for proof of debt, and proxy paper of what nature or kind soever, and whether in due form or otherwise which shall have been received at the general meeting or meetings, and also the debtor's statement of affairs, and, in default thereof, may be summoned before the Court, and the Court may make such order in the manner as it shall think fit.

Chairman to deliver proofs, proxies, and statement to the person appointed by creditors or to debtor.

390. The person to whom the registration of the extraordinary resolution may have been intrusted, or the debtor, or his solicitor, as the case may be, shall file the same in Court together with the debtor's statement of affairs, and all proofs and proxies, within three days after he shall have received the same, or in default thereof shall be summoned before the Court, and some person able to depose thereto shall verify and identify the resolutions, statement, proofs, and proxies so filed as being the whole of the resolutions, statement, proofs, and proxies come to and produced at the meeting or meetings when such extraordinary resolution was passed.

Filing resolutions, statement, proofs, and proxies.

391. In cases of proceedings for liquidation by arrangement or composition instituted by partners, separate meetings of the different classes of creditors shall be held, thus: If the partnership consists of A, B, and C, a meeting of the joint creditors of A, B, and C shall be held, and separate meetings of the separate creditors of A, B, and C shall be held at a date or time subsequent to the meeting of the partnership creditors. The joint creditors may come to such resolution as they may think fit with regard to the joint estate. The separate creditors may also come to such resolution as they may think fit as regards the liquidation of the estate of their individual debtor; but in the event of their determining upon his sequestrating his estate or the liquidation of his estate by arrangement, they shall choose the same trustee (if any) as has been or shall be appointed by the joint or partnership creditors but they may appoint a committee of inspection from their own body, if they think fit, or they may adopt the committee (if any) appointed by the joint or partnership creditors. In the event of the separate creditors of any such debtor agreeing to accept a composition in cases where the joint creditors have resolved on a liquidation by arrangement the assets of such separate debtor shall be made available by the trustee for or towards the payment thereof in such manner as the Court shall direct and approve, and any surplus of such separate estate remaining in the hands of the trustee after payment of or provision for such composition and all proper costs incurred in connexion therewith shall be deemed partnership assets. If in any such case the separate debtor shall be a member of more than one firm, the surplus of his separate estate shall be applied in such manner as the Court may direct.

Class meetings where debtors in partnership same trustee of joint and separate parties, provision as to surplus.

392. If the petition be by partners, and any two or more of such partners constitute a separate and independent firm, the creditors of such firm may likewise come to a separate resolution as regards the liquidation of such minor partnership estate, and where any surplus shall arise upon the liquidation thereof, the same shall be carried over to the separate estates of the partners in such minor form according to their respective rights therein.

Separate resolution in case of minor partnership, provision as to surplus.

Persons deemed creditors different resolutions may be passed as to joint and separate creditors.

393. In cases of proceedings for or towards liquidation by arrangement or composition by an individual debtor, his creditors and debts shall be deemed to be and include not only those creditors to whom or those debts in respect of which he is individually responsible, but also those creditors and debts to whom or in respect of which he is also responsible jointly with any other person or persons; and the statutory majority required for the purpose of any resolution shall be a collective majority of the whole of such joint and separate creditors at any meeting. In any such last-mentioned proceedings the terms of the resolution as regards joint and separate creditors need not be identical, and if so desired the resolution may provide for the payment of a composition to the separate creditors, and that the rights of the joint creditors shall not be prejudiced or affected thereby.

Resolutions not affected by adjournment.

394. Resolutions duly come to at any meeting shall have full force and effect, notwithstanding that it may be also resolved that for other purposes the meeting shall stand adjourned.

Mistakes, how corrected.

395. In the event of a liquidation by arrangement or composition, any mistake made inadvertently by a debtor in the statement of his debts may be corrected with the assent of a majority in value of his creditors assembled at a general meeting similarly summoned by the debtor.

Resolution and statement may be inspected.

396. The extraordinary resolution for liquidation by arrangement, or composition and statement of the debtors affairs, and all other proceedings when filed or registered shall at all times be open for inspection by the Official Accountant and any creditor whose name appears on the statement, or by any person duly authorized on his behalf.

Costs of arrangement or composition upon insolvency.

397. Where insolvency occurs pending proceedings for or towards liquidation by arrangement or composition with creditors, the proper costs incurred in relation to such proceedings shall be paid by the trustee under the insolvency out of the debtor's estate, unless the Court shall otherwise order.

Proof of debt admits notice of general meeting, &c.

398. Proof of debt by any creditor under any liquidation by arrangement or composition shall be deemed conclusive evidence that notice of all general meetings prior to and inclusive of that at which such proof is produced has been duly given to him.

General meetings after appointment of trustee.

399. General meetings subsequent to the appointment of a trustee shall be summoned by him by giving four days' notice by post to each of the creditors who have proved their debts, stating the object of the meeting, and the business proposed to be transacted thereat. A general meeting may, however, at any time be similarly summoned by any creditor with the concurrence, including himself, of one-sixth in number and value of the creditors who have proved their debts.

Second meeting in case of arrangement.

400. In the event of a liquidation by arrangement being resolved upon, and no trustee being appointed at the meeting at which such resolution was passed, or if appointed declines to act or becomes incapable of acting, or is removed and no other trustee is appointed, on such refusal to act, incapacity, or removal, then and in any of such cases the Court shall have the same power of appointing a trustee as in the case of a vacancy occurring in the office of a trustee in insolvency.

Removal or death of a trustee.

401. In the case of a liquidation a trustee may be removed by a special resolution of the creditors assembled at a general meeting summoned for the purpose, and another trustee may be appointed in his place by a majority in value of the creditors then present or represented. Where a trustee shall die or where for any reason there shall be no trustee acting in liquidation, a general meeting may be summoned in manner hereinbefore directed, and another trustee may be appointed by the majority in value of the creditors present or represented thereat.

Certificate of appointment of new trustee.

402. The resolution appointing any such new trustee shall be registered with the Chief Clerk, and the certificate of the Chief Clerk in respect of the appointment of any such new trustee shall be conclusive evidence of his appointment.

403. In cases of liquidation by arrangement, the general meeting called by the debtor may by special resolution declare what remuneration (if any) the trustee shall receive, or they may resolve to leave his remuneration to a subsequent general meeting.

Remuneration of trustee.

404. In the event of a liquidation by arrangement being resolved upon the creditors assembled at any general meeting may include in such resolution a request that the proceedings shall be conducted in some other district, and thereupon the Judge shall direct accordingly.

Transfer of proceedings to another Court.

405. Where sequestration occurs during the continuance of a liquidation by arrangement the trustee under such liquidation shall pay over and account for to the trustee to be appointed under the sequestration any moneys or property of the debtor which have come to his hands, and in the event of a dividend having been paid to some of the creditors the Court shall make such order for the appropriation thereof as will equalize the distribution of the moneys or property amongst the creditors who would or should have been entitled thereto under the liquidation proceedings.

Sequestration occurring during liquidation by arrangement.

406. Upon presentation for registration of an extraordinary resolution declaring that the affairs of the debtor are to be liquidated by arrangement and not in insolvency, the Chief Clerk shall examine the same, and may hear any creditor who shall have given him notice of his desire to be heard thereon. The Chief Clerk, being satisfied that the requirements of the Act and of these Rules have been complied with, shall register the same, making a memorandum thereon, and on the debtor's statement of affairs as follows:— "Registered the . . . day of . . . , 19 . . ." and shall seal the same with the seal of the Court. The Chief Clerk shall thereupon deliver to the trustee a certificate in the Form No. 156 in the Appendix. The Chief Clerk shall, when he refuses to register such resolution, certify the grounds of such refusal by memorandum under his hand, and file it with the proceedings.

Registration of resolution. Certificate of trustee's appointment.

407. Neither the extraordinary resolution for liquidation by arrangement, nor the proofs or proxies of creditors assembled at any meeting, shall be objected to or refused by the Chief Clerk by reason of any informality therein, unless he shall be of opinion that such informality is matter of moment, in which event he shall refer the matter to the Judge.

Informality not a ground for refusal of resolution. Reference to Judge.

408. The passing of an extraordinary resolution (in the case of liquidation by arrangement) shall be deemed and taken as conclusive evidence that the debtor has complied with the provisions of the Act with regard to the statement of his affairs required to be submitted to the general meetings of his creditors. The debtor shall, however, at all times render to the trustee every information in his power with reference to his debts and assets, and shall in default be liable to be summoned and examined before the Court thereon.

Accuracy of debtor's statement.

409. Any creditor or the debtor, if dissatisfied with the registration or non-registration of such extraordinary resolution for liquidation by arrangement (as the case may be), may apply to the Court for a rule calling upon such parties as the Court may think fit to show cause why the registration should not be made or be cancelled, as the case may be.

Debtor to assist trustee.

Registration, application to cancel.

410. If it shall appear to the Court upon the petition, in the Form No. 159 in the Appendix, of any creditor that he had no notice of the meeting at which the liquidation by arrangement was agreed upon, and that he dissents from the liquidation, and that the vote of such creditor would have altered the result arrived at by such meeting, the Court may order that the liquidation be not proceeded with, and if the petitioning creditor's debt be £50 or upwards, may make an order sequestrating the estate. Every such petition shall be heard upon affidavit, and must be presented within thirty days from the date of the meeting at which the liquidation by arrangement was agreed upon.

Petition to stay liquidation or composition.

411. In the event of a liquidation by arrangement creditors may, after the registration of the said resolution therefor, prove their debts and appoint proxies as under a sequestration.

Proof of debt.

- Costs of arrangement.** 412. In case of liquidation by arrangement, all proper costs of and incidental to the proceedings prior to the passing of the resolution shall be paid by the trustee out of the estate of the debtor, in like manner and in the like priority as the costs of a petitioning creditor under a petition in insolvency.
- Notices before dividend.** 413. Seven days at least before declaring any dividend under a liquidation by arrangement a notice shall be gazetted by the trustee in the Form No. 157 in the Appendix, requiring the creditors to send to him their names and addresses and the particulars of their debts or claims, and on declaring a dividend a sufficient reserve shall be made by the trustee for such dividend upon all debts or claims notified to him in pursuance of such notice. The trustee shall also be deemed to have notice of the debts of all creditors whose names are inserted in the debtor's statement of affairs, and (except where any such debt has been adjudicated upon prior to the declaration of the dividend) a similar reserve shall be made in respect thereof.
- Proof before dividend.** 414. All debts must be proved under a liquidation by arrangement prior to the payment of dividend thereon by the trustee.
- Rejection of claim to prove.** 415. Wherever the trustee under a liquidation by arrangement shall reject the claim or proof of any creditor he shall give notice to such creditor by post in the Form No. 158 in the Appendix, and shall be entitled to exclude from dividend any such claimant or creditor whose debt he so rejects, unless such creditor shall, within twenty-one days from the time at which the trustee's notice should have been delivered to him in the ordinary course of post, apply to the Court to admit his proof, and proceed with such application with due diligence.
- What creditors are entitled to dividend.** 416. Except as before mentioned the trustee shall declare dividends amongst such creditors only as have proved their debts up to the time of such declaration of dividend, and no creditor who has omitted to prove his debt, or to send to the trustee the particulars of his claim, or whose name does not appear in the debtor's statement, shall be entitled to disturb any such dividend or to make any claim in respect thereof against the trustee, but upon proof of the debt any such creditor shall be entitled to receive the same prior to the payment of any further dividend to the other creditors.
- Discharge of debtor.** 417. The discharge to the debtor shall be in the Form No. 160 in the Appendix, and shall be signed by the requisite proportion of creditors in number and value, or by their agents lawfully authorized. In the case of a corporation, an affidavit shall be filed with the Chief Clerk by the agent signing that he is authorized to sign. In the case of a firm, any partner may sign in the name of the firm on behalf of the firm. Such discharge shall not be presented for signature by the debtor or by any one on his behalf to any creditor, and shall not be signed by any creditor until two months have elapsed from the commencement of the liquidation.
- Signature of discharge.** 418. The discharge, duly signed, shall be presented to the trustee, together with an affidavit by a solicitor, stating that the persons signing such discharge represent three-fourths in number and value of the creditors who have proved debts, and an affidavit of the debtor that such discharge has not been obtained by fraud or by giving any preference to one creditor over another.
- Discharge how verified and dealt with.** 419. The trustee shall report to the Chief Clerk the discharge of the debtor and file the same together with the affidavits with the Chief Clerk, who shall issue a certificate to the debtor in the Form No. 162 in the Appendix.
- Trustee to file and report discharge.** 420. (1) A trustee shall submit to the general meeting at which the grant of his release shall be considered a summary of his receipts and payments, verified by his affidavit, and no release shall be granted to a trustee, or, if granted, shall take effect unless such summary so verified shall have been submitted to such meeting; and such summary and affidavit shall be filed with the Chief Clerk.
- Trustee to submit account to general meeting.**

(2) The release of a trustee shall not take effect unless and until he has filed the summary and affidavit mentioned in the last preceding rule, and complied with section 120 of the Act.

421. Where under section 247 of the Act an application is made to the Court for its sanction to the enforcement by a creditor of the payment of the balance remaining unpaid of a debt proved under the liquidation, the creditor shall file a statement, verified by affidavit, showing the dividend already paid, the balance remaining unpaid, and the property against which he seeks to enforce payment; and that such property is the property of the debtor, and the Chief Clerk shall thereupon appoint a time and place for the hearing of the application, and notice of the time and place appointed for the hearing shall be served personally on the debtor, or at his usual or last-known place of residence or business.

Recovery of
balance of debt.

422. At the hearing of the application service of the notice on the debtor shall be proved, unless he appears, and the Court may hear all persons claiming to be creditors of the debtor before or since the commencement of the liquidation, and make such order in the matter as it thinks fit, or adjourn the hearing for further evidence.

Proceedings at
hearing of
application.

423. All the Rules relating to proceedings of every kind under sequestration so far as the same are applicable, and do not conflict with these, and can be applied, shall be deemed to apply to proceedings under Part IX. of the Act.

Rules for
sequestration
to apply to
proceedings
under Part IX.
of the Act.

424. Where the creditors at the first general meeting duly pass a resolution that a composition shall be accepted in satisfaction of the debts due to them from the debtor, they shall specify in their resolution the amount of the composition, and the instalments and dates at which the same shall be payable, and they may name some person as trustee for receipt and distribution of the composition and any negotiable securities which may be given for the same.

Resolution as to
composition.

425. Instead of specifying by their resolution the security to be given, the creditors may resolve that the composition or some part or instalment thereof shall be secured in such manner as may be approved by a creditor or creditors to be named by the resolution.

Security for
composition.

426. The extraordinary resolution may provide that the terms of the composition be embodied in a deed between such parties, and containing such covenants for payment of the composition and for protecting and releasing the debtor, and such other covenants and such provisions for securing the composition either by assignment of property, or by inspection of the debtor's business or otherwise, as the nature of the case may require, and as the resolution may specify in particular or general terms.

Deed of
composition or
inspectorship.

427. Where at the first general meeting a resolution has been passed resolving that a composition shall be accepted in satisfaction of the debts due to the creditors from the debtor, such resolution shall be filed with the statement of the debtor's affairs, proofs, and proxies within three days, and another general meeting shall be appointed to be held at an interval of not less than seven days nor more than fourteen days from the date of the meeting at which the resolution was first passed. The second general meeting shall be held at the same place as the first general meeting unless the resolution at such first general meeting shall have otherwise directed. Notice thereof according to Form No. 164 in the Appendix shall be given by the debtor to every creditor in manner provided with respect to first general meetings, with this addition, that the notice to every creditor who was not present or represented at the first general meeting shall be sent by registered post letter. Such notices shall be sent on or before the third day prior to the day on which the second meeting is appointed to be held.

Resolution
accepting
composition to
be filed.

428. The debtor shall also cause notice of the meeting in the Form No. 148 in the Appendix to be advertised in the *Government Gazette* and in one of the Melbourne daily newspapers and also in some local newspaper if the proceedings are not being prosecuted in the Melbourne district seven days before the meeting is to be held.

Notice of
meeting to be
advertised and
gazetted.

429. At the second general meeting of creditors, the creditors assembled may confirm the resolution passed at the first general meeting, or they may pass an extraordinary resolution that the affairs of the debtor are to be liquidated by arrangement and not in insolvency, or a majority of them may pass a resolution requesting the debtor to surrender his estate under Part III. of the Act.
430. In every case of a composition in which a trustee is not appointed, or if appointed declines to act, or becomes incapable of acting or is removed, the Court shall have the same power of appointing a trustee for the purpose of receiving and distributing the composition, or for the purpose of carrying out the terms of the composition, as the case may be, as in the case of a vacancy occurring in the office of a trustee in insolvency.
431. Where under a composition a trustee is appointed he shall, after the composition has been approved by the Court, give security in like manner as if he were a trustee in insolvency. If the trustee fail to give such security within seven days after his appointment he may be removed by the Court.
432. Notice of the appointment by the Court of the day for considering the composition shall be published in the *Government Gazette*, and in one of the Melbourne daily newspapers, and also in some local newspaper where the debtor last carried on business or resided previous to the institution of the proceedings, if not in Melbourne, not less than fourteen days before the day so appointed, and shall be sent seven days at least before the day so appointed to the trustee and Official Accountant and to every creditor, whether such creditor has proved or not, and the Court may hear the Official Accountant without notice, and may also hear any creditor who has filed in Court three days at least before the day so appointed a notice of his intention to oppose the composition. The debtor and any creditor may without notice be heard in favour thereof.
433. No costs incurred by a debtor or of incidental to an application to approve of a composition shall be allowed out of the estate if the Court refuses to approve the composition. An order approving of a composition shall be in the Form No. 170 in the Appendix, with such variations as circumstances may require.
434. At the time a composition is approved of, the Court may correct or supply any accidental or formal slip, error, or omission therein, but no alteration in the substance of the composition shall be made.
435. Where a composition is approved by the Court the Chief Clerk shall register the same, making a memorandum on the extraordinary resolution for composition and on the debtor's statement of affairs as follows:—Registered the day of 19 , and shall seal the same with the seal of the Court.
436. Where a composition has been approved and default is made in any payment thereunder, either by the debtor or the trustee (if any,) no action to enforce such payment shall lie, but the remedy of any person aggrieved shall be by application to the Court.
437. Every person claiming to be a creditor under any composition who has not proved his debt before the approval of such composition shall lodge his proof with the Chief Clerk, and no creditor shall be entitled to enforce payment of any part of the sums payable under a composition unless and until he has proved his debt.
- Resolution at second general meeting.
- Cases in which Official Accountant is to be trustee.
- Security by trustee under composition.
- Notice to creditors and advertisement. Official Accountant may be heard on application. Creditor may be heard on filing three days' notice of opposition.
- Costs of application by a debtor.
- Correction of formal slips, &c.
- Composition to be registered by Chief Clerk after approval.
- Default in payment of composition.
- Proof of debts in composition.

PART V.—MISCELLANEOUS MATTERS.

UNCLAIMED FUNDS, ETC., UNDER SECTION 208 OF THE ACT.

438. An application under section 208 of the Act for payment out of the insolvency unclaimed dividend fund of any sum to which any person claims to be entitled shall be supported by the affidavit of the claimant, and such further evidence as the Court may require.
- Application for payment out by party entitled.

439. For the purposes of section 208 of the Act, the Official Accountant may at any time require the trustee under any insolvency liquidation or composition to submit to him an account, verified by affidavit, of the sums received and paid by him under or in pursuance of any such insolvency liquidation or composition, and may apply to the Court for an order directing the trustee to pay any unclaimed or undistributed moneys arising from the property of the debtor in the hands or under the control of such trustee into the insolvency unclaimed dividend fund, in accordance with the terms of the said sections of the said Act; the costs of such application shall be in the discretion of the Court.

Accounts by trustees of unclaimed funds.

INFORMATION UNDER SECTION 19 OF THE ACT.

440. Every information under section 19 of the Act shall be verified by the affidavit of the informer, and shall be filed together with such affidavit with the Chief Clerk at least fourteen days before the hearing; and an office copy of the information, having a notice at foot thereof as in the Appendix, shall be served upon the party informed against personally, seven days at least before the day of hearing, and the hearing of any such information shall be upon evidence *vivâ voce* in open Court, and conducted as nearly as may be as a trial at law.

Information under section 19 of Act.

441. Where an insolvent has given bail to attend upon the day appointed for giving judgment upon his application for a certificate of discharge, or has been committed in default of bail if for any reason the Court shall not be prepared to give judgment on the day first appointed, the Court may alter such day, and in such case the insolvent may be again called upon to find bail; in default thereof may be again committed.

Renewal of bail to attend.

SCALE OF FEES.

442. The scale of fees set forth in the Appendix shall be the fees to be charged for or in respect of proceedings under the Act (provided that no fee shall be charged for the filing of any document on or behalf of the Crown) and shall be taken in the Court and in any office connected with the Court.

Scale of fees.

FALSIFICATION OF DOCUMENTS.

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

Falsification of documents.

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

NO LIEN ON DEBTOR'S BOOKS.

444. No person shall, as against the assignee or trustee, be entitled to withhold possession of the books of account belonging to the debtor or to set up any lien thereon.

No lien on debtor's books.

NON-COMPLIANCE WITH RULES.

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

Non-compliance with Rules.

ABRIDGMENT OF TIME.

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

Abridgment of enlargement of time.

MEMORANDUM BY CHIEF CLERK EVIDENCE OF INSERTION OF ADVERTISEMENT.

Memorandum
by Chief Clerk
evidence of
insertion of
advertisement.

447. A memorandum by the Chief Clerk referring to and giving the date of an advertisement in the *Gazette* or a local paper shall be *prima facie* evidence that the advertisement to which it refers was duly inserted in the issue of the *Gazette* or paper mentioned in it.

STAMPS.

Stamps.

448. Every officer of the Court who shall receive any document to which an adhesive stamp shall be affixed, shall immediately upon the receipt of such document deface the stamp thereon, and no such document shall be filed or delivered until the stamp thereon shall be defaced, and it shall be the duty of any person presenting or receiving such document to see that such defacement has been duly made.

DUTIES OF EXECUTOR, ETC.

Duties of
executor, &c.

449. When the estate of any deceased debtor has been placed under sequestration or adjudged to be sequestrated, it shall be the duty of the executor or legal personal representative of the deceased debtor to lodge with the trustee of such estate (if any) or if none with the assignee forthwith an account of the dealings with and administration of (if any) the deceased's estate by such executor or legal personal representative, and such executor or legal personal representative shall also furnish forthwith a list of the creditors and a statement of the assets and liabilities and such other particulars of the affairs of the deceased as may be required by such trustee or assignee, as the case may be. Every account, list, and statement to be made under this rule shall be verified by affidavit. The expense of preparing, making, verifying, and lodging any account, list, and statement under this rule shall after being taxed be allowed out of the estate upon production of the necessary allocatur.

Executor *de son
fort.*

450. In any case in which the estate of a deceased debtor has been placed under sequestration or adjudged to be sequestrated, and it appears to the Court on the report of the trustee or assignee as the case may be that no executor or legal personal representative exists, the account, list, and statement mentioned in the last preceding rule shall be made, verified, and lodged by such person as in the opinion of the Court upon such report may have taken upon himself the administration of or may otherwise have intermeddled with the property of the deceased or any part thereof.

PERCENTAGES.

Trustee to pay
percentages
into Treasury.

451. The percentages payable under section 209 of the Act as approved by the Governor in Council shall be paid into the Treasury of Victoria by the trustee or assignee.

SCALE OF PERCENTAGES.

On the first £1,000 or fraction thereof, £1 per cent.
On the next £1,500 or fraction thereof, 17s. 6d. per cent.
On the next £2,500 or fraction thereof, 15s. per cent.
On the next £5,000 or fraction thereof, 12s. 6d. per cent.
On all further sums, 10s. per cent.

H. S. W. LAWSON.
W. E. JOHNSTON.
W. H. MOULE.

APPENDIX OF FORMS.

PART I.—FORM No. 1.
(General Title.)The *Insolvency Act* 1915.In the Court of Insolvency.
District.In the matter of [*James Brown*] of _____No. 2.
DECLARATION OF INABILITY TO PAY.
(Title.)I, A.B., [*name and description of debtor*] residing at _____ and carrying
on business at _____ hereby declare that I am unable to pay my debts
Dated this _____ day of _____ 19 _____Signed by the debtor in my presence—
(Signature of witness.)
(Address.)
(Description.)

(Signature) A.B.

Filed the _____ day of _____ 19 _____

NOTE.—Where the debtor resides at a place other than his place of business both addresses
should be inserted.No. 3.
DEBTOR'S PETITION.
(Title.)The _____ day of _____ A.D.
I, [*insert name, address, and description of debtor*], lately residing at _____, and
carrying on business at [*insert the other address or addresses of which unsatisfied debts or
liabilities may have been incurred*], having for the greater part of the past six months
resided at _____ and carried on business at _____ within the _____ district,
and being insolvent and desirous of surrendering my estate for the benefit of my creditors,
hereby petition the Court to accept the surrender of my estate, and to place the same under
sequestration.

Signed by the debtor in my presence—

(Signature of witness.)
(Address.)
(Description.)

(Signature)

NOTE.—Where the debtor resides at a place other than his place of business both addresses
should be inserted.No. 4.
SCHEDULES AND AFFIDAVITS.
(Title.)I, A. B., of [*name, address, and description*] make oath and say as follows:—

1. That the statements contained in my petition herein are true.
2. That I am not an uncertificated insolvent, and that my estate has not previously been sequestrated save and except on the * _____ day of _____ in the year _____.
3. That I have not previously compounded with or made any assignment for the benefit of creditors, save and except on the † _____ day of _____ in the year _____.
4. That, save as hereunder appears, I am not a registered proprietor of, and that I have not and am not entitled to any land, lease, mortgage, or other interest under the *Transfer of Land Act* 1915, either in my own right or in right of my wife _____ and also that neither of us has any interest in any such property as aforesaid now under or applied to be brought under the *Transfer of Land Act* 1915.
5. That I have kept books of account, that is to say ‡ _____ and no others [or if he has kept none state what documents he has (if any) and of what kind, which will show the state of his affairs].
6. That I am now in fact insolvent, and that the causes of my inability to pay my debts and to meet my engagements arise from—§ _____.
7. That I became unable to pay my debts in due course as they became due, about the _____, and the cause thereof was [*set out cause*].
8. That the several papers hereunto annexed, marked severally with the letters, A. B. C. D. E. F. and G. contain a true and complete statement, to the best of my knowledge and belief, of the whole of my estate whatsoever and wheresoever in possession or contingency, and of all debts due to and by me, and of all securities for the same, and that I have not wilfully omitted or inserted anything contrary to the truth.

Sworn

- * Here state the date of each previous sequestration.
- † Here state the date of each composition or assignment.
- ‡ Here state name and number of books of account, or that none were kept.
- § Here state the losses, misfortune, or other occurrence that occasioned inability to pay, not the reason for presenting petition.

LIST A.
List of Debts Due to Secured Creditors.

Names, Descriptions, and abodes of Creditors.	Amount due.	For what due.	On what Day, Month, and Year contracted.*	Nature of Security given.	Value of Security when given.	Date when given.

* As to transactions more than two months old, day may be omitted.

LIST B.
List of Debts Due to Unsecured Creditors.

Names, Descriptions, and Abodes of Creditors.	Amount Due.	For what due.	On what Day, Month, and Year contracted.*

* As to transactions more than two months old, day may be omitted.

LIST C.
List of Insolvent's Losses and Expenses for Two Years Prior to Date of Petition.

Losses.	Amount.	Date.	Expenses.	Average Amount per Month.
			Trade or professional expenses— House expenses—	

LIST D.
Particulars of the Insolvent's Real Property at, and Two Years prior to, and of Settlements made Five Years prior to Date of Petition.

Situation and Extent of the Property, whether freehold or leasehold, in possession or expectancy.	Value.	Whether Mortgaged. If so, to whom, and when:	For what Amount.	Value of his Interest if now sold.	Particulars of Landed Property sold by Insolvent within two years prior to date of Petition.	Particulars of all Property settled by the Debtor within five years prior to sequestration, with date and name of Settlee.

LIST E.

Particulars of Insolvent's Stock-in-Trade and Other Personal Property.

	Amount.		

LIST F.

Particulars of all Debts Due to Insolvent.

Names, Descriptions, and Abodes of Debtors.	Amount of Debt.	For what due.	What Security (if any).	On what Day, Month, and Year contracted.*	Debts that he believes will be paid on demand when due.	Doubtful Debts.	Bad Debts.

* As to transactions more than two months old, day may be omitted.

LIST G.

Balance-Sheet.

Debts due upon mortgage							
Debts due to unsecured creditors							
Debts due to secured creditors							
Total							
Value at present of real property							
Value at present of personal property held as security							
Value at present of personal property not held as security							
Amount of debts due to insolvent which will be paid on demand, as he believes							
Total							
Debts total							
Assets total							
Deficiency							

No. 5.

ORDER UPON DEBTOR'S PETITION.

(Title.)

The day of A.D. 19
 Upon reading the petition of the above-named A.B., and the affidavits of
 with the schedule annexed thereto, I do order that the estate of the said A.B. be placed under
 sequestration in the hands of , one of the assignees of insolvent estates.
 (Signature)

Judge [or Chief Clerk.]

No. 6.

DEBTOR'S SUMMONS.

The *Insolvency Act 1915*.In the Court of Insolvency,
District.

GEORGE THE FIFTH, by the grace of God of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, and so forth.

To A.B. [or A.B. and C.D.], of

We warn you that, unless within fourteen days after the service of this summons upon you, exclusive of the day of such service, you do pay to E.F., of _____, the sum of _____, [and to G.H., of _____, the sum of _____, and so on of more than two creditors], being the sum of [or sums] claimed of you by him [or them], according to the particulars hereunto annexed, for [state consideration], or shall compound for the same to his [or their] satisfaction, you will have committed an act of insolvency in respect of which a petition may be presented by the said E. F. [and G. H., &c.] against you, praying that your estate may be sequestrated unless you shall have within the time aforesaid applied to the Court to dismiss this summons on the ground that you are not indebted to him [or them] in the sum claimed, or that you are indebted to him [or them] in a sum less than Fifty pounds.

Given under the seal of the Court this _____ day of _____, 19____,
Chief Clerk.

[To be Indorsed on Summons.]

YOU ARE SPECIALLY TO NOTE

That the consequences which will follow any neglect to comply with the requisitions contained in the summons are that your estate may be placed under sequestration on the petition of E.F. [and G.H., &c.] should you not pay to or compound with him [or them] for the sum claimed within fourteen days from the service of this summons on you.

If, however, you are not indebted to the said E.F. [and G.H., &c.] in the sum claimed, or are only indebted to him [or them] in a sum less than Fifty pounds, you must make application to the Court within the like number of days to dismiss this summons, by filing with the Chief Clerk an affidavit stating that you are not so indebted, or only so to a less amount than Fifty pounds, who will thereupon fix a day for the hearing of your application.

L.M., Solicitor suing out this summons, carrying on business at

Or,

This summons is sued out by E.F. [and G.H., &c.] in person.

No. 7.

AFFIDAVIT OF SERVICE OF DEBTOR'S SUMMONS.

The *Insolvency Act 1915*.In the Court of Insolvency,
District.

In the matter of a Debtor's Summons by E.F., of _____ [and G.H., of _____ &c.], against A.B. [or A.B. and C.D.], of _____

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

1. That I did on the _____ day of _____, 19____, serve the above-mentioned A.B. with a copy of the above-mentioned summons, duly sealed with the seal of the Court, by delivering the same personally to the said A.B., at _____

Sworn at, &c.

L.M.

No. 8.

SUBSTITUTED SERVICE OF DEBTOR'S SUMMONS.—NOTICE IN GAZETTE.

The *Insolvency Act 1915*.In the Court of Insolvency,
District.

To A.B. [or A.B. and C.D.], of

In the Matter of a Debtor's Summons issued against you by E.F., of _____ [and G.H., of _____ &c.]

Take notice that a debtor's summons having been granted against you by this Court, the Court has ordered that the publication of this notice in the *Victoria Government Gazette* and in a local newspaper shall be deemed to be service of such summons on you on the seventh day after the last of such publications.

The summons can be inspected by you on application to this Court.

Dated this _____ day of _____, 19____.

Chief Clerk.

No. 9.

SUBSTITUTED SERVICE OF DEBTOR'S SUMMONS.—NOTICE IN LOCAL PRESS.
The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

To A.B. [or A.B. and C.D.], of
In the Matter of a Debtor's Summons issued against you by E.F., of
[and G.H., of &c.]

Take notice that a debtor's summons having been granted against you by this Court, the Court has ordered that the publication of a notice of the granting of the summons in the *Victoria Government Gazette* and in a local newspaper shall be deemed to be service on you of such summons on the seventh day after the last of such publications.

The summons can be inspected by you on application to this Court.
Dated this day of 19 .

Chief Clerk.

No. 10.

AFFIDAVIT ON APPLICATION TO DISMISS DEBTOR'S SUMMONS.
The *Insolvency Act* 1915.

In the matter of a Debtor's Summons by C.D. [E.F., &c.] against A.B.

I, A.B., of , make oath and say:—

That I am not indebted to C.D. [and E.F., &c.] in the [aggregate] amount of the sum claimed in the summons [or that I am only indebted to C.D., or E.F., or G.H.] in the sum of , being part of the sum claimed in the summons, or that I am not indebted to C.D. [and E.F., &c.] in such an [aggregate] amount as will justify him [or them] in presenting an insolvency petition against me.

Sworn, &c.

(Signed) A.B.

No. 11.

BOND ON STAY OF PROCEEDINGS.
The *Insolvency Act* 1915.

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

Sealed with our seals, and dated this day of One thousand eight hundred and .

Whereas the said A.B. having been duly served with a debtor's summons by L.M. of in accordance with provisions of the *Insolvency Act* 1915 applied to the said Court to dismiss such summons on the ground that he was not indebted to the said L.M. [or that he was not indebted to him to such an amount as would support a petition for sequestration].

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

A.B. (L.S.)
C.D. (L.S.)
E.F. (L.S.)

Signed, sealed and delivered by the above-bounden in the presence of

NOTE.—If a deposit of money be made the memorandum should follow the terms of the conditions of the bond.

This form may be adapted to other cases.

No. 12.

NOTICE OF SURETIES.
(Title.)

In the matter of a Debtor's Summons by E.F. against A.B.

Take notice that the sureties whom I propose as my security in the above matter [here state the proceeding which has rendered the sureties necessary] are [here state the full names and descriptions of the sureties and their residences for the last six months, therein mentioning the town, city, places, streets, and numbers, if any].

Dated the day of 19 .

To the Chief Clerk and to L.M. of

A.B.

No. 13.

ORDER ON APPLICATION TO DISMISS DEBTOR'S SUMMONS.
The Insolvency Act 1915.

In the Court of Insolvency,
District.

In the matter of a Debtor's Summons by E.F. against A.B.

Upon the application of A.B. to dismiss this summons, and upon reading the affidavit of A.B. and upon hearing E.F. [if present], it is ordered that this summons be dismissed [and that the said E.F. [or as the case may be] shall pay to the said A.B. the sum of for costs] [or that the said A.B. enter into a bond in the penal sum of [double the alleged debt (b)] with such two sufficient sureties as the Court shall approve of to pay [or deposit with the Chief Clerk the sum of as security for the payment of] such sum or sums as shall be recovered by E.F. [or as the case may be] against the said A.B. in any proceedings taken or continued against him for the recovery of the demand mentioned in such summons, together with such costs as shall be given by the Court in which such proceedings are had.

And it is further ordered that all proceedings on this summons shall be stayed until the court in which the proceedings shall be taken shall have come to a decision thereon.]

Given under the seal of the Court this day of 19

By the Court,
Chief Clerk.

No. 14.

CREDITOR'S PETITION.

The Insolvency Act 1915.

The petition of A.B. [insert name, address, and description of petitioner] of praying that the estate of C.D. [insert name, address, and description of debtor] of may be sequestrated for the benefit of his creditors.

To His Honour Mr. Justice
one of the Judges of the Supreme Court of
the State of Victoria [or Judge of the
Court of Insolvency of the
District]

SH EWETH—

1. That the said C.D. is now justly and truly indebted to your petitioner [or to your petitioners in the aggregate] in the sum of [set out amount of debt or debts and the consideration].

2. That your petitioner's said debt is wholly unsecured.

Or
That your petitioner holds securities for the payment of [or part of] the said sum [but that your petitioner will give up such security for the benefit of the creditors of C.D. in the event of his being adjudged insolvent] [or and your petitioner estimates the value of such security at the sum of £].

Or
That E.F., one of your petitioners, holds security for the payment of, &c.
That G.H., another of your petitioners, holds security for the payment of, &c.

3. That the said C.D. has committed an act [or acts] of insolvency within six months before the presentation of this petition.

4. That the act [or acts] of insolvency committed by him was [or were] that [here set out the nature and date or dates of the act or acts of insolvency relied on].

Dated the day of 19

Your petitioner therefore prays that the estate of the said C.D. may be sequestrated for the benefit of his creditors.

Signed by the petitioner in my presence.

Signature of witness—

Address—

(Signed) A.B.
E.F.

Description—

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

INDORSEMENT.

The above-named respondent resides in the District.

No. 15.

CREDITOR'S PETITION FOR SEQUESTRATION OF ESTATE OF DECEASED DEBTOR UNDER SECTION 42
OF THE PRINCIPAL ACT.
The *Insolvency Act 1915*.

The Petition of, &c.

To His Honour Mr. Justice
one of the Judges of the Supreme Court of
the State of Victoria [or Judge of the
Court of Insolvency of the
District]

SHWETH—

1. That A.B., late of [residence and occupation], departed this life on the day of 19
2. That the said A.B. made his will, bearing date the day of which will was proved in the Supreme Court in its probate jurisdiction, on the day of 19 by G.D. and E.F., of [or as the case may be], the executors therein named [or that the said A.B. died intestate, and letters of administration of his estate and effects were on the day of 19 granted by the Supreme Court in its probate jurisdiction to G.H., of]
3. That the said A.B. at the time of his death was justly and truly indebted to your petitioner [or your petitioners in the aggregate] in the sum of £ [set out amount of debt or debts and the consideration] and his estate is still indebted to the above amount, the said sum of £ being still wholly due and unpaid.
4. That your petitioner's said debt is wholly unsecured [or if secured, as in Form No. 14].
5. That the estate of the said A.B. is according to my information and belief insufficient to pay its debts.

Or

That the creditors of the estate of the said A.B. may be defeated, hindered, or delayed in obtaining payment of the debts due by the said estate unless such estate is sequestrated.

Or

That the said C.D., E.F., or G.H. [as the case may be] in whom the administration of the estate of the said A.B. is legally vested has within six months before the presentation of this petition committed the following act [or acts] of insolvency whereby the creditors of the estate of the said A.B. may be defeated or delayed in obtaining payment of the debts due by the said estate, viz. [here set out the nature and date or dates of the act or acts of insolvency relied on].

Dated the day of 19

Your petitioner therefore prays that the estate of the said A.B. may be sequestrated for the benefit of the creditors of the said estate.
(Signed)

Witness—

INDORSEMENT.

The above-named deceased immediately preceding his decease resided in the district.

No. 16.

AFFIDAVIT OF TRUTH OF STATEMENTS IN PETITION.
The *Insolvency Act 1915*.

In the Matter of the petition, &c., &c.

I, of in the State of Victoria, the above-named petitioner make oath and say as follows:—

1. That I am the above-named petitioner, and the signature set and subscribed at the foot of the petition now produced and shown to me, marked with the letter "A" was written and signed by me, and is in my own handwriting.
2. That the above-named of is now justly and truly indebted to me in the sum of £ [state consideration], which said sum of £ is now due and owing.
3. That the said debt is wholly unsecured [or that I hold security for the payment of [or part of] the said sum, but that I will give up such security for the benefit of the creditors of in the event of his being adjudged insolvent] [or and I estimate the value of such security at the sum of £].
4. That I am advised and verily believe that the said has committed an act [or acts] of insolvency within six months before the presentation of the said petition.
5. That the act [or acts] of insolvency committed by him was [or were] [state act or acts].

Sworn, &c.

This affidavit, &c.

to my satisfaction I do by this Order under my hand place the estate of the said C.D. under sequestration in the hands of _____, Esq., one of the assignees of insolvent estates until this Order shall be made absolute or be discharged as mentioned in and provided by the Insolvency Acts. And I do appoint Thursday the _____ day of _____ 19 _____ at the hour of Eleven o'clock in the forenoon, at the Supreme Court House, situate in William-street in the city of Melbourne, in the State of Victoria, as the time and place when cause may be shown before the said Supreme Court against this order being made absolute. Given under my hand this _____ day of _____ 19 _____ at _____ of the clock in the _____ noon.

Y.Z.,
One of the Judges of the Supreme Court of the State of Victoria
[or Judge of the Court of Insolvency of the _____ District].

No. 19.

ORDER ENLARGING ORDER NISI.

The *Insolvency Act* 1915.

In the Supreme Court of the State of Victoria.

Insolvency Jurisdiction.

In the matter of the petition of, &c., &c.
day, the _____ day of _____ 19 _____

Before His Honour Mr. Justice _____

Upon reading the petition and order nisi in this matter, and upon hearing Mr. G. H., of counsel for the said respondent, and Mr. J. K., of counsel for the above-named petitioner, this Court, on application of the said [petitioner or respondent], doth order that the said order nisi be and the same is hereby enlarged until _____ day, the _____ day of _____ 19 _____

By the Court,

Associate.

No. 20.

AFFIDAVIT OF SERVICE OF ORDER NISI.

The *Insolvency Act* 1915.

In the Supreme Court of the State of Victoria.

Insolvency Jurisdiction.

In the Matter of the petition, &c., &c.

I, L. M., of _____ make oath and say as follows:—

1. That Mr. _____ is the solicitor in this matter for the above-named petitioner.
2. That I did on _____ day, the _____ day of _____ 19 _____ serve the order nisi made in this matter by His Honour Mr. Justice _____ as one of the Judges of the Supreme Court of the State of Victoria [or Judge of the Court of Insolvency of the _____ [District] on the _____ day of _____ 19 _____ personally on the above-named respondent _____ by delivering to him personally at _____ an office copy of the said order nisi signed and certified by _____ Esq., Associate to His Honour Mr. Justice _____ [or _____, Esq., Chief Clerk of the Court of Insolvency of the _____ District].

Sworn, &c.

This affidavit, &c.

No 21.

ORDER FOR SUBSTITUTED SERVICE OF ORDER NISI.

The *Insolvency Act* 1915.

In the Matter of the petition, &c., &c.

Before His Honour Mr. Justice _____

Upon reading the affidavit of _____ sworn and filed in this matter, and it being proved to my satisfaction that the above-named respondent is keeping out of the way to avoid service [or has left Victoria]. I do order that service of office copies of the order nisi made in this matter [or of the order enlarging the same] and of this order at the usual or last-known place of abode or business of the said _____ situate at _____ by delivering the same to some adult resident thereat, or if such person will not receive the same or if there be no such person by affixing such copies upon some conspicuous place upon the premises shall be deemed good service of the said

order nisi [or and order enlarging same] and of this order upon the said
 and I do fix within days after service of the said order nisi as the time within which
 the said may file or post a notice of objections.
 Given under my hand this day of 19

X.Y.,
 One of the Judges of the Supreme Court of the State of Victoria
 [or Judge of the Court of Insolvency of the District].

No. 22.

NOTICE BY DEBTOR OF INTENTION TO OPPOSE ORDER NISI BEING MADE ABSOLUTE.

The *Insolvency Act* 1915. Insolvency Jurisdiction.

In the Matter of the petition of, &c.
 I, the above-named do hereby give you notice that I intend to
 oppose the order nisi made in this matter on the day of 19
 being made absolute, and that I intend to dispute the petitioning creditor's debt [or the act
 of insolvency, or as the case may be], and that I will rely upon all objections appearing on
 the face of the proceedings.
 Dated this day of 19

The above-named Respondent.

To Esq.,
 Associate of His Honour Mr. Justice

No. 23.

ORDER ABSOLUTE.

The *Insolvency Act* 1915.

In the Supreme Court of the State of Victoria. Insolvency Jurisdiction.

In the Matter of the petition of, &c.
 day, the day of 19
 Before His Honour Mr. Justice
 Upon reading the order nisi in this matter dated the day of
 19 under the hand of Esq., one of the Judges of the Supreme Court of
 the State of Victoria [or Judge of the Court of Insolvency of the District] made
 upon the petition of the above-named placing the estate of the above-named
 under sequestration in the hands of Esq., one of the assignees
 of insolvent estates until the said order should be made absolute or be discharged as
 mentioned in and provided by the *Insolvency Acts*. And the notice dated the day
 of 19 of intention to oppose the said order nisi being made absolute
 given and filed by the said respondent in this matter [or the affidavit sworn
 and filed herein of the service of the said order nisi on the respondent] and upon hearing
 the *vidæ voce* evidence of [names of witnesses examined] and the exhibits put in in such
 evidence read and what was alleged by Mr. of counsel for the said petitioners
 and by Mr. of counsel for the said respondent [or upon hearing Mr.
 of counsel for the said petitioner and the respondent not appearing and no notice of
 opposition having been given] this Court doth order that the said order nisi dated the
 day of 19 be and the same is hereby made absolute, and
 the estate of the said is hereby adjudged to be sequestrated.

By the Court,

No. 24.

ORDER DISCHARGING ORDER NISI.

The *Insolvency Act* 1915.

In the Supreme Court of the State of Victoria.
 In the Matter of the petition of, &c.

day, the day of 19
 Before His Honour Mr. Justice
 Upon reading the order nisi in this matter dated the day of
 19 under the hand of His Honour Mr. Justice one of the Judges of the

Supreme Court of the State of Victoria, [or Judge of the Court of Insolvency of the District] made upon the petitioner of the above-named placing the estate of the above-named under sequestration in the hands of Esq., one of the assignees of insolvent estates, until the said order should be made absolute or be discharged as mentioned in and provided by the Insolvency Acts. The notice of objections, dated the day of 19 given and filed by the respondent in this matter.

And upon hearing the *vidé voce* evidence of the said and the exhibits put in in such evidence read and what was alleged by Mr. of counsel for the said respondent and by Mr. of counsel for the said petitioner.

This Court doth order that the said order nisi, dated the day of 19 be, and the same is hereby discharged with costs. And this Court doth further order that it be referred to the proper taxing officer of this Court to tax the costs of the said respondent of and occasioned by the said order nisi and of this order, and that such costs when so taxed be forthwith paid by the said to the said or to Mr. his solicitor.

By the Court,

No. 25.

APPLICATION TO BE REGISTERED UNDER SECTION 74 OF THE INSOLVENCY ACT 1915.

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the Matter of the application of to be registered under section 74 of the *Insolvency Act* 1915 as qualified to be appointed to the office of Trustee under the Insolvency Acts.

I, the undersigned hereby make application to this honorable Court to be registered as qualified to be appointed to the office of trustee under the Insolvency Acts.

Dated the day of 19

(Signed) of

No. 26.

ADVERTISEMENT FOR "GAZETTE" AND LOCAL NEWSPAPER BY PERSON APPLYING TO BE REGISTERED UNDER SECTION 74 OF THE INSOLVENCY ACT 1915.

The *Insolvency Act* 1915.

Take notice that I of intend to apply to the Court of Insolvency at on the day of 19 at of the clock in the noon, to be registered as qualified to be appointed to the office of trustee under the *Insolvency Act* 1915, pursuant to section 74 of the *Insolvency Act* 1915.

Dated the day of 19

Signature—

NOTE.—Any person may without notice oppose the application.

N.B.—The notice to the Official Accountant will be in the same form, addressed as follows:—"To Esq., the Official Accountant."

No. 27.

ORDER FOR REGISTRATION OF A PERSON UNDER SECTION 74 OF THE INSOLVENCY ACT 1915.

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the matter of the application of A.B., of to be registered under section 74 of the *Insolvency Act* 1915 as qualified to be appointed to the office of trustee under the Insolvency Act.

Upon the application of the above-named and upon reading the advertisements by the said A.B. in the *Gazette* and newspapers, and the affidavit of of due notice of the said application having been given to the Official Accountant, and no one appearing to oppose the said application [or, upon hearing of counsel for the applicant, and Mr. of counsel for] it is ordered that the said be registered as qualified to be appointed to the office of trustee under the *Insolvency Act* 1915.

Given under the seal of the Court this day of 19

By the Court,

Chief Clerk.

No. 28.

FORM OF REGISTER BOOK OF REGISTRATION OF TRUSTEES UNDER SECTION 74 OF THE
INSOLVENCY ACT 1915.

Court.	Trustee's Name.	Address.	Date of Application.	Date of Order for Registration.	Date of Registration.	Date of Order for Cancellation.	Date of Cancellation.

No. 29.

NOTICE OF APPOINTMENT BY CREDITORS OF A PERSON IN RESPECT OF A PARTICULAR ESTATE.

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the Matter of A.B., of an insolvent.

To the Court of Insolvency
of the District.

C.D., of by this writing under his hand hereby informs this honorable
Court that he was on the day of 19 duly appointed
by the creditors to fill the office of trustee of the property of the above-named insolvent.

Dated the day of 19

(Signed)

No. 30.

ORDER FOR REGISTRATION OF A PERSON UNDER SECTION 75 OF THE INSOLVENCY ACT 1915.

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the Matter of A.B., of an insolvent.

Upon the application of C.D., and upon reading the information in writing to the
Court by the said C.D. of his appointment by the creditors of the above-named insolvent to
be the trustee of the property and estate of the said insolvent, and the said insolvent's
schedule: It is ordered that the said C.D., upon giving security by bond to the Official
Accountant in the sum of with two sufficient sureties to be approved of by
the Chief Clerk conditioned for the faithful and sufficient performance and execution from
time to time of all and singular the duties required of him as trustee by the *Insolvency Act*
1915 or any Rule of Court made or hereafter to be made under such Act be registered as
qualified to be appointed to the office of trustee under the *Insolvency Act* 1915 in respect of
the estate and property of the said insolvent.

Given under the seal of the Court this

day of 19

By the Court,

Chief Clerk.

No. 31.
FORM OF REGISTER BOOK OF REGISTRATION OF TRUSTEES UNDER SECTION 75 OF THE
INSOLVENCY ACT 1915.

Insolvent's Name.	Court.	Trustee's Name.	Address.	Date of Appointment.	Date of Order for Registration.	Date of Registration.	Date of Order for Cancellation.	Date of Cancellation.

No. 32.

BOND OF TRUSTEE.

Know all men by these presents that we, A.B., of &c., and C.D., of &c., and E.F., of &c., are held and firmly bound to the Official Accountant of the Court of Insolvency, his successors and assigns, in the sum of £ [if general £2,000] to be paid to the said Official Accountant, his successors and assigns. For which payment we bind ourselves and each of us and any two of us and the heirs executors and administrators of us and of each of us and of any two of us jointly and severally by these presents.

Sealed with our seals.

Dated this day of 19

[If special security: Whereas on the day of 19 the estate of G.H., of &c., was placed under sequestration [or, as the case may be] under the *Insolvency Act 1915*: And whereas the said A.B. was appointed and has been duly registered Trustee of the property of the [Insolvent] [or, as the case may be] or whereas the said A.B. has been appointed Trustee of a Deed of Arrangement dated the day of 19 made and entered into by G.H., of &c.]

[If general security: Whereas the said A.B. is registered under the *Insolvency Act 1915* as qualified to be appointed to the office of Trustee under the *Insolvency Act*: And whereas the said A.B. is desirous of giving security to be available for any matter under the said Act in which the said A.B. may be appointed or elected as Trustee.]

Now therefore the condition of this Bond or Obligation is such that if the said A.B. shall and do from time to time well and sufficiently perform and execute all and singular the duties required of him as Trustee by the said Act or any Rule of Court made or hereafter to be made this obligation shall be void or otherwise shall remain in full force and virtue.

Signed, sealed, and delivered by the above-bounden in the presence of—

A.B., (L.S.)

C.D., (L.S.)

E.F., (L.S.)

NOTE.—If a deposit of money be made the memorandum thereof should follow the terms of the condition of the Bond.

No. 33.

AFFIDAVIT OF JUSTIFICATION BY SURETY.

The Insolvency Act 1915.

In the Court of Insolvency,
District.

In the matter of A.B. [or in the matter of the *Insolvency Act 1915* and the *Insolvency (Trustee's Security) Rules 1916*.]

I, C.D., of
one of the sureties for
make oath and say—

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

2. That I am worth property to the amount of £ [the amount required] over and above what will pay my just debts [if security for any other purpose or in any action add—“and every other sum for which I am now security”].

3. That I am not bail or security in any other matter, action, or proceeding, or for any other person [or if security in any other matter or action add—“except for in the matter of E.F. or for G.H. at the suit of J.K. in the Court of _____ in the sum of £ _____” (specifying the several matters and actions with the Courts in which they are brought and the sums in which he has become bound)].

4. That my property to the amount of the said sum of £ _____ [and if security in any other matter, action, &c.—“over and above all other sums for which I am security as aforesaid”] consists of [here specify the nature and value of the property in respect of which the deponent purposes to become bondsman as follows:—“Stock in trade in my business of _____ carried on by me at _____ of the value of £ _____ of good book debts owing to me to the amount of £ _____ of furniture in my house at _____ of the value of £ _____ of a freehold [or leasehold] farm of the value of £ _____ situate at _____ occupied by _____ or of a dwelling house of the value of £ _____ situate at _____ occupied by _____” or of other property (particularizing each description of property with the value thereof)].

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

Sworn, &c.

This affidavit, &c.,

No. 34.

ACCEPTANCE OF OFFICE OF TRUSTEE.

(Title.)

I hereby accept the office of trustee of the estate of the above-named
Dated the _____ day of _____ 19____
Witness—

No. 35.

FORM OF ORDER CONFIRMING TRUSTEE.

(Title.)

Upon reading the acceptance in writing of C.D. of _____, of the office of trustee of the estate of the above-named A.B., and it appearing that the said C.D. has been duly registered, and has given the requisite security: It is ordered that the [election or appointment, as the case may be] of the said C.D. in the place of E.F., the assignee named in the order of sequestration [or of _____, the former trustee], be confirmed.

Given under the seal of the Court this _____ day of _____ 19____

By the Court,

Chief Clerk.

No. 36.

NOTICE OF GAZETTE OF THE APPOINTMENT OF TRUSTEE.

Notice is hereby given that I _____ of _____, in the State of Victoria, have been duly appointed to fill the office of trustee of the property of the above-named insolvent, and that such appointment was duly confirmed by order of the Court of Insolvency, at Melbourne, made on the _____ day of _____ instant. All persons having in their possession any of the effects of the insolvent must deliver them to me as such trustee, and all debts due to the insolvent must be paid to me as such trustee. Creditors who have not yet proved their debts must forward their proofs of debts to me as such trustee.

Dated this _____ day of _____ 19____

No. 36A.

NOTICE OF GAZETTE OF THE REMOVAL OF TRUSTEE.

In the Court of Insolvency,
District.

G.H., of _____ has by order of this Court dated the _____ day of _____
19 _____ been removed from his office of Trustee of the property of A.B., C.D., or &c.
Dated this _____ day of _____ 19 _____

Chief Clerk.

No. 37.

In the Court of Insolvency,
District.

In the Estate of _____, of _____, in the State of Victoria,

* STATEMENT OF THE APPLICATION AND DISPOSAL OF ESTATE FROM THE
DAY OF _____ 19 _____, TO THE DAY OF _____ 19 _____

Costs, Charges, Allowances, and Expenses.				Dividends to General Creditors.			
Date.	Name.	Item.	Amount.	Date.	Item.	Rate in the £.	Amount.

Preferential Payments.				Remuneration or Commission.				Statement of Estate remaining unrealized and undistributed.	
Date.	Name.	Item.	Amount.	Date.	Item.	Rate.	Amount.	Particulars of Estate.	Value.

* Here state whether "Final" or "Interim" Statement.

In the Court of Insolvency,
District

In the Estate of _____, of _____ in the State of Victoria,

IN THE COURT OF INSOLVENCY,
DISTRICT.

_____ of _____ in the State of Victoria, assignee (or trustee) of the estate of the above-named insolvent, make oath and say that the within statement contains a full and true account of my application and disposal of the above estate between the dates as set forth in the heading thereof and of the portion of the estate now remaining in my hands unrealized or undistributed, and showing the true position of the said estate; and that I have not omitted anything therefrom or inserted anything therein contrary to the truth.

In the Estate of _____
of _____
in the State of Victoria,

STATEMENT OF DISBURSEMENTS AND UNREALIZED ESTATE.

Sworn at _____ in the State of _____ }
Victoria, this _____ day
of _____ A.D. 19 _____ }
before me—

A Commissioner of the Supreme Court of the State of Victoria for taking Affidavits.

No. 38.

In the Court of Insolvency,
District.

In the Estate of _____, of _____ in the State of Victoria,

* STATEMENT OF ASSETS AND RECEIPTS FROM THE _____ DAY OF _____ 19
TO THE _____ DAY OF _____

Assets.			Receipts.			
Assets shown in Schedule or Statement of Affairs or which have come to the knowledge or possession of Trustee.	If realized or still outstanding.	Gross Amount for which realized.	Date.	Item.	For what.	Amount.
					Deduct disbursements for above period	
					Balance in hand £	

* Here state whether a "Final" or "Interim" Statement.

In the Court of Insolvency,
District.

In the Estate of _____, of _____ in the _____

IN THE COURT OF INSOLVENCY,
DISTRICT.

I (We), _____ of _____ in the State of Victoria, assignee (or trustee or trustees) of the estate of the above-named insolvent, make oath and say that the within statement contains a true and correct account of all assets which may have come to my [or our] possession or knowledge or to the possession of any one on my [or our] behalf in the said estate and of all receipts in the said estate between the dates as set forth in the heading thereof; and that I [or we] have not omitted anything therefrom or inserted anything therein contrary to the truth.

In the Estate of _____
of _____
in the State of Victoria,

Sworn at _____ in the State of _____
Victoria, this _____ day }
of _____ A.D. 19 _____ }
before me—

STATEMENT OF ASSETS AND RECEIPTS.

A Commissioner of the Supreme Court of the State of Victoria for taking Affidavits.

No. 39.

NOTICE OF MEETING UNDER SECTION 72 OF THE ACT FOR GOVERNMENT GAZETTE.

In the Court of Insolvency,
District.

Notice is hereby given that the estates of _____ have been sequestrated, and that general meetings of creditors in the said estates will be holden at the Insolvency Court Offices situate at _____ on _____ the _____ day of _____ A.D. 19 _____, at the hour of _____ o'clock in the _____, for the election of trustees and for the other purposes mentioned in the 72nd section of the *Insolvency Act 1915*.
Dated at _____ this _____ day of _____ A.D. 19 _____

Chief Clerk.

No. 40.

NOTICE TO CREDITORS OF MEETING UNDER SECTION 72 OF THE ACT.

(Title.)

Under Order of Sequestration dated the _____ day of _____ 19
 Notice is hereby given that a general meeting of creditors in the above matter will be held at the Insolvency Court Offices situate 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 twenty-four hours before the time fixed as aforesaid for holding the said meeting. Proxies to be used at the meeting must be lodged with me not later than Four o'clock on the day before the said meeting.

Assignee.

NOTE.

At the above general meeting the creditors may amongst other things—

1. By resolution appoint some fit person [or persons] not exceeding two, whether creditors or not, to fill the office of trustee of the property of the insolvent at such remuneration (if any) as the creditors may determine or resolve to leave his appointment to the committee of inspection.
2. By resolution appoint a committee of inspection.
3. By resolution give directions as to the manner in which the property is to be administered by the trustee.

No. 41.

ORDER OF TRANSFER OF PROCEEDINGS.

(Title.)

The _____ day of _____ 19 :
 Whereas the estate of the above-named _____ was by order dated the _____ day of _____ 19 sequestrated [or by orders nisi and absolute dated respectively the _____ day of _____ 19 and the _____ day of _____ 19 adjudged to be sequestrated, as the case may be] and a request in writing of the majority in number of creditors who have proved debts [or of the assignee or trustee] has been presented to me under section 18 of the *Insolvency Act* 1915. I do order that all proceedings [or such part of the proceedings naming them] in the above-named matter be transferred from the district of [Ballarat, or as the case may be] to the district of [Melbourne, or as the case may be].

(Signed by)

Judge of the Court of Insolvency.

No. 42.

ORDER TO INSOLVENT TO ATTEND AND BE EXAMINED, OR TO ATTEND A MEETING OF CREDITORS UNDER SECTION 215 OF THE ACT.

The *Insolvency Act* 1915.

In the Court of Insolvency.
 District.

In the Matter of A.B., of _____, an insolvent.

Upon reading [insert materials if any] this Court doth order that the said A.B. do attend and be examined [or as the case may be] at _____ on _____ the _____ day of _____ at _____ o'clock.

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

By the Court,

Chief Clerk.

No. 43.

APPLICATION BY ASSIGNEE OR TRUSTEE FOR AN EXAMINATION SITTING UNDER SECTION 221 OF THE ACT.

(Title.)

The *Insolvency Act* 1915.

In the Court of Insolvency.
District.

In the matter of, &c.

An order of sequestration [or adjudication of sequestration] having been made in the above matter application is hereby made to the Court by the assignee [or trustee] for an order appointing the day of 19 at or such other time and place as the Court shall direct for holding an Examination Sitting of the Court, and that the debtor do attend such sitting. The grounds on which this application is made are as follows:—

Dated this day of 19

No. 44.

ORDER UNDER SECTION 221 OF THE ACT.

The *Insolvency Act* 1915.

In the Court of Insolvency.
District.

In the Matter of A.B., of , an insolvent.

Whereas on the application in writing of the [assignee or trustee] of the estate of the above-named A.B., an Examination Sitting of the Court has been appointed in the estate of the said A.B., this Court doth order that the said A.B. do attend at at o'clock in the noon on the day of 19, the time and place appointed for such sitting, and if the said A.B. does not attend the said sitting or any adjournment thereof, having no lawful impediment made known to and allowed by the Court, he will be deemed guilty of contempt of this Court and will be punished accordingly.

Given under the seal of the Court this day of 19

By the Court,
Chief Clerk.

[N.B.—If he is required to produce any documents in his custody or power, the order should specify them with reasonable certainty.]

No. 45.

NOTICE OF DAY OF EXAMINATION SITTING UNDER SECTION 221 OF THE ACT (FOR GAZETTE AND NEWSPAPER).

(Title.)

Notice is hereby given that the above-named Court has appointed day the day of 19, at o'clock in the noon for holding an Examination Sitting of the said Court in the estate of the above-named, and the said Court has ordered the debtor to attend such sitting for the purpose of being examined on oath by the trustee or any creditor as to his trade, dealings, and estate.

Dated the day of 19

(Signed)
[Trustee or Assignee.]

No. 46.

REQUEST IN WRITING UNDER SECTION 222 OF THE PRINCIPAL ACT.

The *Insolvency Act* 1915.

In the Court of Insolvency.
District.

In the Matter of A.B., of

I hereby request that a summons under section 222 of the *Insolvency Act* 1915 may issue for the examination of [same persons], on the grounds following:—

Dated the day of 19

K.I.,
[Assignee or Trustee.]

No. 47.

SUMMONS UNDER SECTION 222 OF THE ACT.
The Insolvency Act 1915.In the Court of Insolvency.
District.In the Matter of A.B., of _____, an insolvent.
To X.Y., of _____

Whereas the [trustee or assignee as the case may be] has applied to this Court for a summons under section 222 of the Insolvency Act 1915.

You are hereby required to attend at the Court House at _____ on the day of _____ 19, at _____ o'clock in the _____ noon, to be examined in the above matter, under the provisions of the said section of the said Act, and then and there to have and produce* hereof if you fail, having no lawful impediment to be then made known to the Court and allowed by it, the Court may by warrant cause you to be apprehended and brought up for examination.

Given under the seal of the Court the _____ day of _____ 19

By the Court,

Chief Clerk.

* State any particular documents required, e.g., all ledgers and books of accounts, invoices, statements of account, letters, books, papers, and documents of every kind in any matter relating to your dealings and transactions, or any of them with _____, an insolvent.

No. 48.

APPOINTMENT OF SHORTHAND WRITER TO TAKE EXAMINATION OF DEBTOR
OR WITNESS.

(Title.)

Upon the application of the trustee [or assignee] the Court hereby appoints _____ of _____ in the State of Victoria _____ to take the examination of the said _____ at his examination this day pursuant to Rule 79 of the General Rules under the above Act.

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

By the Court,

Chief Clerk.

No. 49.

DECLARATION OF SHORTHAND WRITER.

(Title.)

I, _____ of _____, in the State of Victoria, the Shorthand Writer appointed by this Court to take down the examination of the said _____ [or of C.D., as the case may be], do solemnly and sincerely declare that I will truly and faithfully take down the questions and answers put and given by the said _____ in this matter, and will deliver true and faithful transcripts thereof as the Court may direct.

Dated this _____ day of _____, 19

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

Chief Clerk.

No. 50.

NOTES OF EXAMINATION OF DEBTOR OR WITNESS WHERE A SHORTHAND WRITER IS
APPOINTED.

(Title.)

Examination of the Debtor [or C.D., as the case may be].

Before His Honour Judge _____, at the Court of Insolvency of the _____ District,
this _____ day of _____ 19

The above-named debtor [or C.D., as the case may be] 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:—

These are the notes of the examination of _____, taken before me this _____ day of _____, 19

Judge of the Court of Insolvency of the _____ District.

No. 51.

NOTES OF EXAMINATION OF DEBTOR OR WITNESS WHERE SHORTHAND WRITER IS NOT APPOINTED.

(Title.)
 Examination of the Debtor [or C.D., as the case may be].
 Before His Honour Judge , at the Court of Insolvency, of the
 District, this day of , 19 .
 The above-named debtor [or C.D., as the case may be] being sworn and examined
 at the time and place above mentioned, upon his oath saith as follows:—
 These are the notes of the examination of , taken before me this day
 of , 19
 Judge of the Court of Insolvency of the District.

No. 52.

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

(Title.)
 Upon the application of the trustee [or assignee] [or of* , of]
 in the above matter, and upon reading , and upon hearing
 and it appearing to the Court that the debtor is suffering from physical disability which
 makes him unfit to attend an examination in Court [or as the case may be] it is ordered
 that instead of a public examination of the debtor† the debtor be examined on oath‡
 before the Chief Clerk on the day of 19 , at
 o'clock, or such other time as having regard to the condition of the debtor may be convenient,
 and that the trustee [or assignee] and § be at liberty to attend such examination
 and take part therein.
 Given under the seal of the Court this day of 19
 By the Court, Chief Clerk.

* Insert name and address of applicant, and the capacity in which he makes the application.
 † This part of the order to be adapted to the circumstances of the case.
 ‡ Insert place of examination.
 § Insert name of any other person authorized by the Court to attend.

No. 53.

The Insolvency Act 1915.

NOTICE OF APPEAL.

In the Court of Insolvency,
 District,
 at
 In the matter of and in the matter of
 Take notice that the above-named, A.B., intends to appeal to the Supreme Court sitting
 as the Full Court against the order of this Court of Insolvency dated the day
 of . Whereby it was ordered [set out the terms of the order]. And that
 the said appeal will be made on the day of , next, or so soon thereafter
 as counsel can be heard herein. And further take notice that the following are the grounds
 on which it is intended to support the said appeal.

No. 54.

APPLICATION TO COURT TO FIX A DAY FOR HEARING AN APPLICATION FOR THE RELEASE OF AN ESTATE FROM SEQUESTRATION.

(Title.)
 Please appoint a day for the hearing of and set down for hearing an application to be
 made by the above-named insolvent to the Court for an order releasing
 estate from sequestration.
 Dated this day of 19
 Yours, &c.,
 of
 To , Esq., Solicitor for the said
 Chief Clerk.

No. 55.

FORM OF NOTICE UNDER SECTION 219 OR 220 OF THE ACT.
The *Insolvency Act* 1915.In the Court of Insolvency,
District,

In the matter of _____ of _____

Take notice that it is my intention on the _____ day of _____ 19____, at _____ to apply to the Court for a release of my estate from sequestration.

(Signed)

[If under section 218 *add*—If you have not already proved your debt you should do so at once. The composition offered is (*state composition*). And take notice that if three-fourths in number and value of creditors who have proved debts before the date of such application consent in writing to accept the said offer and the Court holds the offer of composition [or security for composition] to be reasonable or calculated to benefit the general body of creditors the Court may release my estate from sequestration.]

No. 56.

ORDER TO RELEASE ESTATE FROM SEQUESTRATION ON A COMPOSITION.
(Title.)

Whereas the estate of the said A.B. was, by order under the hand of Y.Z., Esq., Chief Clerk of the Court of Insolvency at _____, dated the _____ day of _____, 19____, placed under sequestration [or was by orders *nisi* and *absolute*, dated respectively the _____ day of _____, 19____, and the _____ day of _____, 19____, adjudged to be sequestrated] under and in accordance with the provisions of the *Insolvency Act* 1915. And whereas pursuant to the 218th section of the *Insolvency Act* 1915 three-fourths in number and value of the creditors of the said A.B., who have proved their debts by writing under their hands, have agreed to accept an offer of composition [or security for composition] by the said A.B. [or by C.D. on his behalf]. And whereas the said A.B. has applied to the said Court for an order releasing his estate from sequestration. Upon reading, &c. [*as the case may be*]. And upon hearing Mr. G.H. of counsel for the said A.B. in support of the said application, and no one appearing to oppose the said application [or and Mr. _____ of counsel for [the trustee or A.B., a creditor who has proved his claim] [or the Official Accountant], and the Court being satisfied that such offer has been actually accepted in manner aforesaid, and that the terms of such offer have been complied with by the said A.B., and that acceptance of the same has not been procured by him or by any one on his behalf to his knowledge or belief by any fraudulent or undue means or influence, or to the advantage of one creditor over another, and it appearing to the Court that the said offer of composition [or security for composition] is reasonable [or calculated to benefit the general body of creditors] and that provision has been made for payment of all proper costs, charges, and expenses of and incidental to the insolvency. This Court doth order that the estate of the said A.B. be and the same is hereby released from sequestration.

Given under the seal of the Court this _____ day of _____ 19____

By the Court,

Chief Clerk.

No 57.

ORDER RELEASING ESTATE FROM SEQUESTRATION ON RELEASE OR PAYMENT IN FULL.
(Title.)

Whereas the estate of the said A.B. was, by order under the hand of C.D., Esq., Chief Clerk of the Court of Insolvency at _____, dated the _____ day of _____, 19____, placed under sequestration [or was by orders *nisi* and *absolute* dated respectively the _____ day of _____, 19____, and the _____ day of _____, 19____, adjudged to be sequestrated] under and in accordance with the provisions of the *Insolvency Act*. And whereas pursuant to the 219th section of the *Insolvency Act* 1915 the said A.B. [or _____ on his behalf] has paid in full all his creditors [or has obtained a legal release of the debts due by him to all his creditors]. And whereas the said A.B. has applied to the said Court for an order releasing his estate from sequestration. Upon reading, &c. [*as the case may be*]. And upon hearing, &c. [*as the case may be*]. And this Court being satisfied that all the creditors of the said insolvent have been paid in full [or have by legal release released the debts due to them by the said insolvent], and that provision has been made by payment of all proper costs, charges, and expenses of and incidental to the insolvency. This Court doth order that the estate of the said A.B. be and the same is hereby released from sequestration.

Given under the seal of the Court this _____ day of _____ 19____

By the Court,

Chief Clerk.

No. 59.

APPLICATION TO COURT TO FIX A DAY FOR HEARING AN APPLICATION FOR A CERTIFICATE OF DISCHARGE.

(Title.)

I, the above-named A.B., of _____, whose estate was sequestrated on the _____ day of _____ 19 _____ [or adjudged to be sequestrated by orders nisi and absolute, dated respectively the _____ day of _____ 19 _____ and the _____ day of _____ 19 _____] being desirous of obtaining my certificate of discharge, hereby apply to the Court to fix a day for hearing my application [with such variations as the circumstances may require].

Dated this _____ day of _____ 19 _____

(Signed) A.B.

To the Chief Clerk of the Court of Insolvency.

No. 59.

"GAZETTE" NOTICE OF APPLICATION FOR CERTIFICATE OF DISCHARGE UNDER SECTION 223.

(Title.)

The above-named _____ intends to apply to the Court of Insolvency at _____ on the _____ day of _____ 19 _____, at _____ o'clock in the forenoon, for a certificate of discharge pursuant to the provisions of the Insolvency Act, and to dispense with the condition mentioned in section 233 of the Act.

Dated the _____ day of _____ 19 _____

(Signed)

No. 60.

NOTICE TO TRUSTEE AND OFFICIAL ACCOUNTANT OF APPLICATION FOR A CERTIFICATE OF DISCHARGE AND FOR DISPENSATION.

(Title.)

Take notice that I, the above-named A.B., whose estate was sequestrated on the _____ day of _____ 19 _____, intend to apply to this honorable Court on the _____ day of _____ 19 _____, at the hour of half-past Ten o'clock in the forenoon, for a certificate of discharge under the Insolvency Act [and to dispense with the condition mentioned in section 233 of the *Insolvency Act 1915*].

Dated this _____ day of _____ 19 _____

Signature of insolvent—

Address—

Description—

The above-named insolvent.

No. 61.

NOTICE TO CREDITORS OF APPLICATION FOR A CERTIFICATE OF DISCHARGE AND DISPENSATION.

(Title.)

Take notice that I, the above-named A.B., intend to apply to this honorable Court on the _____ day of _____ 19 _____, at the hour of half-past Ten o'clock in the forenoon, for a certificate of discharge under the Insolvency Act [and to dispense with the condition mentioned in section 233 of the *Insolvency Act 1915*].

Dated this _____ day of _____ 19 _____

of

The above-named insolvent.

To—

NOTE.—On the hearing of the application the Court may hear any creditor, and may put such questions to the insolvent and receive such evidence as the Court thinks fit, and on being satisfied that the notices required by the above-mentioned Act have been duly sent and published, may either grant or refuse the certificate of discharge or suspend the operation of the certificate for a specified time, or grant the certificate of discharge subject to any conditions with respect to payment of dividend or to any earnings or income which may afterwards become due to the insolvent, or with respect to his after-acquired property. Provided that the Court shall refuse the certificate of discharge in all cases where the Court is satisfied by evidence that the insolvent has been guilty of an offence under the Insolvency Act, unless for special reasons the Court otherwise determines.

No. 62.

AFFIDAVIT OF POSTING NOTICES TO CREDITORS OF INSOLVENT'S APPLICATION FOR A CERTIFICATE OF DISCHARGE.

(Title.)

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

1. That I did on the _____ day of _____ 19____, send to each creditor who has proved in this matter, and also to each of the creditors mentioned in the insolvent's schedule or who are known to the insolvent, and also to the trustee herein and the Official Accountant a notice of the time and the place appointed by the Court for hearing the insolvent's application for a certificate of discharge in the form hereunto annexed, marked "A" and "B" respectively.

2. That such notices were addressed to such of the said creditors who have proved their debts, according to the addresses in their respective proofs, and to such as have not proved according to their respective names and addresses appearing in the insolvent's schedule (a) and to the trustee at _____, and being his last-known address, and to the Official Accountant.

3. That I sent the said notices by putting the same into the post-office situate _____, before the hour of _____ o'clock in the _____ noon of the said day. Sworn at _____ this _____ day of _____ 19____, before me—

(a) In the event of the notices being sent to any other address than the one given in the creditors' proof or in the insolvent's schedule, and "except in the case of A.B. _____" addressed to _____ C.D., _____ addressed to _____, &c., those being the several addresses given to me by the insolvent in lieu of the addresses given in their proofs or appearing in the insolvent's schedule. If the insolvent himself posts the notices the words "known to me" will be sufficient instead of "given to me by the insolvent." The insolvent will be required to make an affidavit that he was not aware at the time that the affidavit was sworn of any change of address of any of his creditors other than those referred to in the affidavit.

No. 63.

NOTICE OF OPPOSITION BY CREDITOR WHERE REQUIRED BY COURT TO BE FURNISHED.

The Insolvency Act 1915.

In the Court of Insolvency,
District.To _____ the above-named insolvent.
In the matter of _____ of _____ an insolvent.

I [or, as the case may be, we] intend to oppose the grant of a certificate of discharge to you on the grounds following:—

1. _____ [as the case may be].

Dated the _____ day of _____ 19____
(Signed)

No 64.

ORDER UNDER SECTION 230.

(Title.)

Upon the application of [as the case may be], it appearing that the above-named _____ has not applied for his certificate within six months from the date of the order of sequestration of his estate, I do hereby order the said _____ to attend before the Court on the _____ day of _____ 19____, at _____ o'clock, at _____, to have the question of a grant or refusal of his certificate dealt with, as by the said Act provided.

Dated the _____ day of _____ 19____
Judge of the Court of Insolvency.

No. 65.

ORDER GIVING LEAVE TO INSOLVENT TO APPLY FOR CERTIFICATE OF DISCHARGE.

(Title.)

Upon reading the affidavit of the above-named insolvent, A.B., and upon hearing the solicitor for the said A.B., this Court doth order that the above-named A.B. have leave to apply to this Court for his certificate of discharge.

Given under the seal of the Court this _____ day of _____ 19____
By the Court, _____
Chief Clerk.

No. 66.

ORDER GRANTING A CERTIFICATE OF DISCHARGE UNCONDITIONALLY.

(Title.)
 On the application of, &c. whose estate was placed under sequestration on the day of 19 [or adjudged to be sequestrated by orders *nisi* and *absolute*, dated respectively the day of 19 and the day of 19. And upon taking into consideration the report of the trustee [or assignee] [or and the report of the Official Accountant] as to the insolvent's conduct and affairs, including the insolvent's conduct during the proceedings under his insolvency, and upon hearing C.D., E.F., &c., creditors, and G.H., the trustee [as the case may be] [and whereas it has been proved to the satisfaction of this Court that the failure of the insolvent's estate to pay 7s. in the £1 has arisen from circumstances for which the insolvent cannot in the opinion of the Judge justly be held responsible]: And whereas it has not been proved that the insolvent has been guilty of any offence under the *Insolvency Act* 1915, or that the insolvent has been guilty of any misconduct in relation to his property and affairs, this Court doth order [that the condition mentioned in section 233 of the *Insolvency Act* 1915 be and the same is hereby dispensed with]: And this Court doth further order that a certificate of discharge do issue to the said
 Given under the seal of the Court this day of 19
 By the Court, Chief Clerk.

No. 67.

ORDER REFUSING TO DISPENSE WITH THE CONDITION AS TO PAYMENT OF 7s. IN £1.

(Title.)
 On the application of [commencement as in Form 66]. And whereas it has not been proved to the satisfaction of this Court that the failure of the insolvent's estate to pay 7s. in the £1 has arisen from circumstances for which the insolvent cannot in the opinion of the Judge justly be held responsible: And whereas it has not been proved that the insolvent has been guilty of any offence under the *Insolvency Act* or that the insolvent has been guilty of any misconduct in relation to his property and affairs, this Court doth refuse to dispense with the condition mentioned in section 233 of the *Insolvency Act* 1915, and this Court doth order that a certificate of discharge do issue to the said
 on payment of 7s. in the £1.
 Given under the seal of the Court this day of 19
 By the Court, Chief Clerk.

No. 68.

ORDER SUSPENDING CERTIFICATE OF DISCHARGE.

(Title.)
 On the application of [commencement as in Form 66]. And whereas it has not been proved that the insolvent has been guilty of any offence under the *Insolvency Act* [or it having been proved that the insolvent has committed the following offences, viz.: [set them out], but the Court has for following special reasons [state them] determined that his certificate of discharge shall not on that ground be absolutely refused] this Court doth order that the insolvent's discharge be suspended until a dividend of not less than shillings in the £1 has been paid to the creditors, with liberty to the insolvent at any time after the expiration of two years from the date of this Order to apply for a modification thereof pursuant to section 239 of the *Insolvency Act* 1915 [or this Court doth order that the insolvent's certificate of discharge be suspended for years].
 Given under the seal of the Court this day of 19
 By the Court, Chief Clerk.

No. 69.

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

(Title.)
 On the application of A.B., of , &c., whose estate was placed under sequestration on the day of 19 [or adjudged to be sequestrated by orders *nisi* and *absolute* dated respectively the day of 19, and the day

of _____, 19], and upon taking into consideration the report of the [trustee or assignee] [or and of the Official Accountant] as to the insolvent's conduct and affairs, and* And whereas it has not been proved† It is ordered that a certificate of discharge be granted to the insolvent subject to the following conditions as to his future earnings, after-acquired property, and income:—

After setting aside out of the insolvent's earnings, after-acquired property, and income the yearly sum of £ _____ for the support of himself and his family the insolvent shall pay the surplus, if any [or such portion of such surplus as the Court may determine], of such earnings, after-acquired property, and income to the trustee [or assignee] for distribution among the creditors in the insolvency. An account shall on the 1st day of January, in every year, or within fourteen days thereafter, be filed in these proceedings by the insolvent, setting forth a statement of his receipts from earnings, after-acquired property, and income during the year immediately preceding the said date, and the surplus payable under this order shall be paid by insolvent to the trustee [or assignee] within fourteen days of the filing of the said account.

Given under the seal of the Court this _____ day of _____ 19 _____
By the Court, _____
Chief Clerk.

* Further recitals to be inserted as in Form 66.
† The recitals to follow the other forms with necessary variations.

ORDER REFUSING CERTIFICATE OF DISCHARGE.

No. 70.

(Title.)

On the application of A.B., of _____, &c., whose estate was placed under sequestration on the _____ day of _____, 19 [or adjudged to be sequestrated by orders nisi and absolute, dated respectively the _____ day of _____, 19, and the _____ day of _____, 19, and upon taking into consideration the report of the trustee [or assignee] [or and the report of the Official Accountant] as to the insolvent's conduct and affairs, including the insolvent's conduct during the proceedings under his insolvency, and upon hearing C.D., E.F., &c., creditors, and G.H., the trustee [as the case may be]. And whereas it has been proved that the insolvent has committed the following offences, e.g., [here state particulars], or and that he has been guilty of misconduct in relation to his property and affairs [here state particulars] this Court doth order that the certificate of the said insolvent _____ be, and the same is hereby refused. [And this Court doth further order that the said insolvent _____ do pay to the said _____ or to Mr. _____ his solicitor his taxed costs of the said applications forthwith after the taxation thereof.]

Given under the seal of the Court, this _____ day of _____ 19 _____
By the Court, _____
Chief Clerk.

No. 71.

FORM OF UNCONDITIONAL CERTIFICATE OF DISCHARGE.

(Title.)

Be it known to all men by these presents, that whereas the estate of the said _____ was, by order dated _____, sequestrated for the benefit of his creditors, this certificate of discharge from all debts provable under his insolvency has been granted to him, and he is hereby discharged from all such debts from the day of the date hereof.

Given under the seal of the Court of Insolvency this _____ day of _____ 19 _____
(L.S.) _____ Judge.

No. 72.

AFFIDAVIT BY INSOLVENT WHOSE DISCHARGE HAS BEEN GRANTED CONDITIONALLY AS TO AFTER-ACQUIRED PROPERTY OR INCOME.

(Title.)

I, _____ the above-named debtor make oath and say as follows:—

1. I have since the date of my discharge resided and carried on business at _____ and I now reside and carry on business at _____

2. The statement hereunto annexed is a full, true, and complete account of all moneys earned by me and of all property and income acquired as received by me since the date of my discharge [or since the date when last I filed a statement of after-acquired property and income in Court, namely, the _____ day of _____ 19 _____].

Sworn, &c.

Signature of Debtor.

No. 73.

WARRANT UNDER SECTION 230.

(Title.)

To _____ and _____ the governor or keeper of His Majesty's gaol at _____
 on the _____ day of _____ 19____

Whereas the above-named _____, whose estate was sequestrated on the _____ day of _____ 19____ [or adjudged to be sequestrated] by orders *nisi* and *absolute*, dated respectively the _____ day of _____ 19____, and the _____ day of _____ 19____, has not within six months after sequestration applied for his certificate: And whereas the said _____ was by order dated _____ made by _____ Esquire, one of the Judges, on the application of [trustee or as the case may be] required to appear before the Court on the _____ day of _____ 19____: And whereas the said _____ neglected to do so, these are therefore to require you the said _____ to arrest and deliver the said _____ to the said _____: And these are to require you the said _____ to receive and safely keep in your custody at _____ the said person until the _____ day of _____ 19____, at _____ o'clock, and then to have the said _____ before this Court at _____ day of _____ 19____

By the Court,
Chief Clerk.

No. 74.

WARRANT UPON ORDER REFUSING CERTIFICATE, AND SENTENCING TO IMPRISONMENT.

(Title.)

To _____ and _____

Whereas by order dated _____ the certificate of discharge of the above-named _____ was suspended [or refused], and the said _____ was adjudged guilty of the offences following, that is to say [set out offences] and was ordered to be imprisoned for _____ months [with hard labour]: these are therefore to require you the said _____ to arrest and deliver the said _____ to the said _____ the governor or keeper of His Majesty's gaol at _____ and these are to require you the said _____ to receive and keep in custody [and keep to hard labour] the said _____ for the space of _____ and for so doing this shall be your sufficient authority.

By the Court,
Chief Clerk.

No. 75.

PROOF OF DEBT—GENERAL FORM.

(Title.)

I,* _____ of _____ in the State of _____, make oath and say—
 † That I am in the employ of the under-mentioned creditor, and that I am duly authorized by _____ to make this affidavit, and that it is within my own knowledge that the debt hereinafter deponed to was incurred and for the consideration stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.
 ‡ 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 said _____ w _____ at the date of the order of sequestration, viz., the _____ day of _____ 19____, and still _____ justly and truly indebted to \$ _____ in the sum of _____ pounds _____ shillings and _____ pence for || _____ 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 I _____ or any person by ** _____ order to my knowledge or belief for ** _____ use had or received any manner or satisfaction or security whatsoever save and except the following:—††

Date.	Drawn.	Acceptor.	Amount.	Due Date.

Sworn at _____ in the State of _____ this _____ day of _____ 19____
 Before me I _____ (Deponent's Signature)

The proof cannot be admitted for voting at the meeting for the appointment of a trustee and a committee of inspection unless it is properly completed and lodged with the assignee not later than 24 hours before the time fixed for holding such meeting.

You should attend carefully to these directions—
 * Fill in full name, address, and occupation of deponent. If proof made by creditor strike out clauses † and ‡. If made by clerk strike out †. If by agent or company strike out †.
 ‡ Insert *me*, and to C.D. and E.F., my co-partners in trade (if any), or if by the clerk insert name, address, and description of principal.
 § *State consideration* [as goods sold and delivered by me] [and my said partner] to him [or them] at his [or their] request of [or moneys advanced by me in respect of the undermentioned bill of exchange] [or as the case may be].
 ¶ My said partners or any of them or of the above-named creditor [as the case may be].
 ** My or our or their or his [as the case may be].
 †† (Here state the particulars of all securities held, and where the securities are on the property of the debtor assess the value of the same, and if any bills or other negotiable securities be held specify them in the schedule.)

Particulars of Account referred to on other side.
 (Credit should be given for Contra Accounts.)

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

Date.	Consideration.	Amount.			Remarks.

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

No. 76.

PROOF OF DEBT OF WORKMEN.

(Title.)

I, * of † make oath and say:—

I, That ‡ 19 w at the date of the order of sequestration, viz., the day of 19 , and still 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 respect of services rendered by them respectively to ¶ during such periods before the date of the order of sequestration 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 in the State of Victoria this }
 hundred and day of one thousand nine } Deponent's signature
 Before me—

* Fill in full name, address, and occupation of deponent.
 † The above named debtor or the foreman of the above-named debtor, or on behalf of the workmen and others employed by the above-named debtor.
 ‡ "I" or "the said."
 § "My employ" or "the employ of the above-named debtor."
 ¶ "Me" or "the above-named debtor."

Schedule referred to on the other side.

1. No.	2. Full name of workman.	3. Address.	4. Description.	5. Period over which wages due.	6. Amount due.		
					£	s.	d.

Signature of deponent
 Signature of commissioner or }
 officer administering oath }

No. 77.

NOTICE OF REJECTION OF PROOF OF DEBT.

(Title.)

Take notice that as assignee or trustee [as the case may be] of the above estate, I have this day rejected your claim against such estate * [to the extent of £] on the following grounds:—[state these] And further take notice that if you do not apply to the Court to reverse or vary my decision in rejecting your proof before the expiration of fourteen days from this date you will be excluded from dividend.

Dated this day of 19

Signature—
Assignee or Trustee
Address—

To

* If proof wholly rejected strike out words in italics.

No. 78.

GENERAL PROXY.

(Title.)

I, * of a creditor hereby appoint †
to be † general proxy in the above matter [excepting as to the receipt of
dividend].

Dated this day of 19

(Signed) §

Signature of witness—
Address—

* If a firm, write "We" instead of "I," and set out the full name of the firm.
† Here insert either "Mr. of , a clerk, manager, &c., in my regular employ or as the case may be. The standing of the person appointed must be clearly set out.
‡ "My" or "our."
§ If a firm, sign the firm's trading title, and add by "A.B.," a partner in the said firm. As to signature by agents see footnotes 2 and 3.

NOTES.

1. When the creditor desires that his general proxy should receive dividends he should strike out the words "excepting as to the receipt of dividend," putting his initials thereto.
2. The authorized agent of a corporation may fill up blanks, and sign for the corporation thus—

For the company,
S.S. (duly authorized under the seal of the company).

3. A proxy given by a creditor may be filled up and signed by any person having a general authority in writing to sign for such creditor. Such person shall sign—
J.S. (duly authorized by a general authority in writing to sign on behalf of [name of creditor]).

CERTIFICATE TO BE SIGNED BY PERSON OTHER THAN CREDITOR FILLING UP THE ABOVE PROXY.

I, of being a [here state whether barrister and solicitor, clerk, or manager in the regular employment of the creditor or a commissioner of the Supreme Court for taking affidavits, or a commissioner for taking declarations and affidavits] 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 assignee or trustee not later than four o'clock on the day before the meeting at which it is to be used.

* The assignee or trustee may require the authority to sign to be produced for his inspection.

No. 79.

SPECIAL PROXY.

(Title.)

I, * of a creditor, hereby appoint † as †
proxy at the meeting of creditors to be held on the day of 19
, or at any adjournment thereof, to vote §

Dated this day of 19

(Signed) ||

Signature of witness—
Address—

* If a firm, write "We" instead of "I," and set out the full name of the firm.
† Here insert either "Mr. of ,
‡ "My" or "our."
§ Here insert the word "for" or the word "against," as the case may require, and specify the particular resolution or name of proposed trustee, remuneration, or other matter.
|| If a firm, sign the firm's trading title, and add—"by A.B., partner in the said firm." As to signature by agent, see footnotes 1 and 2.

NOTES.

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

(a) For or against the appointment of any specified person as trustee at a specified rate of remuneration or as member of the committee of inspection, or for or against the continuance in office of any specified person as trustee or member of a committee of inspection.

(b) On all questions relating to any matter other than those above referred to arising at any 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).”

3. A proxy given by a creditor may be filled up and signed by any person having a general authority in writing to sign for such creditor. Such person shall sign—

J.S. (duly authorized by a general authority in writing to sign on behalf of [name of creditor]). †

CERTIFICATE TO BE SIGNED BY PERSON OTHER THAN CREDITOR FILLING UP THE ABOVE PROXY.

I, **, of being [here state whether barrister and solicitor, or manager or clerk in the regular employment of the creditor, or a commissioner of the Supreme Court for taking affidavits, or a commissioner for taking declarations and affidavits] 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 assignee or trustee not later than four o'clock on the day before the meeting at which it is to be used.

† The assignee or trustee may require the authority to sign to be produced for inspection.
 ** Name, address, and description.

No. 80.

LIST OF CREDITORS ASSEMBLED TO BE USED AT EVERY MEETING.

(Title.)

Meeting held at this day of 19

Number.	Names of Creditors Present or Represented.	Amount of Proof.
1		
2		
3		
4		
5		
5	Total number of creditors present or represented	

No. 81.

ORDER OF COURT FOR GENERAL MEETING OF CREDITORS.

(Title.)

Upon the application of C.D. of it is ordered that the trustee of the property of the insolvent do summon a meeting of the creditors of the insolvent to be held at on the day of 19 at o'clock in the noon [here state the purpose for which meeting called].

Dated this day of 19

By the Court,

Chief Clerk.

No. 82.

NOTICE OF MEETING (GENERAL FORM).

(Title.)

Take notice that a meeting of creditors in the above matter will be held at
 on the day of 19 at o'clock in the noon
 [here state the purpose for which meeting called].
 Dated the day of 19

(Signed)*
 Address

* "Trustee" or "Assignee."

No. 83.

AFFIDAVIT OF POSTAGE OF NOTICES (GENERAL).

(Title.)

I, the assignee [or trustee] or clerk to the assignee [or trustee] [as the case may be] in the above matter make oath and say as follows:—

1. That I did on the day of 19 send to each creditor who has proved in this matter, and also to all creditors mentioned in the insolvent's schedule, a notice of * in the form hereunto annexed marked A.

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

3. That I sent the said notices by putting the same into the post-office at before the hour of o'clock in the noon on the same day.
 Sworn at in the State of Victoria }
 this day of 19 } (Signature)

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

No. 84.

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

(Title.)

At the request of one-sixth of the creditors of the insolvent in number and value who have proved, a general meeting of the creditors is hereby summoned, to be held at on the day of 19, at o'clock in the noon, for the purpose of considering the propriety of removing G.H., the trustee of the property of the insolvent, from his office as such trustee, and in the event of his removal to appoint a person to fill the vacancy.
 Dated the day of 19

L.M.,
 A member of the Committee of Inspection
 [or Chief Clerk].

No. 85.

NOTICE OF MEETING TO BE HELD TO APPOINT NEW TRUSTEE.

(Title.)

Notice is hereby given that a meeting of creditors will be held at the Insolvency Court Offices, situate at on the day of 19, at o'clock in the noon, for the purpose of appointing a trustee in the place of the late trustee, who has resigned the office [or who has died or has become insolvent].
 Dated this day of 19

To K.Z. Chief Clerk.

No. 86.

APPLICATION FOR DIRECTIONS BY TRUSTEE.

(Title.)

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

Let this application be heard on the day of at Trustee.
 o'clock in the noon, and let the trustee give notice to [here insert the persons to whom it is to be given].
 Dated this day of 19

Judge of the Court of Insolvency.
 District.

No. 87.

ORDER ON APPLICATION OF TRUSTEE FOR DIRECTIONS.

(Title.)

Whereas at a Court held this day the trustee of the property of the insolvent applied to this Court for its direction [*here state the particular matter in relation to which they are sought*]. Now upon hearing of C.D., of _____ on the matter it is ordered [*here set out the order*], and that the trustee do pay out of his own moneys [*or out of the property of the insolvent*] the sum of _____ the costs of this order, and the sum of _____ to C.D. for his costs [*or that C.D. do pay the sum of _____ the costs of this order, and also the sum of _____ to _____ for his costs*].

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

By the Court,

Chief Clerk.

No. 88.

DISCLAIMER BY TRUSTEE.

(Title.)

I, _____ assignee [*or the trustee*] of the property of the above-named insolvent hereby disclaim the * _____ of the premises † _____ which were let to the above-named insolvent ‡ at a rent of £ _____ per _____ Notice of this disclaimer has been given to § _____

Dated this _____ day of _____ 19

Assignee [*or Trustee*].

Address—

* Lease dated the _____ or as the case may be.
 † Insert description of the property.
 ‡ On a tenancy or for a term of _____ years, as the case may be.
 § Insert names and addresses of persons to whom notice given.

No. 89.

NOTICE OF DISCLAIMER.

(Title.)

Take notice that by writing under my hand bearing date the _____ day of _____ 19 _____ I the assignee [*or trustee*] of the property of the above-named insolvent disclaimed * of the premises known as † _____ which were let to ‡ _____ at a rent of £ _____ per _____

The above-mentioned disclaimer has been filed in Court with the proceedings in the insolvency.

Your attention is directed to the provisions of the *Insolvency Act 1915* written on the back hereof.

Dated this _____ day of _____ 19

Assignee [*or Trustee*].

Address—

NOTE.—On the back of this notice the provisions of section 155 of the *Insolvency Act 1915* should be written:

* The lease dated the _____ day of _____ 19 or as the case may be.
 † Insert description of property disclaimed.
 ‡ On a tenancy or for the term of _____ years, or as the case may be.

No. 90.

NOTICE OF TRANSFER OF SEPARATE ESTATE TO JOINT ESTATE FOR "VICTORIA GOVERNMENT GAZETTE."

In Insolvency.

(Title.)

Notice is hereby given that there being in the hands of the trustee in the above insolvency a surplus estimated at £ _____ arising from the separate estate of [*name of separate partner*] one of the insolvents, and there being no separate creditors of such insolvent, it is the intention of such trustee at the expiration of _____ days from the appearance of this notice in the *Victoria Government Gazette* to transfer such surplus to the credit of the joint estate in the said insolvency.

Dated this _____ day of _____ 19

(Signed)

Trustee.

No. 91.

NOTICE IN "GAZETTE" OR NEWSPAPER OF INTENDED DIVIDEND.

The Insolvency Acts.

In the Court of Insolvency,
District.

A * dividend is intended to be declared in the matter of A.B., of
whose estate was sequestrated on the day of 19 [or was
adjudged to be sequestrated by orders nisi and absolute, dated respectively the day of
19 and day of 19].
Creditors who have not proved their debts by the day of 19
will be excluded.
Dated this day of 19

Trustee.

* Here insert first, second, or final, as case may be.

No. 92.

NOTICE TO CREDITORS OF INTENTION TO DECLARE DIVIDEND.

(Title.)

A * dividend is intended to be declared in the above matter. You are
mentioned in the insolvent's schedule but you have not yet proved your debt. If you do not
prove your debt by the day of 19 you will be excluded from this
dividend.

Dated this day of 19

G.H., Trustee.

To X.Y.

Address—

* Insert here "first," or "second," or "final," as the case may be.

No. 93.

CERTIFIED LIST OF PROOFS FILED AND APPLICATION FOR ISSUE OF CHEQUE FOR DIVIDEND ON
INSOLVENCY ESTATES ACCOUNT.

(Title.)

I hereby certify that the following list has been compared with the proofs filed, and
that the names of the creditors and the amounts for which the proofs are admitted are
correctly stated and that by my books the sum of £ stands to the credit of the
above estate with the insolvency estates account, and that the sum of £ is required
to meet the undermentioned dividends on proofs which have been duly made and admitted to
rank for dividend upon the estate, and I have to request that cheques for payment may be
issued to me.

The dividend is payable on the day of 19 and notice of
declaration thereof was inserted in the Victoria Government Gazette on the day
of 19 and in the on the day of
19 and (&c.) (as the case may be).

(Trustee's signature)

To the Chief Clerk.

No.	Surname.	Christian Name.	Amount of Proof.	Amount of Dividend.	
				Sums under £2.	Sums of £2 and above.

No. 94.

CERTIFIED LIST OF PROOFS FILED, LOCAL BANK CASE.

(Title.)

I hereby certify that the following list has been compared with the proofs filed, and that the names of the creditors and the amounts for which the proofs are admitted are correctly stated, and that a dividend of _____ in the £ has been declared, and that the creditors whose names are set forth below are entitled to the amounts set opposite their respective names. The dividend is payable on the _____ day of _____ 19_____

Dated the _____ day of _____ 19_____

Trustee.

To the Chief Clerk.

Surname.	Christian Name.	Amount of Proof.	Amount of Dividend.

No. 95.

NOTICE OF DIVIDEND.

(Title.)

[Please bring this Dividend Notice with you.]
Dividend of _____ in the £.

[Address.]

Date, 19_____

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

Upon applying for payment this notice must be produced entire, together with any bills of exchange or other securities held by you; and if you do not attend personally you must fill up and sign the subjoined forms of receipt and authority, when a cheque payable to your order will be delivered to the bearer.

(Signed) G.H., Trustee.

To

NOTE.—On application for the dividend this notice must be produced entire, and the bills or other securities held by you must be produced. If the dividend be not claimed within six months from the date hereof it will be paid into the Treasury.

RECEIPT.

Received of _____ the sum of _____ pounds _____ shillings _____ pence, being the amount payable to _____ in respect of the dividend of _____ in the £ on _____ claim against this estate. £ _____ (Creditor's signature.)

AUTHORITY.

Sir, Please deliver to [insert the name of the person who is to receive the cheque, or the words "me by post" if you wish the cheque sent to you in that way] the cheque for the dividend payable to _____ in this matter.

(Creditor's signature.)

To

No. 96.

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

(Title.)

Take notice that a final dividend is intended to be declared in the above matter, and that if you do not establish your claim to the satisfaction of the Court on or before the day of _____ 19_____ or such later day as the Court may fix, your claim will be expunged, and I shall proceed to make a final dividend without regard to such claim.

Dated this _____ day of _____ 19_____

G.H., Trustee.

[Address.]

To X.Y.

No. 97.

APPLICATION BY CREDITOR FOR ORDER FOR TRUSTEE TO PAY DIVIDEND WITHHELD, AND ORDER THEREON.

(Title.)

I, F.K., of _____ make application to this Court for an order to be made upon the trustee to pay the dividend in this insolvency due to me, with interest thereon for the time it has been withheld from me, that is to say, from the _____ day of _____ 19 _____, on which day I applied to the trustee for its payment to me, and also to pay to me the costs of this application.

Dated this _____ day of _____ 19 _____

F.K.

ORDER.

Upon the reading of this application, and upon hearing _____ it is ordered that the trustee do forthwith pay to the said F.K. the sum of £ _____ the amount of such dividend. And it is further ordered that the trustee do pay to the said creditor at the same time the sum of _____ for interest on such dividend, being at the rate of £5 per cent. per annum for the time that its payment has been withheld, together with a further sum of _____ for the costs of this application.

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

By the Court,

Chief Clerk.

[If the Court does not order payment, then after the words "it is ordered" insert the order made.]

No. 98.

AFFIDAVIT VERIFYING TRUSTEE'S ACCOUNT.

(Title.)

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

That* *the account hereunto annexed marked B is a true copy of the Estate Cash Book, and contains a full and true account of my receipts and payments on account of the insolvent's estate from the _____ day of _____ to the _____ day of _____ 19 _____ inclusive, *and that I have not nor has any other person by my order, or for my use, during any such period received or paid any moneys on account of the said estate *other than and except the items mentioned and specified in the said account.*

Sworn at, &c.

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

No. 99.

CERTIFICATE BY COMMITTEE OF INSPECTION AS TO AUDIT OF TRUSTEE'S ACCOUNTS.

We, the undersigned members of the Committee of Inspection in the matter of _____ an insolvent, hereby certify that we have examined the foregoing account with the vouchers, and that to the best of our knowledge and belief the said account contains a full, true, and complete account of the trustee's receipts and payments on account of the estate.

Dated this _____ day of _____ 19 _____

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

No. 100.

TRUSTEE'S TRADING ACCOUNT.

(Title.)

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

Dr.				Or.			
Receipts.				Payments.			
Date.				Date.			

G.H., Trustee.

(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.]

No. 101.

PROFIT AND LOSS ACCOUNT (TRADING ACCOUNT).

(Title.)

Dr.				Or.			
PROFIT AND LOSS ACCOUNT.				PROFIT AND LOSS ACCOUNT.			
	£	s.	d.		£	s.	d.
Stock on hand on day of 19				Sales			
Purchases				Other receipts (if any)			
Trade expenses, viz. :-				Stock on hand on day of 19			
Rent and Taxes							
Wages							
Miscellaneous							
Balance, being Profit							

G.H., Trustee.

(Date)

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

No. 102.

AFFIDAVIT VERIFYING TRUSTEE'S TRADING ACCOUNT.

(Title.)

I, G.H., of the trustee of the property of the above-named insolvent, make oath and say that the account hereunto 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 insolvent, and that the sums paid by me as set out in such account have, as I believe, been necessarily expended in carrying on such trade or business.

Sworn, &c.

G.H., Trustee.

No. 103.
STATEMENT OF ACCOUNTS UNDER SECTION 99 OF THE "INSOLVENCY ACT 1915."
(Title.)

Receipts.				Payments.			
Date.	Of whom Received.	Nature of Receipt.	Amount.	Date.	To whom Paid.	Nature of Payment.	Amount.

Dated the _____ day of _____ 19 (Signature)

No. 104.
NOTICE TO INSOLVENT UNDER SECTION 161 OF THE INSOLVENCY ACT.

To A.B.
Take notice that I intend to apply to this Court on the _____ day of _____ 19 at _____ o'clock in the _____ noon, for an order under section 161 of the *Insolvency Act 1915*, for the payment of a part of your pay [half-pay, salary, emolument, or pension] to me as trustee for the benefit of the creditors under your insolvency.
Dated this _____ day of _____ 19
G.H., Trustee.

No. 105.
ORDER SETTING ASIDE PAY, ETC., UNDER SECTION 246 OF THE INSOLVENCY ACT.
(Title.)

Whereas it having been made to appear to this Court that the insolvent is in receipt of [or entitled to] a salary, pay, half-pay, emolument, or pension, granted by the Treasury [as the case may be] of about _____ pounds, as [here set forth the circumstances under which the salary or income is received]: And whereas upon the application of the trustee of the property of the insolvent, and upon hearing the insolvent it appears to the Court just and reasonable that the annual sum of _____ pounds, portion of the said salary [or pay, &c.], ought to be paid by the insolvent by monthly [or quarterly] payment [according as the insolvent receives his salary or pay, &c.], to the trustee during the insolvency in order that the same may be applied in payment of the debts of the said insolvent, and that the first of such payments ought to be made on the _____ day of _____ 19 and be continued monthly [or quarterly] until this Court shall make order to the contrary: It is ordered that the said sum shall be paid by _____ in manner aforesaid, out of the insolvent's said salary and applied in payment of all costs, charges, allowances, expenses and remuneration of the trustee and of the debts of the insolvent.

Given under the seal of the Court this _____ day of _____ 19
By the Court,
Chief Clerk.

No. 106.
REQUEST TO DELIVER BILL FOR TAXATION.
(Title.)

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

Dated this _____ day of _____ 19
G.H., Trustee.

* Here state capacity in which person employed or engaged.

No. 107.

ALLOCATUR FOR COSTS OF DEBTOR'S PETITION.

(Title.)

I hereby certify—

1. That I have taxed the bill of costs of Mr. _____ the debtor's solicitor, for filing the petition and schedule herein and have allowed the same at the sum of _____ pounds _____ shillings and _____ pence.

2. That credit has been given in the said bill for the sum of _____ received on account of such costs. Conditional upon the actual realization of the assets a further amount may be paid.

Dated this _____ day of _____ 19 _____

Chief Clerk.

No. 108.

ALLOCATUR.

(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 _____

Chief Clerk.

No. 109.

REGISTER TO BE KEPT BY TAXING OFFICER.

The Insolvency Act 1915.

Name of Debtor.	Solicitor's Bills.			Auctioneer's Bills.			Trustee's Bills.			Accountant's Bills.			Other Bills.		
	Gross Amount of Bill.	Amount Taxed off.	Net Amount Allowed.	Gross Amount of Bill.	Amount Taxed off.	Net Amount Allowed.	Gross Amount of Bill.	Amount Taxed off.	Net Amount Allowed.	Gross Amount of Bill.	Amount Taxed off.	Net Amount Allowed.	Gross Amount of Bill.	Amount Taxed off.	Net Amount Allowed.

No. 110.

ADMISSION OF DEBT BY DEBTOR OF INSOLVENT.

(Title.)

In the matter of A.B., of _____ an insolvent.
 I the undersigned J.K., of _____ do hereby admit that I am indebted to the said insolvent in the sum of £ _____ upon the balance of accounts between myself and the said insolvent.

Dated this _____ day of _____ 19 _____

Witness—
 C.D.,

Chief Clerk.

J.K.

No. 111.

ORDER TO PAY ADMITTED DEBT.

(Title.)

Whereas J.K., of _____ in his examination taken this day and signed and subscribed by him has admitted that he is indebted to the said debtor in the sum of £ _____ on the balance of accounts between him and the debtor, it is ordered that the said J.K. do pay to the trustee of the property of the debtor in full discharge of the sum so admitted the sum of £ _____ forthwith [or if otherwise state the time and manner of payment], and do further pay to the said trustee the sum of £ _____ for costs.

Given under the seal of the Court this _____ day of _____ 19____

By the Court,

Chief Clerk.

No. 112.

SUMMONS UNDER SECTION 159 OF THE INSOLVENCY ACT 1915.

The *Insolvency Act* 1915.In the Court of Insolvency,
District.

In the Matter of A.B., of _____ an insolvent.

To [insert defendant's name, address, and occupation].

You are hereby summoned to appear before the Court of Insolvency at _____ on the _____ day of _____ 19____ at _____ o'clock to show cause why you should not pay to me the undersigned as assignee [or trustee] of the property and estate of the above-named A.B. the sum of £ _____ alleged by me to be due from you to the insolvent estate of the said A.B.; the particulars of such debt are hereto annexed [annex particulars].

(Signed) X.Y.

of _____
Assignee or Trustee of the estate of the said A.B.or C.D.,
Solicitor of the said X.Y.
[Address.]

NOTE.—If you admit the whole or any part of this debt you may pay into Court such sum of money as you may think a full satisfaction of the debt, payment whereof is claimed by this summons, together with £ _____ costs within _____ days before the said _____ day of _____ [the day appointed for the hearing] and by so doing you will avoid any further expense, unless I succeed in proving a demand against you exceeding the sum paid into Court by you.

If you have any defence to this summons you must give notice thereof, in writing, stating the grounds, legal and equitable, to me at [insert an address] _____ days at least before the said _____ day of _____ [the day appointed for the hearing].

You may have subpoenas for the attendance of witnesses by applying to the Chief Clerk of the Court at the Court House at _____

No. 113.

FORM OF NOTICE OF MOTION.

The *Insolvency Act* 1915.In the Court of Insolvency,
District.

In the Matter of A.B., of _____ an insolvent.

Take notice that it is the intention of C.D., of [state address fully] to apply to the Court of Insolvency at _____ [set out particulars of what desired] on the grounds following, that is to say [here set out grounds legal or equitable].

(Signed)

NOTE.—If you desire to oppose this application you must deliver a notice, in writing, at the address following [set out address] on or before _____

You may pay into Court [here follow as nearly as may be as in a summons under section 159 of the Act].

You may have subpoenas for the attendance of witnesses by applying to the Chief Clerk of the Court at the Court House at _____

No. 114.

FORM OF NOTICE OF DEFENCE.

The *Insolvency Act* 1915.

In the Court of Insolvency.

District.
 In the Matter of A.B., of an insolvent.
 Take notice that I intend to oppose the [motion or summons as the case may be]
 dated the day of 19 [or such portion as relates to]
 on the grounds following [here state all legal or equitable grounds relied on].
 [If the case add I have paid £ into Court in full satisfaction, or as the
 case may be.]

(Signed) J.G., or
 Attorney for the said J.G.
 [Address.]

No. 115.

SUBPENA.

(Title.)

GEORGE THE FIFTH by the grace of God of the United Kingdom of Great
 Britain and Ireland and of the British Dominions beyond the Seas, King
 Defender of the Faith, Emperor of India to [the names of three witnesses
 may be inserted] greeting:

We command you to attend before the Court of Insolvency at on
 the day of 19 at the hour of
 of the clock in the noon of the and so from day to day until the above
 matter is heard to give evidence on behalf of [insert name] [add where production of
 documents required, and also that you bring with you and produce at the time and place
 aforesaid, here describe shortly the deeds, papers, letters, &c., you require to be produced.]
 Given under the seal of our Court of Insolvency the day of 19

Chief Clerk.

No. 116.

ORDER TO POSTMASTER-GENERAL TO DELIVER LETTERS UNDER SECTION 214 OF THE
 INSOLVENCY ACT 1915.

(Title.)

Whereas upon the application of C.D., the trustee [or assignee] of the estate and
 property of the above-named A.B., it has been proved to my satisfaction that there is reason
 to believe that the above-named A.B. has been guilty of fraud or concealment of property
 [or has absconded]. I do order that, for the period of three months from the [here insert
 date of order or order nisi for sequestration], all post letters directed or addressed to the said
 A.B. be re-directed, re-addressed, sent, or delivered by the Postmaster-General, or officers
 acting under him, to me [fill in address of Judge], and that an office copy of this order be
 forthwith transmitted by the assignee [or trustee] to the Postmaster-General or officers acting
 under him.

Dated the day of 19
 Judge of the Court of Insolvency
 of the District.

No. 117.

ISSUES OF FACT FOR TRIAL BY JURY.

(Title.)

On the application of and on hearing it is ordered that the
 following issues of fact be tried before and a special jury of men
 [or and jurors if trial to take place in a County Court] [add any other necessary
 directions].

ISSUES.

1.
 2.
 Given under the seal of the Court this day of 19
 By the Court,
 Chief Clerk.

No. 118.

MEMORANDUM BY CHIEF CLERK OF ADVERTISEMENT OR GAZETTING.
(Title.)

Name of Paper.	Date of Issue.	Date of Filing.	Nature of Advertisement, &c.

(Signed), A.B., Chief Clerk.

No. 119.

ORDER UNDER SECTION 243 OF THE INSOLVENCY ACT.
The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the Matter of A.B., of an insolvent, the day of 19
Upon reading the information of C.D., dated the day of 19
10, whereby it was alleged that of had [as in information] upon
hearing the evidence of the witnesses on behalf of the said C.D., and in support of the said
information and upon hearing the said [or his counsel or attorney as the case may be] and
the said [or his counsel or attorney as the case may be], this Court doth order that the said
do forfeit and pay to the said the sum of £ , being treble the value
or amount of the said mentioned in the said information, and that such
sum be paid to the said on or before the day of 19
Given under the seal of the Court this day of 19
By the Court,

Chief Clerk.

No. 120.

PRÆCIPUE ON ISSUING EXECUTION.
(Title.)

Seal a writ of *feri facias, elegit* or *venditioni exponas* [as the case may be] directed
to the Sheriff against C.D. for payment of, £ and £ costs [as the case may
be] to A.B., trustee of [omit this if not applicable] on order of the Court of Insolvency of
the District.

Dated the day of 19

E.F. (solicitor issuing the writ).
Address—
Solicitor for the

No. 121.

WRIT OF FERI FACIAS ON AN ORDER FOR PAYMENT OF DEBT.
The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

GEORGE THE FIFTH, by the grace of God of the United Kingdom of Great
Britain and Ireland and of the British Dominions beyond the Seas,
King, Defender of the Faith, Emperor of India, to the sheriff, greeting:
Whereas by an order of the Court of Insolvency, dated the day of
19 and made in the matter of [insert the title of the order], reciting [as the case may
be] it was ordered that the said C.D. should pay to A.B., the trustee of the property and
estate of the said insolvent, the sum of £ forthwith [make this conformable to the
order]: And whereas we are given to understand that the said sum of [or that
the sum of £ part of the said sum of £] is still unpaid: Now we
command you that of the real and personal estate of the said C.D. you cause to be made the
said sum of £ [insert the sum to be levied], and that of the real and personal
estate of the said C.D. in your bailiwick you further cause to be made interest upon the
sum of £ [if any]: And that you have that money and interest before the Court

immediately after the execution hereof, to be paid to the said A.B., trustee as aforesaid, in pursuance of the said order: And that you do all such things as by the Act you are authorized and required to do in this behalf: And in what manner you shall have executed this our writ make appear to our said Court immediately after the execution thereof, and have there then this writ.

Witness—
 the _____ day of _____, 19____, at _____, Esquire, one of the Judges of the Court of Insolvency,
 Given under the seal of the Court this _____ day of _____, 19____, Chief Clerk.

No. 122.

WRIT OF HABEAS FACIAS ON AN ORDER FOR PAYMENT BY INSTALMENTS OF DEBT DUE TO THE ESTATE OF THE INSOLVENT.

The Insolvency Act 1915.

In the Court of Insolvency,
District.

GEORGE THE FIFTH, by the grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to the sheriff, greeting:

Whereas by an order of the Court of Insolvency, dated the _____ day of _____, 19____, and made in the matter of [insert the title of the order], reciting [as the case may be], it was ordered that the said C.D. should pay to A.B., the trustee of the estate and effects of the said insolvent, the sum of £ _____ in manner following, that is to say, by instalments of £ _____ each, the first whereof was to be made on the _____ day of _____, and it was ordered that in default of payment of any of the said instalments, the whole sum then remaining unpaid should be immediately become payable and be paid: And whereas we are given to understand that default was made in payment of one of the said instalments, and thereupon the said sum of £ _____ which then remained unpaid [or the sum of £ _____, being the portion of the sum so ordered to be paid which then remained unpaid, according to the facts] immediately became payable, but the same has not been paid: Therefore we command you that of the real and personal estate of the said C.D. you cause to be made the said sum of £ _____ [insert here the sum to be levied], and that of the real and personal estate of the said C.D. in your bailiwick you further cause to be made interest [proceeding as in the former form].

No. 123.

WRIT OF HABEAS FACIAS ON AN ORDER FOR PAYMENT OF DEBT ADMITTED IN COURT TO BE DUE TO THE ESTATE OF AN INSOLVENT.

The Insolvency Act 1915.

In the Court of Insolvency,
District.

GEORGE THE FIFTH, by the grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to the sheriff, greeting:

Whereas by an order of the Court dated the _____ day of _____, 19____, made in the matter of [insert the title of the order] reciting that C.D. of _____, made in his examination taken the _____ day of _____, and signed and subscribed by him, had admitted that he was indebted to the said insolvent in the sum of £ _____ upon the balance of accounts between the said C.D. and the said insolvent, it was ordered that the said C.D. should pay to A.B. the trustee of the estate and effects of the said insolvent in full discharge of the sum admitted the sum of £ _____ forthwith [make this conformable to the order]: And whereas we are given to understand that the said sum of £ _____ [or that the sum of £ _____ part of the said sum of £ _____] is still unpaid: Now we command you that of the goods and chattels of the said C.D. you cause to be made the said sum of £ _____ [insert the sum to be levied], and that of the goods and chattels of the said C.D. you further cause to be made interest upon the said sum of £ _____ at the rate of £6 per centum per annum for the said date of the said order: And that you have that money and interest before the Court immediately after the execution hereof to be paid to the said A.B., trustee as aforesaid, in pursuance of the said order: And that you do all such things as by the Act you are authorized and required to do in this behalf, and in what manner you shall have executed this our writ make appear to our said Court immediately after the execution thereof and have there then this writ.

Witness—
 _____ day of _____, 19____, at _____, Esquire, one of the Judges of the Court of Insolvency, the
 Given under the seal of the Court this _____ day of _____, 19____, Chief Clerk.

No. 124.

WRIT OF FIERI FACIAS ON AN ORDER FOR PAYMENT BY INSTALMENTS OF DEBTS ADMITTED IN COURT TO BE DUE TO THE ESTATE OF AN INSOLVENT.

The Insolvency Act 1915.

In the Court of Insolvency,
District.

GEORGE THE FIFTH, by the grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to the sheriff, greeting:

Whereas by an order of the Court dated the _____ day of _____ 19____ made in the matter of [*insert the title of the order*] reciting that C.D. of _____ in his examination taken the _____ day of _____ 19____ and signed and subscribed by the said C.D. [*or as the case may be*] had admitted that he was indebted to the said insolvent in the sum of £ _____ upon the balance of accounts between the said C.D. and the said insolvent, it was ordered that the said C.D. should pay to A.B. the trustee of the estate and effects of the said insolvent in full discharge of the said sum of £ _____ the sum of £ _____ in manner following that is to say by instalments of £ _____ each the first whereof was to be made on the _____ day of _____ 19____ and it was ordered that in default of payment of any of the said instalments the whole sum then remaining unpaid should immediately become payable and be paid. And whereas we are given to understand that default was made in payment of one of the said instalments, and thereupon the said sum of £ _____ which then remained unpaid [*or the sum of £ _____ being the portion of the sum so ordered to be paid which then remained unpaid according to the facts*] immediately became payable but the same has not been paid. Therefore we command you that of the goods and chattels of the said C.D. you cause to be made the said sum of £ _____ [*insert here the sum to be levied*], and that of the goods and chattels of the said C.D. you further cause to be made interest [*proceeding as in the former form*].

No. 125.

WRIT OF FIERI FACIAS ON AN ORDER FOR PAYMENT OF DEBTS ADMITTED IN COURT TO BE DUE TO THE ESTATE OF AN INSOLVENT AND COSTS ASSESSED BY THE COURT.

The Insolvency Act 1915.

In the Court of Insolvency,
District.

GEORGE THE FIFTH, by the grace of God [*as in the forms given above reciting the order including the portion of it relating to costs*].

And whereas, we are given to understand that the said sums of £ _____ and of £ _____ are still unpaid [*make this agree with the facts*], now we command you that of the goods and chattels of the said C.D. you cause to be made the said sum of £ _____ and £ _____ [*proceed as in the above forms with necessary variations*].

No. 126.

WRIT OF FIERI FACIAS ON AN ORDER FOR PAYMENT OF COSTS TO BE TAXED.

The Insolvency Act 1915.

In the Court of Insolvency,
District.

GEORGE THE FIFTH, by the grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to the sheriff, greeting:

We command you that of the goods and chattels of C.D. you cause to be made the sum of £ _____ for certain costs which by an Order made by our Court in the matter of [*insert the title of the order*] dated the _____ day of _____ 19____ were ordered to be paid by the said C.D. to A.B., trustee of the estate and effects of _____ [*omit this if not applicable, and alter the form to suit the facts of the case*] which costs have been since taxed at the sum of £ _____ as appears by an allocatur dated the _____ day of _____ 19____ and that of the goods and chattels of the said C.D. You further cause to be made interest at the rate of £6 per cent. per annum on the said sum from the said date of the said allocatur. And that you have that money and interest before our Court immediately after the execution hereof to be paid to the said A.B. in pursuance of the said Order. And that you do all such things as by the Acts you are authorized and required to do in this behalf. And in what manner you shall have executed this our writ make appear to our said Court immediately after the execution thereof.

Witness—
the _____ day of _____ 19____ at _____ day of _____ 19____
Given under the seal of the Court this _____ day of _____ 19____
Esquire, one of the Judges of the Court of Insolvency,
Chief Clerk.

No. 127.

WRIT OF VENDITIONI EXONAS.
The Insolvency Act 1915.In the Court of Insolvency,
District.

GEORGE THE FIFTH, by the grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to the sheriff, greeting:

Whereas by our writ we lately commanded you that of the goods and chattels of C.D. [here recite the mandatory part of the fieri facias to the end] and on the day of 19 you returned to our said Court that by virtue of the said writ to you directed you had taken goods and chattels of the said C.D. to the value of the money and interest aforesaid, which said goods and chattels remained in your hands unsold for want of buyers [to be varied according to the actual return]. Therefore we, being desirous that the said A.B. should be satisfied the money and interest aforesaid, command you that you expose to sale and sell or cause to be sold the goods and chattels of the said C.D. by you in form aforesaid taken and every part thereof for the best price that can be gotten for the same, and have the money arising from such sale before our said Court immediately after the execution hereof to be paid to the said A.B., and have there then this writ.

Witness— Esquire, one of the Judges of the Court of Insolvency,
the day of 19 at
Given under the seal of the Court this day of 19
Chief Clerk.

No. 128.

APPLICATION BY TRUSTEE FOR COMMITTAL OF INSOLVENT OR OTHER PERSON.
(Title.)

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

Dated this day of 19

G.H., Trustee.

No. 129.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR COMMITTAL OF DEBTOR FOR CONTEMPT UNDER
SECTION 215 OF THE ACT.

(Title.)

I, G.H., the assignee of the estate of the said debtor [the trustee of the property of the said insolvent] make oath and say:—

1. That the said debtor did attend an examination sitting of the Court held on the day of 19 at and wilfully refused to submit to be examined at such meeting as to his trade, dealings, and estate, the submitting to examination being a duty imposed upon him by the *Insolvency Act 1915*.

[1. That the said [debtor] insolvent did wilfully fail to attend a meeting of his creditors held on the day of 19 at [or to wait on me at my office on the day of 19]. The attending such meeting [or waiting on me] being a duty imposed upon him by the *Insolvency Act 1915*.

[Or 1. That the said [debtor] insolvent has wilfully failed to execute [here describe the deed, &c., that he has failed to execute] the execution of such deed when required by me being a duty imposed upon him by the 215th section of the said Act.

2. [That the said [debtor] insolvent was, on the day of 19 duly served with a notice a copy of which is hereunto annexed by leaving the same at his usual place of residence requiring him to attend the said meeting] [or to execute the above-mentioned deed, &c.]

[Or 1. That the said [debtor] insolvent has wilfully failed to perform the duty imposed upon him by the 215th section of the *Insolvency Act 1915* [here insert any act he has been required to do by any special order of the Court, stating the day on which the order was made].

2. That the said [debtor] insolvent was duly served with a copy of such order by leaving the same at his usual place of residence on the day of 19].

[Or 1. That the said [debtor] insolvent has failed to deliver up possession of [here state the property he has failed to deliver up] which property is divisible amongst his creditors under the said Act, and which said property was [or is] in his possession or control, he having been required by me to deliver up the said property by notice, a copy of which is hereunto annexed and which notice was duly served upon him on the day of 19 at

Sworn at, &c.

G.H.

No. 130.

NOTICE OF APPLICATION FOR COMMITTAL UNDER SECTION 215 OF THE INSOLVENCY ACT.

(Title.)

To the said A.B., insolvent.

Take notice that I, the assignee [or trustee] of the property of you, the said insolvent, will on the _____ day of _____ 19____ at _____ o'clock in the _____ noon, apply to this Court for an order for your committal to gaol for contempt of this Court, you having failed to perform the duty imposed on you by the 215th section of the said Act [*here set out the duty he has failed to perform*]. And further take notice that you are required to attend the Court on such day at the hour before stated to show cause why an order for your committal should not be made.

Dated this _____ day of _____ 19____

Trustee.

No. 131.

ORDER OF COMMITTAL.

(Title.)

Whereas by an order of this Court dated _____ it was ordered [*recite order in part of order*]: Now upon application of _____ of _____ and upon reading [or hearing] [*set out evidence*] and upon hearing _____ for the said [applicant] and _____ for the said [*the person in default*] [or if he does not appear so state] this Court doth adjudge and determine that the said _____ hath been guilty of a contempt of this Court by his disobedience of the said order, and this Court doth therefore order that the said _____ do stand committed to [*here insert gaol*] for his contempt.

Given under the seal of the Court this _____ day of _____ 19____

By the Court,

Chief Clerk.

No. 132.

WARRANT OF ATTACHMENT BY TRUSTEE.

The *Insolvency Act* 1915.

In the Matter of A.B., of _____ an insolvent. Whereas the estate of the above-named A.B. was by order dated the _____ day of _____ 19____, placed under sequestration in my hands [*if assignee or trustee named in order or if trustee elected or appointed*], and I was duly confirmed as trustee of such estate by order dated the _____ day of _____ 19____; I hereby authorize you, C.D., of _____ as my messenger, to seize and lay an attachment on the insolvent estate, and make an inventory thereof.

Dated the _____ day of _____ 19____

Assignee [or trustee] of the estate of the said

Trustee [or Assignee].

No. 133.

WARRANT AGAINST DEBTOR^s ABOUT TO QUIT VICTORIA, ETC.The *Insolvency Act* 1915.In the Court of Insolvency,
District.

In the matter of an insolvency petition against A.B., of _____ [or In the matter of A.B., of _____ an insolvent].

To _____ and to the governor or keeper of the [*here insert the gaol*]. Whereas by evidence taken upon oath it hath been made to appear to the satisfaction of the Court that there is probable reason to suspect and believe that the said A.B. is about to go abroad [or quit his place of residence] with a view of avoiding service of this petition [or of avoiding appearing to this petition, or of avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings in insolvency.]

[Or that there is probable cause to suspect and believe that the said A.B. is about to remove his goods or chattels with a view of preventing or delaying such goods or chattels being taken possession of by the trustee of the property of the insolvent [or that the said A.B. has concealed, or is about to conceal or destroy] his goods or chattels, or some of them, or his books, documents, or writings, or some or one of them, which books, documents, or writings, or some or one of them, may be of use to the creditors in the course of the insolvency of the said A.B.]

[Or whereas by evidence taken upon oath it hath been made to appear to the satisfaction of this Court that the said A.B. has removed certain of his goods and chattels in his possession, above the value of Five pounds, without the leave of the trustee, that is to say (here describe the goods or chattels)].

[Or that the said A.B. did without good cause fail to attend at this Court on the day of 19 for the purpose of being examined, according to the requirements of the Insolvency Acts, directing him so to attend].

[Or that the said A.B., upon examination under a summons issued under the Insolvency Act 1915 was adjudged guilty of contempt (or prevarication, as the case may be)].

These are therefore to require you the said _____ to take the said A.B. and to deliver him to the governor or keeper of the above-named gaol, and you the said governor or keeper to receive the said A.B., and him safely to keep in the said prison until such time as this Court may order.

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

By the Court,

Chief Clerk.

No. 134.

SEARCH WARRANT.

The Insolvency Act 1915.

In the Court of Insolvency,
District.

In the Matter of A.B., of

Whereas by evidence duly taken upon oath it hath been made to appear to the Court that there is reason to suspect and believe that property of the said debtor is concealed in the house [or other place, describing it as the case may be] of one X.M., of _____ in the county of _____ such house [or place] not belonging to the said debtor.

These are therefore to require you to enter in the daytime into the house [or other place, describing it] of the said X.M., situate at _____ aforesaid, and there diligently to search for the said property, and if any property of the said debtor shall be there found by you on such search, that you seize the same, to be disposed of and dealt with according to the provisions of the said Act.

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

By the Court,

To

Chief Clerk.

No. 135.

WARRANT OF SEIZURE.

(Title.)

Whereas on the _____ day of 19 _____ an order of sequestration was made against the said debtor:—These are therefore to require you forthwith to enter into and upon the house and houses and other the premises of the said debtor, and also in all other place and places belonging to the said debtor where any of his goods and moneys are, or are reputed to be; and there seize all the ready money, jewels, plate, household stuff, goods, merchandise, books of account, and all other things whatsoever belonging to the said debtor except his tools of trade (if any) and the necessary wearing apparel and bedding of himself, his wife, and children, to a value inclusive of tools, apparel, and bedding not exceeding £20 in the whole as excepted by the Insolvency Act 1915. And that which you shall so seize you shall safely detain and keep in your possession until you shall receive other orders in writing for the disposal thereof from the trustee [or assignee]; and in case of resistance, or of not having the key or keys of any door or lock of any premises belonging to the said debtor, where any of his goods are, or are suspected to be, you shall break open or cause the same to be broken open, for the better execution of this warrant.

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

By the Court,

Chief Clerk.

To the X.Y. Officer of this Court, and to his assistants.

No. 136.

WARRANT OF COMMITTAL FOR CONTEMPT.

The *Insolvency Act 1915.*

In the Court of Insolvency.

In the Matter of _____ of _____
 To _____ and to _____ the governor or keeper of [*here insert gaol*].
 Whereas by an order of this Court, bearing date the _____ day of _____ 1917 it was ordered that the said _____ should stand committed for contempt of this Court.
 These are therefore to require you, the said _____ to take the said _____ and to deliver him to the governor or keeper of the above-named gaol, and you the said governor or keeper to receive the said _____ and him safely to keep in the said prison and in your custody until such time as this Court shall order. And you the said governor or keeper shall while the said _____ is in your custody at all times when the Court shall so direct produce the said _____ before the Court.
 Given under the seal of the Court this _____ day of _____ 1917

By the Court,
 Chief Clerk.

No. 137

WARRANT TO APPREHEND A PERSON SUMMONED UNDER SECTION 222 OF THE ACT.

The *Insolvency Act 1915.*

In the Court of Insolvency.

District _____
 In the Matter of A.B., of _____ an insolvent.
 To X.Y. and to _____ the governor or keeper of the [*here insert the gaol*].
 Whereas by summons dated the _____ day of _____ 1917 and directed to the said A.B. [*or F.M. of as the case may be*] he was required personally to be and appear on the _____ day of _____ instant, at _____ o'clock in the _____ noon at this Court, to be examined; and which said summons was afterwards, on the _____ day of _____ 1917 as hath been proved upon oath, duly served upon the said A.B. [*or F.M.*], and a reasonable sum was tendered him for his expenses: And whereas the said A.B. [*or F.M.*], having no lawful impediment made known to or allowed by this Court, hath not appeared before this Court as by the said summons he was required, but therein has wholly made default: These are therefore to will, require, and authorize you the said X.Y. immediately upon receipt hereof, to take the said A.B. [*or F.M.*] and deliver him to the governor or keeper of the above-named gaol, and these are to authorize you the said governor or keeper to receive and safely keep the said A.B. [*or F.M.*] until the _____ day of _____ 1917, at the hour of _____ or until the next sittings of the Court held after he shall have been delivered to the Governor or keeper of the above-named gaol, and then and there to have him before this Court in order to his being examined as aforesaid, and for your so doing this shall be your sufficient warrant.

Given under the seal of the Court this _____ day of _____ 1917
 By the Court,

Chief Clerk.

No. 138.

WARRANT OF COMMITTAL FOR PREVARICATION.

The *Insolvency Act 1915.*

In the Court of Insolvency,

District _____
 In the Matter of A.B., of _____
 To _____ and to _____ keeper of the gaol at _____
 Whereas the said A.B. having been duly summoned to appear and be examined before this Court on the _____ day of _____ did so appear, and being duly sworn was so examined as aforesaid: And whereas the said _____ was during the course of such examination adjudged by the Court guilty of prevarication [*or evasion, as the case may be*]: This is therefore to authorize you, the said _____ to apprehend the said A.B., and deliver him to the keeper of the gaol at _____ and you the said keeper to receive the said A.B., and him safely keep until the _____ day of _____ and for so doing this shall be your sufficient warrant.

Given under the seal of the Court this _____ day of _____ 1917
 By the Court,

Chief Clerk.

No. 139.

WARRANT TO HOLD TO BAIL UNDER SECTION 240.

The *Insolvency Act* 1915.In the Court of Insolvency,
District.In the Matter of A.B., of
To of His Majesty's gaol at and to the governor or keeper

Whereas the above-named A.B. has applied to this Court for a certificate of discharge, and such application is now pending and is opposed: And whereas the Court has required the said to find bail with two sufficient sureties to attend upon the day of at o'clock, the day appointed for giving judgment on the said application, and the said has made default in giving such bail; these are therefore to require you the said to take the said and deliver him safely to the said and these are to require you the said to receive and safely keep the said until the day of 19 at the hour of the day appointed for giving judgment on the said application, and then to have the said before this Court at

Given under the seal of the Court this day of 19

By the Court,

Chief Clerk.

No. 140.

ORDER FOR DISCHARGE FROM CUSTODY ON CONTEMPT.

(Title.)

Upon application made this day of for A.B., who was committed to prison for contempt by order of this Court dated the day of 19 and upon reading his affidavit showing that he has cleared [or is desirous of clearing] his contempt, and has paid the costs occasioned thereby, and upon hearing the trustee [or C.D., of] it is ordered that the governor or keeper of [here insert name of gaol] do discharge the said A.B. out of his custody as to the said contempt.

Given under the seal of the Court this day of 19

By the Court,

Chief Clerk.

No. 141.

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

(Title.)

Upon application made this day of by [applicant] for an order for the production of A.B., who was committed to gaol for contempt by order of this Court dated this day of 19 for examination before this Court, it is ordered that the governor or keeper of [insert name of prison] do cause the said A.B. to be brought in custody before the Court at on the day of 19 for examination before the Court and afterwards to be taken back to the said prison to be there safely kept pursuant to the said order.

Given under the seal of the Court this day of 19

By the Court,

Chief Clerk.

No. 142.

FORM OF INFORMATION UNDER SECTION 243 OF THE ACT.

The *Insolvency Act* 1915.In the Court of Insolvency,
District.

In the Matter of A.B., of an insolvent.
I the undersigned C.D., of inform the Court that of
a creditor of the above-named A.B., has obtained a sum of money to
wit £500 [or certain goods, chattels, or securities for money, as the case may be] from
as an inducement for forbearing to oppose [or for consenting to] the allowance

of a certificate of discharge to the above-named C.D. [or for consenting to forbear to appeal against the grant of a certificate of discharge to the above-named A.B.] and the said C.D. has thereby rendered himself liable to forfeit treble and lose the value or amount of the said £500 [or goods, chattels, or security] so obtained.

(Signed) K.Q.

[The following notice to be added to office copy for service.]

19 Take notice that this information will be heard on the _____ day of _____ at _____ o'clock at _____ when an order may be made against the said for payment of the said treble value or amount to the said C.D.

No. 143.

AFFIDAVIT OF INFORMER UNDER SECTION 243 OF THE ACT.

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the Matter of A.B., of _____ an insolvent.

I, _____ of _____ make oath and say—

1. That I believe the statements contained in the information in the above matter by me to this Court, dated the _____ day of _____ 19 and signed by me, to be true.

Sworn, &c.

No. 144.

PETITION UNDER SECTIONS 247 AND 248.

The *Insolvency Act* 1915.

To the Court of Insolvency,
District.

The humble petition of A.B., of _____ &c., sheweth—

That your petitioner alleges that he is unable to pay his debts, and is desirous of instituting proceedings for liquidation of his affairs by arrangement or composition with his creditors, and hereby submits to the jurisdiction of this Court in the matter of such proceedings, and that your petitioner estimates the amount of the debts owing by him to his creditors at £ _____

Your petitioner therefore prays that such resolution or resolutions as his creditors may lawfully pass in the course of such proceedings, and as may require registration, may be duly registered by the Chief Clerk of the Court.

And your petitioner shall ever pray, &c.

Signed by the petitioner A.B., on the _____ day of _____ 19 in the presence of _____

Chief Clerk or Solicitor. [Address].

[If the petition be by partners alter the form accordingly.]

No. 145.

AFFIDAVIT IN SUPPORT OF PETITION UNDER SECTIONS 247 AND 248.

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

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

I am the [or one of the] petitioner [or petitioners] named in the petition hereunto annexed.

I verily believe that it will be most convenient to the creditors whose debts exceed Twenty-five pounds, that the general meeting should be held at _____

Sworn at _____

A.B.

[Where an attorney is employed add the following certificate:—]

I certify my belief that it will be most convenient to the creditors of the petitioner that the general meeting should be held at _____ [as above].

C.D., solicitor in the matter of the petition.

No. 146.

NOTICE TO CREDITORS OF GENERAL MEETING.

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the Matter of proceedings for liquidation by arrangement or composition with creditors instituted by A.B. of [description as in petition].

A general meeting of the creditors of the above-named person. [or persons] is hereby summoned to be held at [here insert name of town and street or place] on the day of instant [or next], at o'clock in the noon precisely.

The sections of the *Insolvency Act* 1915 under which the proceedings are instituted provide as follows:—[Here extract from clause 247 sub-sections 1 and 5, and the first two paragraphs of section 248.]

A form of proof and proxy will be found on the third side of this notice.

Dated the day of 19
(Signed) A.B. [debtor] or

C.D. [adding address], solicitor for the said debtor.

[In case of partnership the notice must be signed by one of the partners in the partnership name, or by all the partners, or by a solicitor or solicitors on their behalf.]

No. 147.

AFFIDAVIT TO BE ON THIRD SIDE OF NOTICE SUMMONING FIRST GENERAL MEETING.

In the Court of Insolvency,
District.

In the Matter of proceedings for liquidation by arrangement or composition with creditors instituted by A.B. of [description as in notice].

I, of make oath and say as follows:—

The said A.B. was at the date of the institution of the said proceedings, viz., the day of 19 and still is; justly and truly, indebted to me in the sum of for [state consideration] as shown by the account hereunto annexed, marked "A," or by the following account, viz., for which said sum, or any part thereof, I say that I have not, nor hath* any person by † order to my knowledge or belief, for † use, had or received any manner of satisfaction or security whatsoever, save and except the following:—[Here set out security, or if bills be held; specify them in the schedule.]

Date.	Drawer.	Acceptor.	Amount.	Due Date.

Sworn at

NOTE.—If proof made by an employee of creditor or by agent of company as in Form No. 75.

* My said partners, or any of them, or the above-named creditor.
† My, or our, or their, or his.

No. 148.

NOTICE FOR "GAZETTE."

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the Matter of proceedings for liquidation by arrangement or composition with creditors instituted by A.B., of
Notice is hereby given that a first [or second], *as the case may be* general meeting of the creditors of the above-named person or persons has been summoned to be held at
on the day of 19 , at o'clock in the
noon precisely.
Dated this day of 19

A.B. or
C.D. (attorney for the said A.B.)

[The signature to this notice, if not sealed, must be verified by affidavit unless signed by a solicitor of the Supreme Court of the State of Victoria.]

No. 149.

NOMINATION OF RECEIVER OR MANAGER BY CREDITORS.

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the Matter of proceedings for liquidation by arrangement or composition with creditors instituted by A.B., &c.
We, the undersigned, being a majority in value of the creditors of the said A.B., do hereby nominate and appoint Mr. of to be receiver [or manager] of the estate and effects [and business] of the said A.B. pending the resolution to be come to by creditors under the said proceedings.
Dated this day of 19

Creditors' Signatures.	Amount of Debts.	Witnesses' Names and Addresses.

No. 150.

STATEMENT OF AFFAIRS UNDER SECTIONS 247 AND 248 OF THE ACT.
(Title.)

Gross Liabilities.			Liabilities. (As stated and estimated by Debtor.)			Expected to Rank.			Assets. (As stated and estimated by Debtor.)			Estimated to Produce.		
£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
			Unsecured creditors, as per list (A)						Property, as per list (H), viz.:-					
			£	s.	d.				(a) Cash at bankers ..					
									(b) Cash in hand ..					
									(c) Cash deposited with solicitor for costs of petition					
									(d) Stock in trade (cost £ ..)					
									(e) Machinery ..					
									(f) Trade fixtures, fittings, utensils, &c. ..					
									(g) Farming stock ..					
									(h) Growing crops ..					
									(i) Furniture ..					
									(j) Life policies ..					
									(k) Other property, viz.:-					
									Total as per list (H) ..					
									Book debts, as per list (I), viz.:-					
									Good ..					
									Doubtful ..	£	s.	d.		
									Bad ..					
									£					
									Estimated to produce ..					
									Bills of exchange or other similar securities on hand, as per list (J) ..	£				
									Estimated to produce ..					
									Surplus from securities in the hands of creditors fully secured (per contra) ..					
									£					
									Deduct creditors for preferential rent and for preferential rates, taxes, wages, &c. (per contra) ..					
									£					
									Deficiency explained in statement (K) ..					
									£					

I, _____ of _____ in the city of _____ make oath and say that the above statement and the several lists hereunto annexed marked A, B, C, D, E, F, G, H, I, J, and K are, to the best of my knowledge and belief, a full, true, and complete statement of my affairs on the date of filing my petition herein.

Sworn at _____ in the State of _____ this _____ day of _____ 19____, before me, } Signature—

A.

UNSECURED CREDITORS.

The names to be arranged in alphabetical order and numbered consecutively, creditors for £25 and upwards being placed first.

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

Signature— Dated 19

NOTES.

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

	£	s.	d.
Total amount of claim	..	:	:
Less contra account	..	:	:

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

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

B.

CREDITORS FULLY SECURED.

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

Signature— Dated 19

C.
CREDITORS PARTLY SECURED.

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

Signature— Dated 19

D.
LIABILITIES OF DEBTOR ON BILLS DISCOUNTED OTHER THAN HIS OWN ACCEPTANCES FOR VALUE.

No.	Acceptor's Name, Address, and Occupation.	Whether Liable as Drawer or Indorser.	Date when Due.	Amount.		Holder's Name, Address, and Occupation (if known).	Amount expected to rank against Estate for Dividend.
				Accommodation Bills.	Other Bills.		

Signature— Dated 19

E.
CONTINGENT OR OTHER LIABILITIES.
Full Particulars of all Liabilities not otherwise Scheduled to be given here.

No.	Name of Creditor or Claimant.	Address and Occupation.	Amount of Liability or Claim.	Date when Liability Incurred.		Nature of Liability.
				Month.	Year.	

Signature— Dated 19

F.

CREDITORS FOR RENTS, ETC., PREFERENTIAL.

No.	Name of Creditor.	Address and Occupation.	Nature of Claim.	Period during which Claim accrued due.	Date when due.	Amount of Claim.	Amount Preferential.	Difference ranking for Dividend (to be carried to List A).

Signature—
Dated 19

G.

PREFERENTIAL CREDITORS FOR RATES, TAXES, AND WAGES.

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

Signature—
Dated 19

H.

PROPERTY.

Full particulars of every description of property in possession and in reversion, as defined by section 4 of the Insolvency Act, not included in any other list, are to be set forth in this list.

Full Statement and Nature of Property.	Estimated to produce.		
	£	s.	d.
(a) Cash at banker's			
(b) Cash in hand			
(c) Cash deposited with solicitor for costs of petition			
(d) Stock in trade, at (cost £)			
(e) Machinery, at			
(f) Trade fixtures, fittings, utensils, &c., at			
(g) Farming stock			
(h) Growing crops, at			
(i) Household furniture and effects, at			
(j) Life policies			
(k) Other property [state particulars], viz. :—			

Signature—
Dated 19

I.

DEBTS DUE TO THE ESTATE.

No.	Name of Debtor.	Residence and Occupation.	Amount of Debt.			Folio of Ledger or other Book where Particulars are to be found.	When Contracted.		Estimated to Produce.	Particulars of any Securities held for Debt.
			Good.	Doubtful.	Bad.		Month.	Year.		

Signature—

Dated 19

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

	£	s.	d.
Due to estate
Less contra account

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

J.

BILLS OF EXCHANGE, PROMISSORY NOTES, ETC., AVAILABLE AS ASSETS.

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

Signature—

Dated 19

K.
DEFICIENCY ACCOUNT.

	£	s.	d.	£	s.	d.		£	s.	d.	£	s.	d.
Excess of assets over liabilities on the * day of 19 (if any) ..							Excess of liabilities over assets on the * day of 19 (if any) ..						
Net profit (if any) arising from carrying on business from the * day of 19 to date of petition, after deducting usual trade expenses, income, or profit from other sources (if any) since the * day of 19 ..							Net loss (if any) arising from carrying on business from the * day of 19 to date of petition, after deducting from profits the usual trade expenses ..						
Deficiency as per statement of affairs ..							Bad debts (if any) as per Schedule "I." † ..						
							Expenses incurred since the * day of 19 other than usual trade expenses, viz., household expenses of self and † ..						
							Other losses and expenses (if any) § ..						
							Surplus as per statement of affairs (if any) ..						
Total amount to be accounted for || £							Total amount accounted for || £						

Signature—
Dated 19

- NOTES.
- * This date should be twelve months before date of petition.
 - † This schedule must show when debts were contracted.
 - ‡ Add "wife and children" (if any), stating number of latter.
 - § Here add particulars of other losses or expenses (if any), including depreciation in the value of stock and effects or other property estimated for realization, and liabilities (if any), for which no consideration received.
 - || These figures should agree.

No. 151.

TO BE ADDED TO STATEMENT OF AFFAIRS IN CASES UNDER SECTION 248 WHERE NECESSARY.
List of bills of exchange or promissory notes on which the debtor is liable, and of the holder whereof he is ignorant.

Acceptor's Name.	Name of Person to whom payable.	Due date.	Amount of Bill or Note.	Here state any other particulars within the debtor's knowledge respecting the Bill or Note.
Total to be added to list of unsecured creditors			£	

No. 152.

ORDER CHANGING PLACE OF MEETING.

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the matter of proceedings for liquidation by arrangement or composition with creditors instituted by A.B., of &c. [following description as in petition].
Upon sufficient cause this day shown to the satisfaction of the Court the general meeting of creditors in this matter summoned for the day of 19 is hereby directed to be held at in lieu of the place originally named, and hereof let notice be given forthwith.

Dated this day of 19
By the Court,

Chief Clerk.

No. 153.

LIST OF CREDITORS ASSEMBLED TO BE USED AT EVERY MEETING.

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the matter of general meeting held at , this day of 19

Number of Assents of Creditors whose Debts amount to or exceed £25.	Number.	Names of Creditors assembled [state whether personally or by proxy].	Amount of Assent.			Amount of Proof.		
1	1							
..	2							
1	3							
1	4							
..	5							
1	6							
1	7							
Total number of Assents.	Total Number of Creditors Assembled.	Totals .. £						
5	7							

No. 154.

FIRST GENERAL MEETING WHERE LIQUIDATION BY ARRANGEMENT RESOLVED ON.

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the matter of proceedings for liquidation by arrangement or composition with creditors instituted by A.B., of &c.
We, the undersigned, being the statutory majority of creditors assembled at the general meeting in the above matter, duly held at , this day of 19 , in accordance with the provisions of the said Act, do hereby resolve as follows:—

1. That the affairs of the said shall be liquidated by arrangement and not in insolvency.
2. That be and he is hereby appointed trustee.

3. That be and they are hereby appointed a committee of inspection
 [or in lieu of 2 and 3, the following:—That a subsequent meeting be held at
 on , at o'clock a.m. (or p.m.) precisely, for the appointment of a
 trustee with or without a committee of inspection].
 4. That be intrusted with the registration of this resolution.
 Chairman.

No.	Signatures of Creditors.	Amount of Debt.		

No. 155.

FORM OF AFFIDAVIT TO BE USED UPON REGISTRATION OF AN EXTRAORDINARY RESOLUTION.

The *Insolvency Act 1915*.

In the Court of Insolvency,
 District.

In the Matter of proceedings for liquidation by arrangement or composition with
 creditors instituted by A.B., of , &c.
 I, the above-named A.B. [or C.D., of, &c., as the case may be], make oath and say as
 follows:—

1. That I verily believe that the resolutions, statement of affairs, proofs, and proxies
 filed in this matter are the whole of the resolutions, statement, proofs, and proxies come to
 and produced at the general meeting [or meetings] held in this matter on the
 day of (and the day of).
2. That I verily believe [where a person other than the debtor deposes add, after
 inquiry made by me, and to the best of my knowledge, information, and belief] that the
 amount of the assets [or composition] in this matter does not exceed £
 Sworn at, &c.

No. 156.

CERTIFICATE OF TRUSTEE'S APPOINTMENT.

The *Insolvency Act 1915*.

In the Court of Insolvency,
 District.

In the Matter of an extraordinary resolution for liquidation by arrangement of
 the affairs of A.B., of , &c.
 This is to certify that C.D., of, &c., has been appointed, and is hereby declared to be
 trustee under this liquidation by arrangement.
 Given under my hand and the seal of the Court this day of 19
 Chief Clerk.

No. 157.

NOTICE TO CREDITORS TO COME IN AND PROVE THEIR DEBTS.

The *Insolvency Act 1915*.

In the Court of Insolvency,
 District.

In the Matter, &c.
 The creditors of the above-named A.B. who have not already proved their debts are
 required, on or before the day of 19 to send their names and
 addresses and the particulars of their debts or claims to me, the undersigned,
 of , the trustee under the liquidation, or in default thereof they will be excluded
 from the benefit of the dividend proposed to be declared.
 Dated this day of 19

Trustee.

No. 158.

NOTICE TO CLAIMANT OF TRUSTEE'S REJECTION OF HIS CLAIM.

The *Insolvency Act* 1915.In the Court of Insolvency,
District.

In the Matter of, &c.

Take notice that I, the undersigned trustee under this liquidation, do hereby reject your claim against the estate [or to the extent of £ part of your claim]. And further take notice that unless within fourteen days you apply to the Court to prove your debt and proceed with such application with due diligence, you will be excluded from dividend.

Dated this _____ day of _____ 19

Yours, &c.,

Trustee.

To

Name—
Address—

No. 159.

FORM OF PETITION OF CREDITOR WHO HAS HAD NO NOTICE OF LIQUIDATION OR COMPOSITION.

The *Insolvency Act* 1915.In the Court of Insolvency,
District.In the Matter of _____ of
To the Court of Insolvency.

The humble petition of _____ of _____ showeth—

1. That the above-named debtor is justly and truly indebted to your petitioner in the sum of £ _____ for [set out debt and cause thereof].
 2. That I had no notice of the meeting held on the _____ day of _____ at which it was agreed that the affairs of the said _____ should be liquidated by arrangement [or if a composition the composition of _____ be accepted].
- Your petitioner therefore prays that this Honorable Court will order that the said liquidation [or composition] be not proceeded in, and that the estate of the said _____ may be sequestrated for the benefit of his creditors.

(Signed)

No. 160.

CERTIFICATE BY CREDITORS OF DEBTOR'S DISCHARGE.

The *Insolvency Act* 1915.In the Court of Insolvency,
District.

In the Matter of an extraordinary resolution for liquidation by arrangement of A.B., &c.

We, the undersigned, being three-fourths in number and value of the creditors of the above-named _____ who have proved debts, hereby discharge the said A.B. from all debts provable under the said liquidation.

(Signed)

No. 161.

REPORT OF TRUSTEE AS TO DEBTOR'S DISCHARGE.

The *Insolvency Act* 1915.In the Court of Insolvency,
District.

In the Matter of an extraordinary resolution for liquidation by arrangement of the affairs of A.B., of _____ &c.

I, being the trustee [or, We, being the trustees] under the above liquidation, do hereby certify and report that I [or we] have examined the discharge of the said A.B., and find that the same is duly signed by the statutory majority of creditors in number and value.

(Signed)

K.Z., Trustee.

To the Chief Clerk.

No. 162.

DEBTOR'S DISCHARGE UNDER SECTION 247.

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the Matter of an extraordinary resolution for liquidation by arrangement of the affairs of A.B., of &c.
Whereas the trustee under the said liquidation has certified and reported to me that [here follow certificate of trustee].
I do, therefore, hereby certify such discharge in pursuance of the Acts in that behalf.
Given under my hand and the seal of the Court this _____ day of _____ 19____
Chief Clerk.

No. 163.

FIRST GENERAL MEETING WHERE COMPOSITION RESOLVED ON.

The *Insolvency Act*.

In the Court of Insolvency,
District.

In the Matter of proceedings for or towards the liquidation by arrangement or composition with creditors instituted by A.B. of &c.
We, the undersigned, being the statutory majority of creditors assembled at the first meeting in the above matter, duly held at _____ this _____ day of _____ 19____ in accordance with the provisions of the said Act, do hereby resolve as follows:—
1. That a composition of _____ in the pound shall be accepted in satisfaction of the debts due to the creditors from the said A.B.
2. That such composition be payable as follows:—[here state whether the same is to be payable in one payment or by instalments, and at what date from the second meeting].
3. That the security of C.D. be accepted for the said composition [or the instalment thereof], or that the said composition [or the instalment thereof] be secured to the satisfaction of E.F. and G.H.
4. That I.K. be appointed trustee in the matter.

Chairman.

No.	Signatures of Creditors.	Amount of Debt.

No. 164.

NOTICE CONVENING SECOND GENERAL MEETING.

The *Insolvency Act* 1915.

In the Court of Insolvency,
District.

In the Matter of proceedings for liquidation by arrangement or composition with creditors instituted by A.B. of &c.
A second general meeting of the creditors of the above-named person [or persons] is hereby summoned to be held at _____ on _____ the _____ day of _____ instant[or next], at _____ o'clock in the _____ noon precisely. A majority in number and value of the creditors then assembled may confirm the resolution come to at the first general meeting, or a majority in number representing three-fourths in value of such creditors may by resolution declare that the affairs of the above-named person [or persons] may be liquidated by arrangement and not in insolvency.

Dated the _____ day of _____ 19____

(Signed)

A.B. [Debtor], or
C.D. [adding address], solicitor for the said debtor.

No. 165.
RESOLUTION AT SECOND GENERAL MEETING.
The Insolvency Act 1915.

In the Court of Insolvency,
District.

In the Matter of proceedings for or towards the liquidation by arrangement or composition with creditors instituted by A.B., of _____, &c.
We, the undersigned, being the statutory majority of creditors assembled at the second meeting in the above matter, duly held at _____ this _____ day of _____ 19____ in accordance with the provisions of the said Act, do hereby confirm the resolution passed by the statutory majority of the creditors of the said A.B. assembled at the first meeting [or do hereby resolve that the affairs of the said A.B. be liquidated by arrangement and not in insolvency]. [And following on as in the form provided for resolution at the first general meeting, where liquidation by arrangement is resolved on.]

Chairman.

No.	Signatures of Creditors.	Amount of Debt.

No. 166.
APPLICATION TO COURT TO APPOINT DAY FOR APPROVING COMPOSITION.
(Title.)

Whereas at a meeting of creditors of the above-named debtor held at _____ on the _____ day of _____ 19____ a resolution to accept a composition in satisfaction of the debts due to the said creditors by the said debtor was duly passed by three-fourths in number and value of the creditors of the said debtor appearing on his statement of affairs assembled or represented at the said meeting, and whereas at a subsequent meeting of creditors of the said debtor held at _____ on the _____ day of _____ 19____ the said resolution was confirmed by a majority in number and value of the said creditors assembled or represented at the said meeting. Now the* applies to the Court to fix a day for the consideration of the above-mentioned composition.

The gross amount of the† _____ on which the percentage fee will be payable is £ _____

Dated this _____ day of _____ 19____ Debtor [or Creditor].

(Order.)

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

Dated this _____ day of _____ 19____
By the Court, _____
Chief Clerk.

* "Debtor" or "creditor."
† Estimated assets (but not exceeding the gross amount of the unsecured liabilities or composition).

No. 167.
ADVERTISEMENT AND NOTICE TO CREDITORS AND OFFICIAL LIQUIDATOR OF APPLICATION TO COURT TO APPROVE COMPOSITION.

(Title.)
Take notice that application will be made to the above Court sitting at _____ on the _____ the _____ day of _____ 19____ at _____ o'clock in the _____ noon, to approve the composition which by an extraordinary resolution duly passed and confirmed at meetings of creditors held on the _____ day of _____ 19____ and _____ day of _____ 19____ respectively, was resolved to be accepted by the creditors in satisfaction of the debts due to them from the above-named A.B.
Dated this _____ day of _____ 19____

A.B.
The above-named debtor or C.D. a creditor.

No. 168.

AFFIDAVIT OF POSTAGE OF NOTICES.

(Title.)

I, _____ of _____ make oath and say as follows:—
 1. That I did on the _____ day of _____ 19____ send to each creditor who has proved in this matter and also to all creditors mentioned in the debtor's statement of affairs, and also to the Official Accountant, a notice of the time and place appointed by the Court to consider the composition resolved on by an extraordinary resolution of the creditors of the said A.B., in the form hereunto annexed marked "A."
 2. That such notices were addressed to such of the said creditors who have proved their debts according to the addresses in their respective proofs, and to such as have not proved according to their respective names and addresses appearing in the statement of affairs of the said debtor and to the Official Accountant at _____ being his last-known address.
 3. That I sent the said notices by putting the same into the post office, situate before the hour of _____ o'clock in the _____ noon of the same day.
 Sworn at _____ in the State of Victoria this _____ day of _____ } Signature—
 nine hundred and _____ before me—

No. 169.

NOTICE OF OPPOSITION TO COMPOSITION.

(Title.)

I, _____ of _____ a creditor of the above-named A.B. intend to oppose the composition resolved on by the creditors of the said
 Dated the _____ day of _____ 19____ C.D.

No. 170.

ORDER ON APPLICATION TO APPROVE COMPOSITION.

(Title.)

On the application of _____ and the Court being satisfied that the creditors in the above matter have duly accepted a composition in the following terms, namely [*here insert terms if short, if not, insert "in the terms contained in the paper writing marked 'A,' annexed hereto"*],* and being satisfied that the said terms are reasonable and calculated to benefit the general body of creditors, and that the said composition provides for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of an insolvent,† and that the case is not one in which the Court would be required or justified, if the estate of the debtor were sequestrated, to refuse or suspend a certificate or to punish the debtor‡ [*and as the case may be*].
 And being satisfied—

(a) That no facts have been proved which would under the *Insolvency Act 1915* require or justify the Court, in the case of insolvency, in refusing or suspending a certificate of discharge or in punishing the debtor;
 the said composition is hereby approved.

or after*
 And being satisfied that the said terms are not reasonable or calculated to benefit the general body of creditors.

and
 —after‡
 or
 and
 —being satisfied—
 or

(a) That the case is one in which the Court would be required, if the debtor's estate were sequestrated, to refuse [or suspend] his discharge or to punish him;

(b) That facts have been proved which would under the *Insolvency Act 1915* require or justify the Court, in the case of insolvency, in refusing or suspending the debtor's certificate of discharge or in punishing the insolvent, the Court doth refuse to approve the said composition.

Given under the seal of the Court this _____ day of _____ 19____
 By the Court,

Chief Clerk.

No. 171.

NOTICE TO CREDITOR OF INTENTION TO PAY COMPOSITION.

(Title.)

Notice is hereby given that a composition is intended to be paid in the above matter. Your name is included in the list of creditors in the debtor's statement of affairs, but you have not yet proved your debt.

Dated this _____ day of _____ 19____
Trustee.

No. 172.

APPLICATION FOR ENFORCEMENT OF PROVISION IN A COMPOSITION.

(Title.)

I, _____ of _____ do apply to this Court for an order for the enforcement of the provisions of the said composition against _____ on the grounds set forth in the annexed affidavit.

Dated this _____ day of _____ 19____
F.M.

No. 173.

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

(Title.)

In the Matter of a composition made by _____ of _____
I, _____ of _____ make oath and say—
1. That I am interested in the said composition, having proved my debt as a creditor of the said A.B. [or as the case may be].
2. That [one of] the provisions of the said composition is [or are] that [here set it or them out].
3. That _____ has failed to comply with the said provisions [or as the case may be].
Sworn at, &c., _____

F.M.

No. 174.

ORDER FOR ENFORCEMENT OF PROVISIONS IN A COMPOSITION.

(Title.)

In the Matter of a composition made by _____ of _____
Upon the application of F.M., of _____ and reading [here insert evidence] and upon hearing _____ the Court being of opinion that the provisions of the said composition mentioned in the said affidavit should be enforced, it is ordered that [here insert order].

Given under the seal of the Court this _____ day of _____ 19____
By the Court,

Chief Clerk.

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

No. 175.

OATH TO BE ADMINISTERED TO OFFICER OF COURT TAKING CHARGE OF JURY.

The *Insolvency Act* 1915.

You shall well and truly keep this jury in some private and convenient place. You shall not suffer any person to speak to them, neither shall you speak to them yourself without leave of the Court except to ask them if they are agreed on their verdict.

FORM No. 176.

The Insolvency Act 1915.

In the Court of Insolvency.

District.

In the Matter of the application of _____ under section 74 of the *Insolvency Act 1915* as qualified to be appointed to the office of Trustee under the said Act.

I _____ of _____ being an applicant for registration as trustee in insolvency under the provisions of the *Insolvency Act 1915* make oath and say—

1. That all dividends in insolvent estates within the meaning of section 208 of the said Act in my hands on the _____ day of _____ 19____, and which had not been claimed by the parties entitled thereto for the space of six months next after the same had been payable, have been paid by me into the Insolvency Unclaimed Dividend Fund.
2. That the money so paid in by me since the _____ day of _____ 19____, represented dividends unclaimed in the estates of _____ and which dividends were declared payable on the _____ day of _____ 19____, &c.
3. That at the present time no dividends unclaimed for a period of six months after being payable are in my hands or at my disposal in any way.

Sworn, &c.
This affidavit, &c.

PART 2.

Scale of Solicitor's Costs.

1. PETITIONING DEBTOR'S SOLICITOR'S BILL OF COSTS.

	£	s.	d.
Instructions for petition			0 10 0
Search for prior petition under Part IV. of the Act			0 6 8
If the solicitor resides at a distance—			
Writing agent to search for prior petition			0 5 0
Agent's writing result of search			0 5 0
Drawing petition			per folio, 1s.
Engrossing			per folio, 6d.

INSTRUCTIONS FOR SCHEDULE.

	£	s.	d.
Where the assets do not exceed £200			2 2 0
Where the assets exceed £200 but do not exceed £1,000			3 3 0
" £1,000			4 4 0
" £2,000			5 5 0
" £3,000			6 6 0
" £4,000			7 7 0
" £5,000			8 8 0
" £7,500			9 9 0
" £10,000 then the fee shall be increased by one guinea for every additional £2,500 or fraction of £2,500 beyond the first £10,000.			
Engrossing List A			per folio, 6d.
Engrossing List B			per folio, 6d.
Engrossing List C			per folio, 6d.
Engrossing List D			per folio, 6d.
Engrossing List E			per folio, 6d.
Engrossing List F			per folio, 6d.
Engrossing List G			per folio, 6d.
Instructions for affidavit in support of petition			0 10 0
Drawing same			per folio, 1s.
Engrossing			per folio, 6d.
Attending deponent to be sworn			0 6 8
Paid oath, &c.			
Drawing affidavit verifying preparation of schedule			per folio, 1s.
Engrossing			per folio, 6d.
Paid oath			
Attending presentation of petition			0 10 0
Paid filing affidavits			
Paid fee on petition			
Drawing order of sequestration			per folio, 1s.
Engrossing			per folio, 6d.
Paid fee thereon			
Copying order for office copy			per folio, 6d.
Attending to get certified			0 6 8

	£	s.	d.
Paid fee			
Drawing and engrossing bill of costs, including copy for Taxing Officer per folio, 1s. 6d.	0	11	0
Appointment to tax and copy for service			
Attending taxing			per hour, 10s.
Paid taxing fee			

2. PETITIONING CREDITOR'S SOLICITOR'S BILL OF COSTS.

Instructions for petition	1	0	0
Examining particulars of petitioning creditor's account	0	6	8
Where the act of insolvency arises under sub-sections (1), (2), (3), (5), or (8) of section 49 of the Insolvency Act special attendances (where necessary) to examine witnesses as to the facts they can prove shall be allowed, the charges for which and for summoning witnesses or for affidavits shall be in the discretion of the taxing officer according to the circumstances, and where it is necessary to instruct counsel to support the petition the usual charges for brief and counsel's fee shall be allowed.			
Search for prior petition under Part III. of the Act	0	6	8
If the solicitor resides at a distance—			
Writing agent to search for prior petition	0	5	0
Agent's writing result of search	0	5	0
Drawing petition			per folio, 1s.
Engrossing			per folio, 6d.
Attesting signature of each petitioning creditor, except where petitioners are in partnership	0	10	0
Where petitioning creditor is a company or corporation with seal	1	1	0
Instructions for affidavit verifying petition	0	10	0
Drawing same			per folio, 1s.
Engrossing			per folio, 6d.
Marking exhibits to affidavit			each, 1s.
Attending deponent to be sworn	0	6	8
Paid oath			
Copy of petition for service			per folio, 6d.
Drawing order nisi			per folio, 1s.
Engrossing			per folio, 6d.
Attending presentation of petition, and on Judge signing order nisi	0	10	0
Copying order nisi for office copy			per folio, 6d.
Attendance to get certified	0	6	8
Fee thereon			
Service on respondent	0	10	0
If served at a distance of more than 2 miles from the nearest place of business or office of the solicitor serving the same, for each mile beyond such 2 miles therefrom	0	1	6
Where, in consequence of the distance of the party to be served, it is proper to effect such service through an agent (other than the Melbourne agent) for correspondence in addition	0	7	0
Correspondent's charges, exclusive of mileage, where the fixed sum for costs does not apply	1	10	0
Where more than one attendance is necessary to effect service or to ground an application for substituted service such further allowance may be made as the taxing officer shall think fit.			
Attending searching for notice of opposition	0	6	8
Making copy thereof			per folio, 6d.
Drawing affidavit of service of order nisi			per folio, 1s.
Engrossing			per folio, 6d.
Attending deponent to be sworn	0	6	8
Paid oath			
Engrossing brief			per folio, 8d.
Attending counsel therewith	0	6	8
Attending Court on hearing of petition	1	0	0
Drawing order absolute			per folio, 1s.
Engrossing			per folio, 6d.
Attendance to get signed	0	6	8
Letters, messengers, &c. (in discretion of taxing officer).			

WHERE THE ACT OF INSOLVENCY ARISES UNDER SUB-SECTIONS (5) OR (8) OF SECTION 49 OF THE "INSOLVENCY ACT 1915."

Instructions for affidavit of sheriff's officer	0	10	0
Drawing same			per folio, 1s.
Engrossing			per folio, 6d.
Copying <i>Fi. Fa.</i>			per folio, 6d.

	£	s.	d.
Attending to get certified	0	6	8
Paid fee			
Attending deponent to be sworn	0	6	8
Paid oath and exhibit			

WHERE ACT OF INSOLVENCY THE FILING A DECLARATION OF INABILITY TO PAY.

Drawing declaration for inability to pay	per folio,	1s.	
Engrossing	per folio,	6d.	
Attending attesting	0	10	0
Attending filing	0	6	8

COSTS FOR SUBSTITUTED SERVICE WHERE THE DEBTOR KEEPS OUT OF THE WAY TO AVOID SERVICE.

Several attendances to serve, without effect, when it appearing that the debtor was keeping out of the way and could not be personally served. Instructions to apply for substituted service	0	10	0
Drawing affidavit of facts, showing that due pains had been taken to effect personal service	per folio,	1s.	
Engrossing	per folio,	6d.	
Attending to swear affidavit	0	6	8
Attending to file affidavit, and to apply for order for substituted service	0	10	0
Drawing order	per folio,	1s.	
Engrossing	per folio,	6d.	
Attending to get signed	0	6	8

WHERE THE DEBTOR OPPOSES THE ORDER NISI.

Attending petitioner where the debtor has filed notice of opposition	0	10	0
Special attendances shall be allowed to examine witnesses as to the facts they can prove, the charges for which shall be in the discretion of the taxing officer according to the circumstances, and the usual charges for brief and counsel's fees shall be allowed.			
Preparing subpoena for witness (<i>duces tecum</i>)	0	12	0
Copy and service	0	10	0
If served at a distance of more than 2 miles from the nearest place of business or office of the solicitor serving the same, for each mile beyond such 2 miles therefrom	0	1	6
Where, in consequence of the distance of the party to be served, it is proper to effect such service through an agent (other than the Melbourne agent), for correspondence in addition	0	7	0
Correspondent's charges for service of subpoena <i>duces tecum</i> (exclusive of mileage)	1	10	0
Preparing subpoena for witness (<i>ad test</i>)	0	10	0
Copy and service	0	7	6
Mileage as before.			
Correspondent's charges for service (exclusive of mileage)	1	10	0
Correspondence as before	0	7	0
Payment of witnesses. (See scale in Part 3.)			
The petitioning creditor shall not be regarded as a witness. He shall not be paid for loss of time, but shall be allowed his expenses of travelling and subsistence.			
Attending Court on hearing of order <i>nisi</i>	1	0	0
Or, according to circumstances, not to exceed £3 3s.			
Attending by agent	2	0	0
Where the solicitor resides at a distance from the Court his travelling expenses may be allowed, provided the total charge does not exceed costs of attendance by agent.			

COSTS OF DEBTOR'S SUMMONS.

Instructions for affidavit of debt and for debtor's summons	0	10	0
Drawing affidavit of debt	per folio,	1s.	
Engrossing	per folio,	6d.	
Particulars of demand (three copies)	at per folio,	6d.	
Attending each deponent to be sworn	0	6	8
Paid oath	0	1	6
Attending filing	0	6	8
Drawing debtor's summons	per folio,	1s.	
Engrossing	per folio,	6d.	
Attending before Judge, applying for summons, and on his granting it	0	10	0
Attending sealing summons, copies, and particulars	0	6	8
Paid fee			
Two fair copies debtor's summons	per folio,	6d.	
Service	0	5	0
Or, according to distance, at discretion of taxing officer.			
Attending Court on hearing of summons	1	1	0

WHERE THE DEBTOR IS REQUIRED BY THE COURT TO ENTER INTO A BOND.

	£	s.	d.
Attending to make inquiries as to sufficiency of sureties	0	13	4
This charge will be subject to increase according to the distance of the sureties' residence, and, where necessary, agency charges for making such inquiries shall be allowed.			
Drawing exceptions to sureties			per folio, 1s.
Engrossing			per folio, 6d.
Service hereof, on debtor's solicitor	0	5	0
Attending Court when sureties allowed or disallowed	1	0	0
Costs of affidavits in opposition to the allowance of the bond for want of sufficiency of sureties the same as of other special affidavits.			

COSTS OF DEBTOR'S SUMMONS WHERE THE COURT ALLOWS COSTS TO DEBTOR ON DISMISSAL OF SUMMONS.

The debtor's personal expenses for travelling and loss of time according to the scale allowed to witnesses.

And if attended by a solicitor and his costs allowed (which must be by special order of the Court).

Instructions to attend the Court on the summons	0	10	0
Drawing affidavit of denial of debt			per folio, 1s.
Engrossing			per folio, 6d.
Attending deponent to be sworn	0	6	8
Paid oath			
Attending Court on hearing of summons	1	1	0
Drawing order			per folio, 1s.
Engrossing			per folio, 6d.
Attending to get signed	0	6	8
Copy for service			per folio, 6d.
Service	0	5	0
Drawing and engrossing bill of costs, including copy for taxing officer	per		folio, 1s. 6d.
Appointment to tax, and copy for service	0	11	0
Attending taxing			per hour, 10s.
Paid taxing fee.			

3. SPECIAL COSTS.

Attendance at Meeting of Creditors held under section 72 of the Act.

The petitioning creditor's solicitor may be allowed all proper charges at the rate specified in the scale for all work necessary or usefully done in the interests of the creditors generally for the protection or benefit of the estate between the order nisi and the date of the order absolute; if the trustee shall certify that the work done was necessary or useful, such certificate may be given by the signature of the trustee to a memorandum containing such certificate at the foot of the bill of costs.

In exceptional cases, where the petitioning creditor's solicitor has, prior to the presentation of the petition, rendered special services in the interests of the creditors generally, and such services shall have assisted to preserve or increase the assets or otherwise been of substantial advantage to the estate, the taxing officer may, upon a certificate signed by the trustee to that effect, which may be given by a memorandum containing such certificate at the foot of the bill of costs, allow all proper charges for such services at the rate specified in the scale.

Where the assignee employs the petitioning creditor's solicitor or the debtor's or other solicitor to take any steps for the protection or benefit of the estate, or in other matters not included in the foregoing scale, the cost of work done under such employment shall, in the absence of any special agreement with the assignee, be subject to taxation with Scale No. 6.

4. TAXATION OF PETITIONER'S COSTS.

Drawing bill of costs, including copy for taxing officer—			
On debtor's petition			per folio, 1s. 6d.
On creditor's petition			per folio, 1s. 6d.
No charges, except those included under the preceding scales, shall be allowed in the case of a debtor's petition or unopposed creditor's petition unless in the latter case the taxing officer considers that for special reasons additional items may be allowed.			

Where the petition is opposed, costs may be allowed in addition for necessary matters not provided for under the preceding scales or under Scale No. 6; such allowances shall be made in conformity with that scale as nearly as may be, or with the scales of costs in the Supreme Court according to the nature of the proceeding.

5. DEBTOR'S SOLICITOR'S COSTS.

	£	s.	d.
Where the Court allows costs to the debtor on discharge of order nisi.			
Attending debtor served with copy of order nisi and taking instructions to oppose ..	0	10	0
Perusing and considering same	0	10	0
Drawing notice of opposition			per folio, 1s.
Engrossing			per folio, 6d.
Attending filing	0	6	8
Costs of procuring <i>vidæ voce</i> evidence, and of other incidental charges properly incurred, including usual charges for brief and fees to counsel shall be allowed in the discretion of the taxing officer.			
Attending Court on hearing of order nisi	1	0	0
(Or according to circumstances not to exceed £3 3s.)			
Attending by agent	2	0	0
Where the solicitor resides at a distance from the Court, his travelling expenses may be allowed, provided the total charge does not exceed costs of attendance by agent.			
Drawing order			per folio, 1s.
Engrossing			per folio, 6d.
Attending to get signed	0	6	8
Letters, messengers, &c. (in discretion of taxing officer)			
The debtor's personal expenses for travelling and loss of time shall be allowed according to the scale of witnesses.			

6. MISCELLANEOUS AND GENERAL COSTS.

Costs of the day on adjournment where no fixed amount is named in the Order			
Attendance in Court	1	1	0
Drawing order			per folio, 1s.
Engrossing			per folio, 6d.
Attending to get signed	0	6	8
Attending counsel	0	10	0
Notice to witnesses, each	0	3	6
Payment to witnesses (see scale in part 3)			
The following fees are to be allowed to counsel's clerks:—			
Upon a fee under 5 guineas	0	2	6
5 guineas and under 10 guineas	0	5	0
10 guineas and under 20 guineas	0	10	0
20 guineas and under 30 guineas	0	15	0
30 guineas and under 50 guineas	1	0	0
50 guineas and upwards, per cent.	2	10	0
On consultations, senior's clerk	0	5	0
On consultation, junior's clerk	0	2	6
On conferences	0	5	0
Solicitor's managing clerk's fee where there is a trial	1	0	0

WARRANTS AND EXECUTIONS.

Warrant, warrant of seizure—search warrant, writ of <i>feri facias</i> , writ of <i>venditioni exponas</i>	0	12	0
If more than four folios, for each folio beyond four			1s. per folio

SERVICE.

Service of petition, order, notice, or other process, each service	0	5	0
If the distance be more than 2 miles, 1s. 6d. per mile on such further distance, or a sum in the discretion of the taxing officer, according to circumstances.			
Service, by post, including postage	0	5	2
Special service under an order (in discretion of taxing officer). In cases of great distance the service shall be by agent, unless otherwise sanctioned.			

INSTRUCTIONS.

For statement of facts or special case	0	13	4
For record for trial	0	13	4
For motion	0	10	0
For any proceeding or application not otherwise provided for	0	10	0
For application for directions	0	10	0
For application for substituted service	0	10	0
To appear on hearing of a matter under notice of motion	0	10	0

	£	s.	d.
For special affidavits	0	10	0
For case for opinion of counsel.. .. .	0	10	0
For brief on hearing or determination of any motion before the Court or a Judge ..	1	1	0
For brief on issue of fact (such fee as the taxing officer shall think fit).			
For brief on hearing of any motion or issue of fact where witnesses are to be examined or cross-examined, such fee may be allowed as the taxing officer shall think fit, having regard to all the circumstances of the case, and to other allowances (if any) for attendance on witnesses procuring evidence.			
For brief on hearing of any interlocutory motion (or such further sum as the taxing officer may allow)	0	10	0
For brief on any other proceeding not otherwise provided for, such fee as the taxing officer may allow.			

DRAWING DOCUMENTS.

Commission or order for examination of witnesses abroad	per folio, 1s.		
Other orders where necessary	per folio, 1s.		
Application for an appointment before the Court, or Judge, or Chief Clerk, and copy		0	5
Briefs and cases for opinion of counsel	per folio, 1s.		

PERUSALS.

Of notice of motion by the solicitor of the party on whom the same is served ..	0	10	0
Or if exceeding 30 folios	per folio, 4d.		
Of documents by Melbourne agent on appeal		1	1
		to	2
			2
Of affidavits, depositions, and exhibits by the solicitor of the party against whom the same can be read	per folio, 4d.		
Of other documents, where necessary	per folio, 4d.		

ATTENDANCES.

At Court on application to transfer proceedings or part of the proceedings from one district to another	0	10	0
An application for directions	1	1	0
At Court on application for warrant, warrant of seizure, or search warrant ..	1	1	0
Instructing officer as to execution of warrant, warrant of seizure, or search warrant	0	10	0
To file affidavits	0	6	8
General attendances, each	0	6	8
Long and special attendances	0	13	4
(or more in the discretion of the taxing officer).			
At meetings of creditors (other than the meetings under section 72 of the Act) or of committee of inspection, when duly authorized and necessary, per hour ..	0	10	0
To insert advertisement	0	5	0
On taxation of costs, per hour	0	10	0
On counsel, with brief or other papers—			
If counsel's fee one guinea	0	5	0
If more and under five guineas	0	6	8
If five guineas and under twenty guineas	0	10	0
If twenty guineas	0	13	4
If forty guineas or more	1	10	0
Where conference or consultation with counsel is necessary—			
Attending to appoint same with each counsel (according to amount of fee).			
Attending consultation or conference with counsel	0	13	4
Attending client, reading over opinion, and conferring with him thereon ..	0	10	0

LETTERS, TELEGRAMS, ETC.

Writing letters, each, special	0	10	0
" common	0	5	0
Circular " letters, original letter, if special	0	5	0
" if common	0	3	4
For each copy thereof, including addressing and despatching, not exceeding twenty	0	1	0
If above twenty in number, letters shall be printed, and there shall be allowed for each copy addressed and despatched in addition to printer's charges ..	0	0	6
Preparing and attending to despatch necessary telegrams	0	5	0

7. GENERAL REGULATIONS.

1. All costs save as in this scale provided which shall be properly incurred under the provisions of the Act or Rules shall be allowed on the lower scale in Appendix N to the Rules of the Supreme Court.
2. All Court fees and other proper disbursements shall be allowed in addition to the remuneration in this scale provided.
3. Extra allowance for length of sittings or other increased allowances not inconsistent with this scale may be allowed; provided that any such allowance shall have been ordered and certified by the Court at the time, or all such charges will be disallowed.
4. Vouchers shall be produced on taxation for all payments, or such payments shall be disallowed. No fee to counsel shall be allowed on taxation unless vouched by his signature.
5. Bills of costs shall be written lengthwise, distinguishing by insertion in separate columns costs out of pocket from charges for work done and time expended. Dates shall be furnished to each item, but they must not be written in the margin, which shall be left clear for taxation.
6. The fees allowed for drawing any affidavit or other document shall include any copy made for the use of the solicitor, agent, or for counsel to settle.
7. No instructions for an affidavit shall be allowed when the solicitor or his clerk makes the affidavit.
8. The allowances for instructions and drawing an affidavit in answer to interrogatories and other special affidavits, and attending the deponent to be sworn, shall include all attendances on the deponent to settle and read over.
9. The fees allowed for delivery of documents, services, and notices shall not be allowed when the same solicitor is for both parties unless it be necessary for the purpose of making an affidavit of service.
10. The fees allowed for perusals shall not apply where the same solicitor is for both parties.
11. Where the same solicitor is employed for two or more persons having the same interest, and separate papers are delivered, or other proceedings had by or for two or more such persons separately, the taxing officer shall consider, on the taxation of such solicitor's bill of costs either between party and party or between solicitor and client, whether such separate papers or other proceedings were necessary or proper, and if he is of opinion that any part of the costs occasioned thereby has been unnecessarily or improperly incurred, the same shall be disallowed.
12. A folio is to comprise 90 words, every figure comprised in a column or authorized to be used counted as one word.
13. In special cases where the same person acts both as counsel and attorney, and there is no brief, a charge by the solicitor for the preparation of minutes of fact or evidence for his own use may be allowed, and in addition such special fee as the taxing officer may think fit, having regard to the nature and importance of the case and the questions involved.
14. As to all fees or allowances which are discretionary, the same are, unless otherwise provided, to be allowed at the discretion of the taxing officer, who, in the exercise of such discretion, is to take into consideration other fees and allowances to the solicitor and counsel, if any, in respect of the work to which any such allowance applies, the nature and importance of the matter, the amount involved, the interest of the parties, the estate or persons to bear the costs, the general conduct and costs of the proceedings, and all other circumstances.
15. Any person who may be dissatisfied with the allowance or disallowance by the taxing officer in any bill of costs taxed by him of the whole or any part of any items, may at any time before the certificate or allocatur is signed carry in before the taxing officer an objection in writing to such allowance or disallowance, specifying therein by a list, in a short and concise form, the items or parts thereof objected to and the grounds and reasons for such objection, and may thereupon apply to the taxing officer to review the taxation in respect of the same.
16. Upon such application, the taxing officer shall reconsider and review his taxation upon such objection, and he may, if he shall think fit, receive further evidence in respect thereof, and, if so required by the solicitor or any person interested, he shall state either in his certificate of taxation or allocatur, or by reference to such objection, the grounds and reasons of his decision therein, and any special facts or circumstances relating thereto.
17. Any person who may be dissatisfied by the certificate or allocatur of the taxing officer as to any item or part of an item which may have been objected to as aforesaid may, within fourteen days from the date of the certificate or allocatur, or such other time as the Court or Judge or taxing officer at the time he signs his certificate or allocatur may allow, apply to the Judge for an order to review the taxation as to the same item, or part of an item, and the Judge may thereupon make such order as the Judge may think just, but the certificate or allocatur of the taxing officer shall be final and conclusive as to all matters which shall not have been objected to in manner aforesaid.
18. Such application shall be heard and determined by the Judge upon the evidence which shall have been brought in before the taxing officer, and no further evidence shall be received upon the hearing thereof unless the Judge shall otherwise direct.

19. The fees payable on taxation of costs, except where otherwise provided, shall be taken on signing the certificate, or on the allowance of the bill of costs as taxed; but the fees shall be due and payable, if no certificate or allocatur is required, on the amount of the bill as taxed, or on the amount of such part thereof as may be taxed, and the solicitor, or party acting in person, shall in such case cause the proper stamps (the amount thereof to be fixed by the officer) to be impressed on or affixed to the bill of costs.

20. The taxing officer may require a deposit of stamps on account of fees before taxation not exceeding the fees on the full amount of the costs as submitted for taxation, and the officer or his clerk taking such deposit shall make a memorandum thereof on the bill of costs.

PART 3.

SCALE OF ALLOWANCES TO WITNESSES.

	If resident at place of hearing of trial or in the neighborhood.		If resident at any other place beyond five miles.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Labourers and other common witnesses	0	8	0	0 to 0 10 0
Master tradesmen, yeomen, and farmers, per diem ..	..	0	10	0 to 0 15 0
Auctioneers and accountants .. .. .	..	1	0	0 to 1 3 0
Professional men, per diem	1	1	0	.. .. .
Ditto, inclusive of all except travelling expenses, per diem .. .. .	..	..	..	1 1 0 to 3 3 0
Mechanics and clerks, per diem	0	10	0 to 0 13 0	0 13 0 to 1 0 0
Engineers and surveyors, per diem	1	0	0	1 0 0 to 2 2 0
Notaries, per diem	1	0	0	1 0 0 to 2 2 0
Gentlemen .. .. .	..	..	..	1 1 0 per diem.
Esquires .. .. .	..	..	..
Bankers .. .. .	..	..	..
Merchants .. .. .	..	..	..
Females (according to station in life), per diem	0	7		0
Police Inspector, per diem } A sum equal to their pay.				
Police Constable, per diem }				
If stationed out of the town, 2s. 6d. extra.				
Travelling expenses if witness resident or place of business more than four miles from place of hearing, according to the sums reasonably and actually paid.				
Witness attending in more than one cause or matter will be entitled to a proportionate part only in each cause.				
If witnesses are compelled to be absent from home overnight, a reasonable sum, not to exceed 10s. for each night of absence, to be allowed as sustenance fee in addition to the above allowances.				

PART 4.

AUCTIONEER'S CHARGES.

For sales in addition to such actual out of pocket expenses as may be authorized at the time by the trustee or assignee—

Of chattel property not exceeding:—	
On the first £500	£5 0 0 per cent.
Above, up to £1,000	4 0 0 "
Above £1,000	2 10 0 "
Of estates freehold, leasehold, &c., including prior valuations for determining amount of reserve bids:—	
On the first £300	£5 0 0 per cent.
On the next £1,600	2 10 0 "
Above, up to £5,000	1 5 0 "
Above £5,000	1 0 0 "
No higher allowance to be sanctioned without the leave of the Court.	
Cost of surveys, dilapidations, and specifications, in discretion of taxing officer	£2 0 0 to £5 0 0

Estate Agents to be paid according to their own scale.

ACCOUNTANT'S CHARGES.

Where the employment of an accountant has been duly sanctioned, and in the absence of any special arrangement with the assignee or the trustee for a smaller amount, the following charges may be allowed:—

For preparing balance-sheet, investigating accounts, &c., principal's time exclusively so employed per day of 7 hours, including necessary affidavit	£1 1 0	to	£5 5 0
Chief Clerk's time	0 10 6	to	1 11 8
Other clerk's time per day of 7 hours	0 7 6	to	0 16 0

These charges shall include stationary except the forms used.

PART 5.

Schedule of Fees and Costs.

1.—FEES TO BE PAID IN THE OFFICE OF THE COURT.

	£	s.	d.
For setting down any motion or summons under section 159 of the Act or petition or application to the Court, to be paid by the party obtaining the appointment	0	10	0
For office copies, if made in the office, 2s. 6d. for the first folio of ninety words, and 4d. for every succeeding folio of ninety words.			
For office copies not written in the office, for examining and certifying, 1s. for the first folio of ninety words, and 1s. additional for each succeeding ten folios or parts of folios.			
For signing and sealing, or signing, or sealing any document not mentioned in section 28 of the Act	0	1	0
For signing and sealing orders of the Court	0	2	6
For every summons, subpoena, or warrant	0	1	0
Upon presenting any petition for sequestration under Part III. of the Act, if the assets on the schedule are under £100	3	0	0
Ditto, ditto, if the assets on the schedule equal or exceed £100	5	0	0
For filing any affidavit or document not being a proof of debt	0	1	0
For every debtor's summons	0	5	0
Taxing costs, 3d. in the £1 upon the amount allowed by the allocatur.			
For every certificate of proxy	0	1	0
For every special meeting called at the request of creditors, to be paid by the trustee	1	0	0
For every search	0	1	0
For every order releasing an estate from sequestration	1	0	0
For every certificate of discharge of an insolvent or debtor under liquidation	1	0	0
For registration of every extraordinary resolution, not being additional or variation of original resolution, under Parts IX. or X. of the Act, if the assets on debtor's statement are under £100	3	0	0
Ditto, ditto, if the assets on debtor's statement equal or exceed £100	5	0	0
For inspecting any resolution or statement under sections 247 or 248 of the Act	0	2	6
For every certificate of the appointment of a trustee	0	2	6
For every certificate of the discharge of a trustee	1	0	0
For setting down any petition for sequestration under Part IX. of the Act	2	0	0
For setting down motion to sequestrate under Part X. of the Act	2	0	0
For every order of transfer of proceedings	0	10	0
For every memorandum of insertion of an advertisement or advertisements	0	1	0