

THE CREDITOR SHOULD FILL UP WHICHEVER OF THE TWO FOLLOWING FORMS IS APPLICABLE.

[SEE BACK.]

THE BANKRUPTCY ACTS, 1883 & 1890.

In the County Court of

holden at

IN BANKRUPTCY.

RE _____ No. _____ of 189 .

GENERAL PROXY.

I, (a) _____ of _____ a Creditor,

hereby appoint (b) _____ to be (c) _____ General Proxy

in the above matter [excepting as to receipt of dividend] (d)

Dated this _____ day of _____ 189 .

(Signed) (e) _____

Signature of Witness } (h) _____

Address _____

SPECIAL PROXY.

I, (a) _____

(f) Here insert either (but not both) of _____ a Creditor,

hereby appoint (g) _____ as (e) _____ proxy at the Meeting of Creditors to be held on the _____

day of _____ 189 , or at any adjournment thereof, to Vote (g) _____

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 :-

- (1) For or against any specific proposal for a composition or scheme of arrangement.
(2) 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.
(3) On all questions relating to any matter other than those above referred to, arising at any specified meeting or adjournment thereof.

Dated this _____ day of _____ 189 .

(Signed) (e) _____

(h) The signature of the Creditor appointing a proxy must NOT be attested as witness by the person nominated as proxy.

Signature of Witness } (h) _____

Address _____

NOTES :-

- 1. The authorized agent of a Corporation may fill up blanks and sign for the Corporation, thus :- "For the _____ Company. (J.S.) (duly authorized under the seal of the Company.)"
2. 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 inserting name of Creditor.] (j)"

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

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

I, _____ of _____ being a (k) _____

(k) Here state whether Clerk or Manager in the regular employment of the Creditor or a Commissioner to administer Oaths in the Supreme Court.

hereby certify that all insertions in the above proxy are in my own handwriting, and have been made by me at the request of the above-named _____ and in his presence before he attached his signature [or mark] thereto.

Dated this _____ day of _____ 189 .

Signature _____

EXTRACTS FROM THE BANKRUPTCY ACTS, 1883 AND 1890,
AND FROM THE BANKRUPTCY RULES, 1886 AND 1890, AS
TO PROXIES.

Schedule I. of the Act of 1883. 15. A Creditor may vote either in person or by proxy.

S. 22 (1) of the Act of 1890. 22. (1.) Every instrument of proxy shall be in the prescribed form and shall be issued by the Official Receiver of the debtor's estate, or by some other Official Receiver, or, after the appointment of a trustee, by the trustee, and every insertion therein shall be in the handwriting of the person giving the proxy, or of any manager or clerk or other person in his regular employment, or of any Commissioner to administer Oaths in the Supreme Court.

Bankruptcy Rules, 1886 & 1890. Rule 246. 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, and shall be produced to the Official Receiver if required.

Bankruptcy Rules. 1886 & 1890. Rule 247. 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.

Schedule I. of the Act of 1883. 17. 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.

21. A Creditor may appoint the Official Receiver of the Debtor's estate to act in manner prescribed as his general or special proxy.

Bankruptcy Rules, 1886 & 1890. Rule 248. No person shall be appointed a general or special proxy who is a minor.

S. 22 (3) of the Act of 1890. 22. (3.) A Creditor may give a special proxy to any person to vote at any specified meeting, or adjournment thereof, on all or any of the following matters:—

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

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

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

Schedule I. of the Act of 1883. 19. A proxy shall not be used unless it is deposited with the Official Receiver or Trustee before the meeting at which it is to be used.

Bankruptcy Rules, 1886 & 1890. Rule 245. (2.) A proxy shall be lodged with the Official Receiver or Trustee not later than four o'clock on the day before the meeting or adjourned meeting at which it is to be used.

Schedule I. of the Act of 1883. 20. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a Trustee or Receiver in obtaining proxies, or in procuring the trusteeship or receivership, except by the direction of a meeting of creditors, the Court shall have power, if it think fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf such solicitation may have been exercised, notwithstanding any resolution of the committee of inspection or of the creditors to the contrary.