

Instructions to be sent to Creditors with Notice of First Meeting.

THE BANKRUPTCY ACTS, 1883 & 1890.

INSTRUCTIONS TO CREDITORS AS TO PROOFS AND PROXIES.

The attention of creditors is called to the following Rules relating to Proofs of Debt and to Proxies:—

AS TO PROOFS.

1. Every creditor shall prove his debt as soon as may be after the making of a Receiving Order.

Schedule II. of the Act of 1883.

Rule 222. A proof intended to be used at the First Meeting of Creditors shall be lodged with the Official Receiver not later than the time mentioned for that purpose in the Notice convening the Meeting, which time shall not be earlier than Twelve o'clock at noon of the day but one before, nor later than Twelve o'clock at noon of the day before the day appointed for such Meeting.

Bankruptcy Rules, 1886 & 1890.

Rule 222A. A proof intended to be used at an adjournment of the First Meeting (if not lodged in time for the First Meeting) must be lodged not less than twenty-four hours before the time fixed for holding the adjourned Meeting.

A statement of account shall be attached to the proof.

Every proof of debt for a sum exceeding £2 must bear a bankruptcy stamp of the value of one shilling, to be affixed by the creditor making the proof. This stamp may be obtained at a head post office, or if a stamp cannot be obtained the amount may be remitted to the Official Receiver by Postal Order.

Bankruptcy Rules, 1886.

Proofs may be sworn or affirmed before the Official Receiver or before such other persons as are specified in Section 135 of the Bankruptcy Act, 1883, Section 24, of the Bankruptcy Act, 1890, and Rule 219A of the Bankruptcy Rules, 1886 and 1890, printed on the back hereof.

Rule 221. 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 Official Receiver, Chairman of a Meeting, or Trustee, as the case may be, before the Proof can be admitted either for voting or for dividend.

AS TO PROXIES.

Schedule I. of the Act of 1883.

15. A creditor may vote either in person or by proxy. 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.

S. 22 (1) of the Act of 1890.

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.

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.

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.

Rule 248. No person shall be appointed a general or special proxy who is a minor.

S. 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.

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.*

No proxy will be valid unless it is upon a form issued by the Official Receiver.

SWEARING OF AFFIDAVITS.

S. 135. Subject to General Rules, any affidavit to be used in a Bankruptcy Court may be sworn before any person authorised to administer oaths in the High Court, or in the Court of Chancery of the County Palatine of Lancaster, or before any registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing on that behalf by the Judge of the Court, or, in the case of a person residing in Scotland or in Ireland, before a Judge ordinary, magistrate, or justice of the peace, or, in the case of a person who is out of the Kingdom of Great Britain and Ireland, before a magistrate or justice of the peace or other person qualified to administer oaths in the country where he resides (he being certified to be a magistrate or justice of the peace or qualified as aforesaid by a British minister or British consul, or by a notary public).

S. 24. Any affidavit to be used in a Bankruptcy Court may be sworn not only before the persons named in section 135 of the principal Act, but also in England and Wales before a Justice of the Peace for the county or place where it is sworn.

Rule 219A. An affidavit of proof of debt may be sworn before an Assistant Official Receiver or any clerk of an Official Receiver duly authorised in writing by the Court or the Board of Trade in that behalf.

Any person who objects to make oath on the ground that "he has "no religious belief, or that the taking of an oath is contrary to "his religious belief," may make a solemn affirmation in accordance with the provisions of 51 & 52 Vict., cap. 46.

Schedule I. of the Act
of 1883.

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Bankruptcy Rules,
1886.

Act of 1890.

Bankruptcy Rules,
1886 & 1890

Act of 1883.

Act of 1890.

Bankruptcy Rules,
1886 & 1890

Oaths Act, 1888.

In the High Court of Justice.

IN BANKRUPTCY.

No. 1205 of 1891.

RE JAMES TROLLOPE, of No. 4, Bond Court, Walbrook, London, and of Lower Walmer, Kent,
and residing at Grove House, Liverpool Road, Lower Walmer, Kent, Builder and Contractor.

SUMMARY OF THE DEBTOR'S STATEMENT OF AFFAIRS

At 11th September, 1891, date of Receiving Order.

Gross Liabilities.			LIABILITIES. (As stated and estimated by Debtor.)			Expected to rank for dividend.			ASSETS. (As stated and estimated by Debtor.)			Estimated to Produce.		
£	s.	d.				£	s.	d.				£	s.	d.
2,511	17	3	Creditors Unsecured	...	...	2,511	17	3	Stock-in-trade	...	...	154	0	0
9,688	3	2	Creditors fully secured	£9,688	3 2				Plant, Machinery, Tools, Trade Fixtures, Fittings, Utensils, &c.	...	...	563	0	0
			Estimated value of securities	12,345	0 0				Household Furniture, &c.	...	...	50	0	0
			Surplus, to contra	£2,656	16 10				Other Property (Cash deposited with Solicitor for Costs of Petition)	...	...	15	0	0
									Book Debts—good	...	...	209	10	6
									„ bad	£116	4 8			
									Estimated to produce	...	...	„	„	„
									Estimated Surplus from securities held by Creditors fully secured	...	...	2,656	16	10
71	19	3	Creditors for Rates, Taxes, Wages, Sheriff's Charges, &c.	£71	19 3							3,648	7	4
			Deducted, contra	71	19 3				Deduct Creditors for preferential Rates, Taxes, Wages, Sheriff's Charges, &c., per contra	...	...	71	19	3
			Estimated Surplus	...	...	1,064	10	10						
£ 12,271	19	8				£ 3,576	8	1				£ 3,576	8	1

OBSERVATIONS.

The Debtor who filed his own petition, states that he began business as a Builder and Contractor, at Lower Walmer, Kent, about 20 years ago, with a capital of about £50, his own money, and that he has since been mainly engaged upon contract work for Government.

He states that, in 1888, he sustained a loss on the building of the Sea Wall at Deal; and that since that year he has carried on his business with the assistance of persons who have financed him under arrangements as to share of profits.

He further states that, in 1881, he also entered into partnership with another person, and they traded at Camberwell and Mitcham, as Varnish Manufacturers, until 1883, when the partnership was dissolved. It is stated that there are no partnership liabilities outstanding.

The Debtor attributes his failure to his inability to realize certain house property built by him, the Mortgagees of which are now in possession.

Creditors treated as "fully secured" are stated to hold Mortgages upon freehold and leasehold property at Lower Walmer and Deal, and upon Policies on the Debtor's life, the surplus is estimated by the Debtor, and is entirely subject to realization.

The Books of Account produced are of an incomplete and imperfect description, and not such as sufficiently disclose his business transactions or his financial position.

C. A. POPE,

Assistant Official Receiver.

30th September, 1891.

THE CREDITOR SHOULD FILL UP WHICHEVER OF THE TWO FOLLOWING FORMS IS APPLICABLE.
[SEE BACK.]

THE BANKRUPTCY ACTS, 1883 & 1890.

In the High Court of Justice.

No. _____ of 189

IN BANKRUPTCY.

RE _____

GENERAL PROXY.

N.B.
The Proxy must be lodged with the Official Receiver or Trustee not later than Four o'clock p.m. on the day before the Meeting at which it is to be used.

The blanks in the proxy form must be filled in by the Creditor, or by a person in his regular employment, or by a Commissioner to administer Oaths in the Supreme Court.
If not filled in by the Creditor, the Certificate at the foot must be filled up and signed by the person filling in the blanks.

(a) If a firm, write "we" instead of "I," and set out the full name of the firm.
(b) Here insert either (but not both) "Mr. _____" of _____ "a Clerk, Manager, &c., in my regular employ," or "the Official Receiver in the above matter."
(See at back as to Proxies.)
(c) "My" or "our."

(d) When the Creditor desires that his general proxy should receive dividends, he should strike out the words in brackets, putting his initials thereto.
It is not intended that the Official Receiver shall in any case receive dividends on behalf of a Creditor.

(e) If a firm, sign the firm's trading title and add:—"By A.B. a partner in the said firm."
[See also Notes 1 and 2 at foot.]

I, ^(a) _____ a Creditor,

of _____ 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 }

Address _____

SPECIAL PROXY.

I, ^(a) _____ a Creditor,

(f) Here insert either (but not both) "Mr. _____" of _____, "The Official Receiver in the above matter."
(See at back as to Proxies.)

of _____ hereby appoint ^(f) _____ as ^(c) _____ proxy at the Meeting of Creditors to be held on the _____

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

(g) 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.

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) _____

Signature } _____
of Witness }

Address _____

NOTES:—

- 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.)"
- 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).] ^(h)

(h) 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 ^(j) _____ 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

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

[or mark] thereto.
Dated this _____ day of _____ 189 .

Signature _____

[SEE EXTRACTS AT BACK.]

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.