

ANNOTATED LAWS OF PALESTINE

A STATEMENT OF THE STATUTE LAW
OF PALESTINE IN ALPHABETICAL ORDER
WITH CROSS-REFERENCES, ANNOTATIONS
TO DECIDED CASES, NOTES ON PRACTICE, ETC.

BY

A. M. APELBOM, LL.B.
BARRISTER AT LAW, ADVOCATE

SUB EDITOR

DR. H. KITZINGER, ADVOCATE

Vol. II

BANKRUPTCY

by

Dr. J. Kost, Advocate

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ceedings, unless the Attorney-General has determined that such proceedings shall be resisted or defended.

(4) The Official Receiver shall, if necessary, apply to the Court for any reasonable adjournment of any motion, or other summary proceedings before a Court having jurisdiction in bankruptcy, pending the determination of the Attorney-General upon the question whether such motion or proceedings should be resisted or defended, and the Court may grant an adjournment upon such terms as it shall think fit.

(5) If such proceedings are commenced before the appointment of a trustee by the creditors, or before the approval of a composition or scheme, the Official Receiver may, before putting the trustee appointed by the creditors or, in the case of a composition the debtor himself, into possession of the debtor's property, retain the whole or some of the debtor's estate to meet the damages, costs or expenses which the Official Receiver may have to pay or bear in consequence of the said proceedings. If such proceedings are commenced after the appointment of a trustee by the creditors, or after the approval of a composition or scheme, the Official Receiver shall forthwith give notice of such proceedings to the trustee, or other person in whom the estate of the debtor may be vested (including where necessary the debtor himself), and the estate of the debtor shall, as from the date of such notice, be deemed to be charged with the payment of the said damages, costs and expenses.

Trustees.

239. When the appointment of a trustee is certified, notice of his appointment shall forthwith be gazetted by the Official Receiver; and a certificate of the appointment shall be sent by the Official Receiver to the Court. The trustee shall also forthwith insert notice of his appointment in a local paper. The expense of such gazetting and notice shall be borne by the trustee, and may be charged by him to the estate.

As to the effect of the certificate of appointment, see sec. 19(6), 50(4) and 117(b).

240.—(1) Where the Official Receiver objects to the appointment of a trustee, and is required by a majority in value of the creditors to notify the objection to the Court, the Official Receiver on receipt of the requisition shall forthwith transmit a copy thereof to the Court, who shall fix a time for the hearing of the matter. At the

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Notice of appointment. Forms 166, 167.

Notification of objection to Court. Form 168.

hearing the person objected to, and every creditor and the Official Receiver, shall be entitled to be heard.

(2) The Official Receiver may also with the copy of the requisition communicate to the Court the grounds of his objections. Any report so made by the Official Receiver shall be *prima facie* evidence of the statements therein contained.

Cf. sec. 19(4).

Trustee not accounting under section 126 of the Ordinance.

241. It shall be a sufficient objection to the appointment of a trustee that he has not complied with the requirements of section 126 of the Ordinance, or of any order, of the Official Receiver made thereunder in respect of any matter as to which he was under an obligation to comply.

Removal of trustee.

242. It shall be a sufficient reason for refusing to certify the appointment of a person as trustee that in any other proceeding under the Ordinance such person has either been removed under section 87 (3) of the Ordinance from the office of trustee, or has failed or neglected, without good cause shown by him, to render his accounts for audit for two months after the date by which the same should have been rendered.

Removal for failing to keep up or increase security.

243. Where a trustee or special manager has given security in the prescribed manner, but fails to keep up such security, or, if called upon to do so, to increase such security, the Official Receiver may, if he thinks fit, remove him from his office.

"Security in the prescribed manner": See B.R.r. 264. As regards the removal of a trustee, in general, see sec. 87, and of a special manager, sec. 11(1) and B.R.r. 230.

Removal by Official Receiver.

244. Where a trustee is removed by the Official Receiver, notice of the order removing him shall at once be transmitted by the Official Receiver to the Registrar of the Court, who shall file the notice with the proceedings in the matter. The Official Receiver shall also cause a notice of the order to be gazetted.

Notice of resignation. Forms 169, 170.

245. A trustee intending to resign his office shall call a meeting of creditors to consider whether his resignation shall be accepted or not, and shall give not less than seven days' notice of the meeting to the Official Receiver.

As to the release of a trustee who has resigned, see sec. 86.

Rate of remuneration.

246. The creditors, or, as the case may be, the committee of inspection, in voting the remuneration of the trustee, shall distinguish between the commission or percentage payable on the amount

realised, and the commission or percentage payable on the amount distributed in dividend.

Cf. sec. 77(1).

247. Except as provided by the Ordinance 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 Ordinance and Rules he is entitled as trustee.

Limit of remuneration.

As to the remuneration of trustees, generally, see secs. 77 and 78.

248. In any case in which, under the provisions of section 19 or section 73 (3) of the Ordinance, the Court appoints a trustee, the trustee shall receive out of the estate such remuneration as the Court shall determine.

Remuneration when appointed by Court.

249.—(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, Forms 171, 172, 173.

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

See sec. 53, as to when the trustee may carry on the business of the bankrupt. The trustee need not be registered under the Registration of Business Names Ordinance (Proviso (iii) to sec. 3 of that Ordinance).

250. A trustee before making application to the Official Receiver for his release shall give notice of his intention so to do to all the creditors of the debtor who have proved their debts, and to the debtor, and shall send with such notice a summary of his receipts and payments as trustee. Provided that where such application is made upon the trustee ceasing to act by reason of a composition having been approved under section 21 of the Ordinance, such notice and summary shall be sent to the debtor only.

Application for release, Forms 174, 175, 176.

Cf. sec. 86 and notes, *ante*, pp. 359, 360.

251. Where the Official Receiver has granted to a trustee his release a notice of the order granting such release shall be gazetted. The trustee shall be required to provide the requisite fee, which may be charged to the estate.

Gazetting of release, Form 177.

252. The release of a trustee shall not take effect unless and until he has delivered over to the Official Receiver all the books, pa-

Delivery of books, etc., on release of trustee.

pers, documents, and accounts which by these Rules he is required to deliver over on his release.

Cf. B.R.r. 273.

Meeting to consider removal of trustee.

253. Where one-sixth in value of the creditors desire that a general meeting of the creditors may be summoned to consider the propriety of removing the trustee, such meeting may be summoned by a member of the committee of inspection, or by the Official Receiver on the deposit of a sum sufficient to defray the expenses of summoning such meeting.

Cf. secs. 74(2) and 87(2).

Banks.
Forms 178, 179,
180, 181.

254. The trustee shall pay all moneys received by him to the credit of the estate in an account opened with a bank prescribed by the Treasurer. All payments out shall be made by cheque payable to order, and every cheque shall have marked or written on the face of it the name of the estate, and shall be signed by the trustee. Every cheque shall be countersigned, in cases where there is a committee of inspection, by at least one member of the committee and by such other person, if any, as the creditor or committee of inspection may appoint.

See sec. 84 and notes, *ante*, p. 356-358.

Application for directions.
Forms 182, 183.

255. Where a trustee applies to the Court for directions in any matter, he shall file an application, and the Court shall then hear the application, or fix a day for hearing it, and direct the trustee to apply by motion.

Cf. sec. 74(3). As to applications by the Official Receiver for directions, see B.R.r. 233.

Creditors may obtain a copy of trustee's accounts.

256. Any creditor who has proved his debt may apply to the trustee for a copy of the accounts (or any part thereof) relating to the estate as shown by the cash book up to date, and on paying for the same at the rate of 20 mils per folio he shall be entitled to have such copy accordingly.

Statements of accounts to be furnished to creditors.
Form 184.

257. When in pursuance of section 80 of the Ordinance the Official Receiver or trustee is required to transmit to creditors a statement of the accounts, the cost of furnishing and transmitting such statement shall be calculated at the rate of 20 mils per folio for each statement where the creditors do not exceed 10, and where the creditors exceed 10, 50 mils per folio, for the preparation of the statement and the actual cost of printing.

Purchase of part of estate by trustee or committee forbidden.

258. Neither the trustee nor any member of the committee of inspection of an estate shall, while acting as trustee or member of

such committee, except by leave of the Court, either directly or indirectly, by himself or any partner, clerk, agent, or servant, become purchaser of any part of the estate. Any such purchase made contrary to the provisions of this section may be set aside by the Court on the application of the Official Receiver or any creditor.

259.—(1) Where the trustee carries on the business of the debtor, he shall not without the express sanction of the Court purchase goods for the carrying on of such business from his employer (if any) or from any person whose connexion with the trustee is of such a nature as would result in the trustee obtaining any portion of the profit (if any) arising out of the transaction.

Dealings with estate by trustee and committee of inspection.

(2) No member of a committee of inspection of an estate shall, except under and with the sanction of the Court, directly or indirectly by himself or any employer, partner, clerk, agent, or servant, be entitled to derive any profit from any transaction arising out of the bankruptcy, or to receive out of the estate any payment for services rendered by him in connexion with the administration of the estate, or for any goods supplied by him to the trustee for or on account of the estate. If it appears to the Official Receiver that any profit or payment has been made contrary to the provisions of this section he may disallow such payment or recover such profit, as the case may be, on the audit of the trustee's account.

(3) Where the sanction of the Court under this section is a payment to a member of a committee of inspection for services rendered by him in connexion with the 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. No payment shall, under any circumstances, be allowed to a member of a committee of inspection for services rendered by him in the discharge of the duties attaching to his place as a member of such committee.

(4) The costs of obtaining such sanction as aforesaid shall be borne by the person in whose interest it is obtained and shall not be payable out of the debtor's estate.

As to committee of inspection, see sec. 20 and notes, *ante*, p. 283-285.

260.—(1) Where a debtor is adjudged bankrupt, and a trustee is appointed, the Official Receiver shall forthwith put the trustee into possession of all property of the bankrupt of which the Official Receiver may be possessed; provided that such trustee shall have, before the estate is handed over to him by the Official Receiver, dis-

Discharge of costs, etc, before estate handed over to trustee.

charged any balance due to the Official Receiver on account of fees, costs, and charges properly incurred by him and payable under the Ordinance, and on account of all advances properly made by him in respect of the estate, together with interest on such advances at the rate of nine pounds per cent, per annum, and shall have discharged or undertaken to discharge all guarantees which have been properly given by the Official Receiver, for the benefit of the estate; and the trustee shall pay all fees, costs and charges of the Official Receiver which may not have been discharged by the trustee before being put into possession of the property of the bankrupt, and whether incurred before or after he has been put into such possession.

(2) The Official Receiver shall be deemed to have a lien upon the estate until such balance shall have been paid, and such guarantees and other liabilities shall have been discharged.

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

Cf. as to sub-rule (1), sec. 47(1).

Meetings of
creditors to
consider conduct
of trustee.

261. Where the Official Receiver 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 creditors, for the purpose of being reviewed or otherwise, the Official Receiver 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.

Special Manager.

Remuneration
of special
manager.

262. Where a special manager is appointed, and his remuneration is not fixed by the creditors, he shall be paid such remuneration as may from time to time be fixed by the Official Receiver.

Cf. sec. 11(3).

Accounts.
Form 185.

263. Every special manager shall account to the Official Receiver, and such special manager's accounts shall be verified by affidavit in the prescribed form, and, when approved by the Official Receiver, the totals of the receipts and payments shall be added to the Official Receiver's accounts.

In copying this rule from the English rule 352 without any change, no consideration has been given to the fact that in accordance with sec. 11(1) — differing in this respect from sec. 10(1) of the Act — a special manager may continue to act after a trustee is appointed, until he is released or removed.

The rule in its present form is obviously not suitable for such case, particularly, as after the appointment of a trustee, the accounts of the estate are kept by him, and not by the Official Receiver (*Cf.* the note to B.R.r. 230).

PART IV.

Security by Trustee or Special Manager.

264. In the case of a trustee or special manager the following rules as to security shall be observed, namely:—

Standing
security to
Official Receiver.

- (1) The security shall be given to such officers or persons and in such manner as the Court may from time to time direct.
- (2) It shall not be necessary that security shall be given in each separate matter; but security may be given either specially in a particular matter or generally to be available for any matter in which the person giving security may be appointed either as trustee or special manager.
- (3) The Official Receiver shall fix the amount and nature of such security, and may from time to time, as he thinks fit, either increase or diminish the amount of special or general security which any person has given.

Cf. secs. 11(2) and 19(4).

Para. (1), it is submitted, is inconsistent with sec. 11(2) which provides that a special manager shall give security "in such manner as the Official Receiver may direct."

As to security by a trustee under a composition of scheme, see B.R.r. 135.

Gazetting.

265. All notices requiring publication in the Gazette shall be gazetted by the Official Receiver.

Gazetting.

Cf. sec. 71(1)(f) and note, *ante*, p. 347.

266. Where any receiving order is amended, and also in any case in which any matter which has been gazetted has been amended or altered, or in which a matter has been wrongly or inaccurately gazetted, the Official Receiver shall re-gazette such order or matter with the necessary amendments and alterations in the prescribed form, at the expense of the estate or otherwise, as the Official Receiver may direct.

Re-gazetting.
Form 186.

Form 186, which is referred to in the marginal note to this rule, contains the form of a notice of an "order annulling, revoking, or rescinding order". The rule provides, however, only for the re-gazetting of orders which have been amended or altered, while the English rule 356, providing that notice

of any order of annulment, revocation, or rescission of an order which has been gazetted, is also to be gazetted, has not been incorporated in the Palestine Rules. (As regards annulment of adjudication, special provision is made in sec. 29(3)).

Accounts and Audit.

Record Book.

267. The Official Receiver, until a trustee is appointed, and thereafter 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, 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 interest of the creditors), nor need he exhibit such document to any person other than a member of the committee of inspection.

Cf. sec. 81.

Cash Book.
Form 187.

268. The trustee, shall keep a book to be called the "Cash Book", in which he shall (subject to the provisions of these Rules as to trading accounts) enter from day to day the receipts and payments made by him.

The words "The Official Receiver, until a trustee is appointed, and thereafter" occurring at the commencement of the corresponding English rule 361 have been omitted in this rule, while the same words are retained in the preceding rule. As to trading accounts, see B.R.r. 249.

Books to be
submitted to
committee of
inspection.

269. The trustee shall submit the Record Book and the 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.

Audit of Cash
Book.
Form 188.

270. The committee of inspection 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.

Official
Receiver's audit
of trustee's
accounts.
Forms 189, 190,
172, 173.

271. — (1) The trustee shall, at the expiration of six months from the date of the winding-up order, and at the expiration of every succeeding six months thereafter until his release, transmit to the Official Receiver a copy of the Cash Book for such period in duplicate, together with the necessary vouchers and copies of the certificates of audit by the committee of inspection. He shall also forward with the first accounts, a summary of the debtor's statement of affairs, showing thereon in red ink the amounts realised and explaining the cause of non-realisation of such assets as may be

unrealised. The trustee shall also at the end of every six months forward to the Official Receiver, with his accounts, a report upon the position of the estate in such form as the Official Receiver may direct.

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

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

(4) The Official Receiver shall, if he thinks fit, appoint a licensed auditor to audit the trustee's accounts and the trustee shall furnish the auditor with all vouchers and documents as may be required by the Official Receiver.

(5) When the trustee's account has been audited, the Official Receiver shall certify that the account has been duly passed, and thereupon the duplicate copy, bearing a like certificate shall be transmitted to the Court for filing with the proceedings in the bankruptcy.

Copy of
accounts to
be filed.

Cf. secs. 82 and 85. The last sentence of sub-rule 1, and sub-rule 4 do not appear in the corresponding English rule 364, nor do the English forms include a form corresponding to the important Form 190. The Board of Trade has, however, issued detailed regulations to be observed by trustees, which deal, among others, with accounts and audit. These regulations (without forms) are set out in Ringwood's Principles of Bankruptcy, 17th Edition, 1936, pp. 530, *et. seq.* Sub-rule 5 corresponds to the English rule 365.

272. 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 Receiver, forward to the Official Receiver an affidavit of no receipts or payments.

Affidavit of
no receipts.

273. Upon a trustee resigning, or being released or removed from his office, he shall deliver over to the Official Receiver, or as the case may be, to the new trustee, all books kept by him, and all other books, documents, papers, and accounts in his possession relating to the office of trustee.

Proceedings on
resignation, etc.
of trustee.

See also B.R.r. 273.

274. Where a receiving order has been made against a partnership, 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

Joint and
separate estates
accounts.

under such separate estate, shall be made until notice of the intention to make such transfer has been gazetted.

Cf. sec. 33(6). This rule has been copied from the English rule 368 without any change, in disregard of the fact that under B.R.r. 202, a receiving order against a firm operates against the partners individually only if the assets of the firm are insufficient to cover its liabilities. See, further, note to B.R.r. 202, *ante*, p. 470, and compare B.R.r. 208, which expressly limits its application to the case that a receiving order is made "under the provisions of sec. 202 or sec. 203 above". It is submitted that a similar limitation should have been introduced into B.R.r. 274 so as to make it consistent with B.R.r. 202 and 203.

Expenses of sales.

275. When a 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. Every trustee by whom such auctioneer or agent is employed shall be accountable for the proceeds of every such sale, unless the Court otherwise orders.

Allowance to debtor.

276. In any case in which, under the provisions of section 55 of the Ordinance, a trustee makes an allowance to a bankrupt 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.

As to subsistence allowance to the debtor by the Official Receiver while in the possession of the debtor's property, see B.R.r. 227.

Unclaimed Funds.

Mode of payment into the bank of unclaimed funds.

277. Any person whose duty it is, pursuant to section 126 of the Ordinance, to pay into the bank, approved by the Treasurer, any unclaimed funds or dividends, shall first apply to the Official Receiver for a paying in order. The paying in order shall be the authority to the bank to receive the payment.

Cf. sec. 126 and notes, ante, pp. 387-389.

Application for payment out by party entitled.

278. An application under section 126 of the Ordinance for payment of any sum to which any person claims to be entitled shall be made in such form and manner as the Official Receiver shall direct and shall (unless the Official Receiver dispenses therewith) be supported by an affidavit of the claimant and such further evidence as the Official Receiver may require.

Accounts by trustees of unclaimed funds.

279. For the purposes of section 126 of the Ordinance the Official Receiver may at any time order the trustee under any bankruptcy, composition or scheme to submit to him an account, verified

by affidavit, of the sums received and paid by him under or in pursuance of any such bankruptcy, composition or scheme and may direct and enforce an audit of the accounts and payment of any unclaimed or undistributed moneys arising from the property of the debtor in the hands or under the control of such trustee, into the bank approved by the Treasurer in accordance with the terms of the said section.

Miscellaneous.

280. No person shall, as against the Official Receiver or trustee, be entitled to withhold possession of the books of accounts belonging to the debtor or to set up any lien thereon.

No lien on debtor's books.

See note to sec. 47(1), *ante*, p. 327.

281. The Court may, on the application of the Official Receiver, direct that the debtor's books of account and other documents given up by him may be sold, destroyed, or otherwise disposed of.

Disposal of bankrupt's books and papers.

282. 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.

Cf. sec. 123(1).

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

Abridgment or enlargement of time.

Cf. sec. 95(4).

PART V.

Fees and Percentages.

284. All bills and charges of advocates shall be taxed in the District Courts by the Taxing Master of such Court or such other person as may be appointed by the President of the District Court; and in the Magistrates' Courts by the Magistrate. All bills and charges of managers, accountants, auctioneers, brokers and other persons, not being trustees, shall be taxed by the Official Receiver.

Taxing of costs and charges.

The taxing master of the District Court is the Registrar (Registrars Ordinance, sec. 9).

Administration of estates not exceeding LP.300.

285. Where a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the Official Receiver reports to the Court that the property of the debtor is not likely to exceed in value LP. 300, the Court may make an order that the debtor's estate be administered in a summary manner.

Cf. sec. 111. A similar test applies with respect to the bankruptcy jurisdiction of Magistrates' Courts under sec. 88(3). See the order of the Chief Justice at p. 364, *ante*.

Fees and percentages to be charged.

286. The scale of fees and percentages prescribed in the second Schedule hereto shall be charged for or in respect of proceedings under the Ordinance.

Temporary provision.

287. Until Registrars are appointed to District Courts any Judge of a District Court shall for the time being exercise the powers and fulfil the duties of a Registrar for the purpose of any matter arising under these Rules.

This rule has become obsolete as registrars are at present appointed to each District Court.

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THE FIRST SCHEDULE

(S. 6)

FORM No. 1.

General Title.

In the District Court of
In Bankruptcy

No. of 19

Re (James Brown)

*Ex parte (here insert "the Debtor" or "J.S. a creditor", or the
"Official Receiver", or "the Trustee").*

(S. 11)

FORM No. 2.

*Memorandum of Advertisement or Gazetting.**(Title).*

Name of Paper	Date of Issue	Date of Filing	Nature of Order, etc.

(Signed) A. B.,

Registrar.

(S. 12)

FORM No. 3.

Notice of Transfer of Proceedings.

(Title).

The proceedings in the above matter have been this day transferred to this Court from the Court of , and have had the above distinctive number allotted to them. The distinctive number before transfer was No. of 19 .

The proceedings have been consolidated with those in the following matter, viz:—

and will be treated under the same distinctive number viz., No. of 19 .

Dated this day of 19 .

Registrar.

(S. 23)

FORM No. 4.

Bond on stay of proceedings, security, etc.

(Title).

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

Whereas a bankruptcy petition against the said A.B. having been presented to the District Court of , he did appear at the hearing of the said petition and deny that he was indebted to the petitioner (or to one or more of the petitioners), (or allege that he was indebted to the petitioner in the sum of pounds only, or as the case may be).

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 demand well and truly pay or cause to be paid to L.M., his attorney or agent, 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 petition, together with such costs as shall be given to the said L.M. by such Court, (or whatever the condition of the bond is), this obligation shall be void, otherwise it 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.

(S. 27)

FORM No. 5.

Notice of Sureties.

(Title).

In the matter of a bankruptcy petition (or In the matter of a bankruptcy notice by C.D. of _____).

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 full address*).

A.B.

To the Registrar of the _____ Court of
and to L.M. of _____

(S. 28)

FORM No. 6.

Affidavit of Justification.

(Title).

In the matter of a bankruptcy petition against A.B. of
 (or In the matter of a bankruptcy notice by L.M. against
 A.B. of)

I, E.F., 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, the street or
 place, and the number of the house, if any*).

2. That I am worth property to the amount of L.P. (*the
 amount required*) over and above what will pay my just debts (*if
 security in any other action or for any other purpose, 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 action
 or actions, add*) except for C.D., at the suit of E.F., in the
 Court of in the sum of L.P. (*specifying the
 several 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 L.P.
 (*and if security in any other action, etc.*, over and above all other
 sums for which I am now security as aforesaid), consists of (*here
 specify the nature and value of the property, in respect of which
 the deponent proposes to become bondsman, as follows*, stock in trade,
 in my business of carried on by me at of
 the value of L.P. , of good book debts owing to me to
 the amount of L.P. , of furniture in my
 house at of the value of L.P. , of a
 freehold (*or leasehold*) farm of the value of L.P. situate
 at occupied by , *or* of a dwelling-house
 of the value of L.P. situate at occupied
 by , *or* of other property, particularising 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 in the same manner as above directed).

Sworn at, etc.

E.F.

(S. 40)

FORM NO. 7.

Subpoena to Witness in Court.
(Title).

To X. Y. of

You are hereby required to attend at the Court-house in
on the day of , in the noon to give evidence
in the above matter (*add where issued at instance of petitioning cre-
ditor on behalf of C.D., of , by whom the said petition has
been presented*), and then and there to have and produce (*state any
particular documents required*): hereof fail not at your peril.

Dated this day of 19.

By the Court,
Registrar.

(S. 41)

FORM No. 8.

*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 pri-
son for contempt by order of this Court dated the day of

for examination before this Court; it is ordered that the
Superintendent 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 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.

Dated this day of 19.

By the Court,
Registrar.

(S. 42)

FORM No. 9.

Appointment of Shorthand Writer to take Examination of Debtor.
(Title).

Before

Upon the application of the Official Receiver the Court hereby appoints _____ of _____ in the District of _____ to take the examination of the said _____ at his public examination this day, pursuant to section 42 of the Rules.

Dated this _____ day of _____ 19.

By the Court,
Registrar.

(S. 42)

FORM No. 10.

Declaration by Shorthand Writer.
(Title).

Before

I, _____ of _____, in the District of _____, the shorthand writer appointed by this Court to take down the examination of the said _____, 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)

.....
Registrar.

.....
Signature of declarant.

(S. 42)

FORM No. 11.

*Notes of Public Examination of Debtor where a Shorthand Writer
is appointed.*
(Title).

Public Examination of the Debtor.

Before _____ at the Court _____, this _____ day of _____ 19.

The above-named debtor, being sworn and examined at the time

and place above-mentioned, upon the several questions following being put and propounded to him, gave the several answers thereto respectively following each question, that is to say: —

A.

I hereby certify that this is true and accurate transcript of the notes of the public examination referred to in the memorandum of public examination of _____, taken before me this _____ day of _____ 19 .

.....
Signature of shorthand writer.

(S. 42)

FORM No. 12.

Notes of Public Examination of Debtor where Shorthand Writer is not appointed.
(Title).

Public Examination of the Debtor

Before _____ at the Court _____, this _____ day of _____ 19 .

The above-named debtor, being sworn and examined at the time and place above-mentioned, upon his oath saith as follows: —

A.

These are the notes of the public examination referred to in the memorandum of public examination of _____ taken before me this _____ day of _____ 19

*Judge or other
Recording Officer.*

(S. 46)

FORM No. 13.

Summons under section 25 of the Ordinance.
(Title).

To _____, of _____

You are hereby required to attend at the Court of _____ holden at _____ on the _____ day of _____ 19 , at _____ o'clock in the _____ noon, to give evidence in the above matter, and then and there to have and produce (a) _____ hereof if you fail, having no lawful impediment to be then made known to the Court, and allowed

(a) State any particular documents required, e.g., all ledgers and books of account, invoices, statements of accounts, letters, books, papers, and documents of every kind, in any manner re-

lating to your dealings and transactions with A.B. a bankrupt, touching a debt alleged to be due by you to the said bankrupts estate amounting to the sum of L.P.

by it, the Court may by warrant cause you to be apprehended and brought up for examination.

Dated this day of 19.

By the Court,
Registrar.

NOTE:—This summons is issued on the application of the Official Receiver or trustee, and take notice, that if the sum of LP stated to be due by you to this estate, be paid to , Official Receiver, at on or before the day of this summons will be discharged.

(S. 46)

FORM No. 14.

Admission of Debt by Debtor to Bankrupt.
(Title).

In the matter of A. B. of , a bankrupt.

I, the undersigned J. K., of , do hereby admit that I am indebted to the said bankrupt in the sum of pounds, upon the balance of accounts between myself and the said bankrupt.

Dated this day of 19 .

J. K.

Witness,

C. D., Registrar.

or

Official Receiver.

(S. 46)

FORM No. 15.

Order to pay admitted Debts.
(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 pounds, 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 pounds, forthwith (or if otherwise, state the time and manner of payment), and do

further pay to the said trustee the sum of _____ pounds for costs.

Dated this _____ day of _____ 19 .

By the Court,
Registrar.

(S. 50)

FORM No. 16.

Warrant of Seizure.

(*Title*).

Whereas on the _____ day of _____ 19 , a receiving order 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 accounts, and all other things whatsoever, belonging to the said debtor, except his necessary wearing apparel, bedding and tools, as excepted by section 37 of the Bankruptcy Ordinance, 1936.

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 Official Receiver); 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.

Dated this _____ day of _____ 19 .

By the Court,
Registrar.

To X.Y., the Execution Officer of this Court, and to his assistants.

(S. 50)

FORM No. 17.

Search Warrant.

(*Title*).

Whereas by evidence duly taken upon oath it has 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 _____, such house (*or place*) not belonging to the said debtor.

These are therefore to require you to enter in the day-time 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 Bankruptcy Ordinance, 1936.

Dated this _____ day of _____ 19 _____.

To X.Y., the Execution Officer of this Court and his assistants,

(S. 50. S. 51)

FORM No. 18,

Warrant to apprehend a person summoned under section 25 of the Ordinance.
(*Title*).

To X. Y. and his assistants of this Court, and to the Superintendent or Keeper of the (*here insert prison*).

Whereas by summons dated the _____ day of _____, and directed to A.B., of _____ (*or F.M., of _____*), the said A.B. (*or F.M.*) was required personally to be and appear on the _____ day of _____ at _____ o'clock in the _____ noon at this Court to be examined (*and/or produce such document as hereinafter mentioned*) which said summons was afterwards on the day of _____ as hath been proved upon oath duly served upon the said _____ and a reasonable sum was tendered him for his expenses, and whereas the said _____ having no lawful impediment made known to and allowed by this Court at the time of its sitting hath refused to appear before the Court at the time appointed (*and/or hath refused to produce a document in his custody or power relating to the debtor, his dealings, or property, which this Court has required him to produce*). These are therefore to require and authorise you and every of you, the said X.Y. and your assistants, immediately upon receipt hereof to take the said A.B. (*or F.M.*) and bring him before this Court at such time and place as this Court shall direct, in order to his being examined as aforesaid, and in the meantime him safely to keep or deliver to the Superintendent or Keeper of the above-named prison, and forthwith,

after such taking and delivery, to report the same to this Court, and obtain its direction or order fixing a day, time, and place for the examination of the said A.B. (or F.M.), and you the said Superintendent or Keeper to receive the said A.B. (or F.M.), and him safely keep in the said prison and in your custody to await the direction or order of this Court, and to produce him before this Court at such time and place as shall be specified in such direction or order, and for so doing this shall be a sufficient warrant to you and every of you.

Dated this day of 19 .

By the Court,
Registrar.

(S. 51)

FORM No. 19.

Order for production of person apprehended under warrant under section 25 of the Ordinance for examination before the Court.
(Title).

Upon the report made to the Court the day of , that A.B. has been apprehended under a warrant issued by this Court on the day of , it is ordered that the Superintendent or Keeper (insert name of prison) do cause the said A.B. to be brought in custody before the Court sitting at on the day of at o'clock in the noon for examination before the Court, and in the meantime to be safely kept, and afterwards if the Court shall so direct to be taken back to the said prison and there safely kept pursuant to the said warrant.

Dated this day of 19 .

By the Court,
Registrar.

(S. 52)

FORM No. 20*).

Application by Trustee for Committal of bankrupt or other Person.
(Title).

I, the trustee of the property of the said bankrupt (or as the case may be), do apply to this Court for an order of committal for con-

*) See note to B.R. r. 52, p. 435.

tempt of this Court against the said bankrupt (*or L.M.*) ,
on the ground set forth in the annexed affidavit.

Dated this day of 19 .

G.H., Trustee.

(S. 52)

FORM No. 21*).

Affidavit of Person interested in a Composition for Committal.
(*Title*).

In the matter of a composition made by A.B., of

I, L.M., of , make oath and say: —

1. That of was by an order of this Court made on
the day of 19 , ordered to (*here set out the
order*).

2. That a copy of the said order was duly served on the said

3. That the said has failed to obey such order.

Sworn at, etc.,

L.M.

(S. 52)

FORM No. 22*).

*Affidavit in support of Application for Committal of Debtor for
Contempt under section 22 of the Ordinance.*
(*Title*).

I, the Official Receiver of the estate of the said debtor
(the trustee of the property of the said bankrupt), make oath and
say: — (or do hereby report to this Honourable Court as follows:—)

Where debtor
does not submit
to examination.

(1. That the said debtor did attend at the first meeting of his
creditors held on the day of 19 , at , and wilfully
refused to submit to be examined at such meeting in respect of his
property (*or his creditors*), contrary to the provisions of the Bank-
ruptcy Ordinance, 1936).

or

Where debtor
fails to attend
a meeting other
than the first.

(1. That the said (debtor) bankrupt 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*)
contrary to the provisions of the Bankruptcy Ordinance 1936).

*) See note to B.R. r. 52, p. 435.

or

1. That the said (debtor) bankrupt has wilfully failed to execute (*here describe the deed, etc., that he has failed to execute*), contrary to the provisions of the Bankruptcy Ordinance, 1936, section 22).

Where debtor fails to execute deed.

2. (That the said (debtor) bankrupt 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, etc.*).

Where debtor fails to attend a meeting, other than the first; or to execute a deed.

or

1. That the said (debtor) bankrupt has wilfully failed to perform the duty imposed upon him by the Bankruptcy Ordinance, 1936, section 22 (*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*).

Where debtor wilfully fails to perform a duty under section 22 of the Ordinance.

2. (That the said (debtor) bankrupt was duly served with a copy of such order by leaving the same at his usual place of residence on the day of , 19.

Where debtor fails to obey special orders of Court.

or

1. That the said (debtor) bankrupt 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 Ordinance, 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 19, at).

Where debtor has failed to deliver up property.

Official Receiver
or Trustee.

The Official Receiver may support an application for committal by a report instead of an affidavit.

(S. 52)

FORM No. 23*).

Affidavit of Trustee under section 47 (5) of the Ordinance.
(Title).

I, G.H., the trustee of the property of the said A.B., a bankrupt, make oath and say: —

1. That I believe that L.M., of , has in his possession or power as (*here set out the capacity in which the person stands to the*

*) See note to B.R. r. 52, p. 435.

bankrupt) certain moneys (and securities) belonging to the bankrupt, that is to say (*here set out and describe the particular moneys and securities*).

2. That on the _____ day of _____ 19____, I did apply personally to the said L.M. to pay and deliver to me the said moneys and securities, and that he did not then, nor has he since paid or delivered to me the same (*or, that I, on the _____ day of _____ 19____, posted a letter to the said L.M., addressed to him at _____, calling upon him to, etc., and that on the _____ day of _____ 19____, I posted another letter by which I again called upon him to, etc., and he has failed to pay and deliver the same*).

3. That I firmly believe that the said L.M. is not entitled by law to retain such moneys (and securities) as against the bankrupt or against me as the trustee of the property of the bankrupt.

Sworn at, etc.

Trustee.

(S. 53)

FORM No. 24*).

Order of Committal under section 16 or 21 of the Ordinance.
(Title).

Whereas by an order of this Court made on the _____ day of _____ 19____, (*here recite the order*). Now upon the application of C.D. of _____, and upon hearing A.B., (*or as the case may be*) (*or if he does not appear*) reading the affidavit of (*here insert name and description of person by whom the order was served on A.B.*), and upon reading the affidavit of (*enter evidence*), the Court being of opinion that A.B. has been guilty of a contempt of this Court by his disobedience of the said order, it is ordered that the said A.B. do stand committed to (*here insert prison*) for his said contempt.

Dated this _____ day of _____ 19____.

By the Court,
Registrar.

FORM No. 25*).

Order of Committal under section 22 of the Ordinance.
(Title).

Upon the application of the trustee (or Official Receiver) of the property of the bankrupt (or debtor), and upon hearing the

*). See note to B.R. r. 52, p. 435.

bankrupt (*or if he does not appear*), and reading the affidavit of (*here insert name and description of person by whom the notice to show cause was served*), and upon reading the affidavit of (*enter evidence*), the Court being of opinion that the bankrupt has been guilty of a contempt of this Court by having failed to (*here follow the notice*), it is ordered that the bankrupt do stand committed to (*here insert prison*) for his said contempt.

Dated this day of 19 .

By the Court,
Registrar.

(S. 53)

FORM No. 26*).

Order of Committal under section 47(5) of the Ordinance.
(*Title*).

Upon the application of the trustee of the property of the bankrupt, and upon hearing L.M. (*or if L.M. does not appear*), and reading the affidavit of (*here insert name and description of person by whom the notice to show cause was served*), and upon reading the affidavit of (*enter evidence*), the Court being of opinion that L.M. has been guilty of a contempt of this Court by having failed to pay and deliver to the said trustee certain moneys (and securities) (*here follows the notice*), it is ordered that the said L.M. do stand committed to (*here insert prison*) for the said contempt.

Dated this day of 19 .

By the Court,
Registrar.

(S. 50, 53)

FORM No. 27*).

Warrant of Committal for Contempt.
(*Title*).

To X.Y., officer of this Court, and to the Superintendent or Keeper of the (*here insert prison*).

Whereas by an order of this Court bearing date the day of 19 , it was ordered that the said debtor (*or L.M. of*) should stand committed for contempt of this Court.

These are therefore to require you the said X.Y. and others, to take the said A.B. (*or L.M.*) and to deliver him to the Superinten-

*) See note to B.R. r. 52, p. 435.

dent or Keeper of the above named prison, and you the said Superintendent or Keeper to receive the said A.B., 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 Superintendent or Keeper shall, while the said A.B. is in your custody, at all times when the Court shall so direct, produce the said A.B. before the Court.

Dated this day of 19 .

By the Court,
Registrar.

(S. 53)

FORM No. 28*).

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 Official Receiver*) (*or C.D. of*), it is ordered that the Superintendent or Keeper of (*here insert the name of prison*) do discharge the said A.B. out of his custody, as to the said contempt.

Dated this day of 19 .

By the Court,
Registrar.

(S. 63)

FORM No. 29.

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 .

(Signature)
A.B.

Signed by the debtor in my presence.

*) See note to B.R. r. 52, p. 435.

Signature of witness

Address

Description

Filed the _____ day of _____ 19 .

NOTE: — Where the debtor resides at a place other than his place of business both addresses should be inserted.

(S. 64) _____
FORM No. 30*
Bankruptcy Notice.
(Title).

To A.B. (or A.B. & Co.) of

Take notice that within (seven) days after service of this notice on you, excluding the day of such service, you must pay to C.D., of _____, the sum of L.P. _____ claimed by him as being the amount due on a final judgment obtained by him against you in the _____ Court, dated _____; whereon execution has not been stayed, or you must secure or compound for the said sum to his satisfaction or the satisfaction of the Court; or you must satisfy the Court that you have a counter-claim, set-off, or cross demand against C.D. which equals or exceeds the sum claimed by him, and which you could not set up in the action in which judgment was obtained.

Dated this _____ day of _____ 19 .

By the Court,
Registrar.

Indorsement on Notice.

You are specially to note—

That the consequences of not complying with the requisitions of this notice, are that you will have committed an act of bankruptcy, on which bankruptcy proceedings may be taken against you.

If, however, you have a counter-claim, set-off, or cross demand which equals or exceeds the amount claimed by C.D. in respect of the judgment, and which you could not set up in the action in which the said judgment was obtained, you must within _____ days apply to the Court to set aside this notice, by filing in the Registry of the Court with the Chief Clerk an affidavit to the above effect.

(Name and address of advocate suing out the notice) or

This notice is sued out by (C.D.) in person.

* See notes to B.R. r. 64, p. 439 and B.R. r. 66, p. 440.

(S. 65)

FORM No. 31*).

Request for Issue of Bankruptcy Notice.

(Title).

1. I, C.D., of _____, hereby request that a bankruptcy notice be issued by this Court against (*here insert name, description, and address of judgment debtor*).

2. The said A.B. has for the greater part of the past six months resided at _____ (*or carried on business at _____*) (*or, has property situate at _____*) within the jurisdiction of this Court.

3. I produce an office copy of a final judgment against the said A.B. obtained by (me) in the _____ Court on the _____ day of _____

4. Execution on the said judgment has not been stayed.

Dated this _____ day of _____ 19 _____.

C.D., judgment creditor

or

(E.F., advocate for the judgment creditor).

NOTE: — Where the debtor resides at a place other than his place of business both addresses should be inserted.

(S. 67)

FORM No. 32**).

Affidavit on Application to set aside Bankruptcy Notice.

(Title).

I, A.B., of _____ make oath and say:

1. That I was, on the _____ day of _____, served with the notice hereunto annexed (*or, describe the notice*).

That I have satisfied the debt claimed by C.D. by (*state nature of satisfaction*).

or

2. That I have a counter-claim (*or set-off or cross demand*) for L.P. _____, being a sum equal to (*or exceeding*) the claim of the said C.D. in respect of (*here state grounds of counter-claim*).

3. That I could not have set up the said counter-claim (*or, as the case may be*) in the action in which the said judgment was obtained against me.

Sworn, etc.

*) See notes to B.R. r. 64, p. 439 and B.R. r. 66, p. 440.

***) See note to B.R. r. 67, p. 441.

(S. 69)

FORM No. 33.

Affidavit of Service of Bankruptcy Notice.

(Title).

In the matter of a bankruptcy notice, issued

I, L.M., of _____ make oath and say:—

1. That I did on _____ day the _____ day of _____ 19 _____, serve the abovementioned A.B. with a copy of the abovementioned notice, duly sealed with the seal of the Court, by delivering the same personally to the said A.B. at (place) before the hour of _____ in the noon.

2. A sealed copy of the said notice marked A is hereunto annexed.
Sworn at, etc.

L.M.

NOTE: — If the service is effected on one partner on behalf of his firm, the affidavit must, after the word "at" contain the words "being the principal place of business of the said _____."

(S. 69 and 82)

FORM No. 34.

Order for Substituted Service.

(Title).

In the matter of a bankruptcy petition filed the _____ day of _____ (or in the matter of a bankruptcy notice issued on the _____ day of _____ 19 _____).

Upon the application of _____, and upon reading the affidavit of _____ of _____ in the _____ of _____.

It is ordered that the sending of a sealed copy of the above mentioned petition (or bankruptcy notice) together with a sealed copy of this order, by registered post, addressed to _____ at _____

_____ and _____ by the publication in the Gazette ^{and} or _____ in the _____ newspapers (of the presentation of such petition and the time and place fixed for hearing the petition) or (of the issuing of such bankruptcy notice) shall be deemed to be good and sufficient service of the said petition (or bankruptcy notice) on the said _____ on the _____ day of _____, completing such posting or publication as aforesaid.

Given under the seal of the Court this _____

_____ day of _____
By the Court,
Registrar.

BIRZEIT UNIVERSITY
INSTITUTE OF LAW
MONTESQUIEU LIBRARY

(S. 69 and 82)

FORM No. 35.

Substituted Service of Petition or Bankruptcy Notice.

Notice in Gazette.

In the District Court of

In bankruptcy.

In the matter of a bankruptcy petition filed the _____ day of _____ 19 (or in the matter of bankruptcy notice issued on the _____ day of _____ 19).
To A.B.

Take notice that a bankruptcy petition has been presented (or a bankruptcy notice has been issued) against you in this Court by _____ of _____, and the Court has ordered that the sending of a sealed copy of the petition (or bankruptcy notice) together with a sealed copy of the order for substituted service by registered post addressed to ^{and}/_{or} the publication of this notice in the Gazette ^{and}/_{or} in the newspaper, (following the terms of the order for substituted service) shall be deemed to be service of the petition (or bankruptcy notice) upon you; and further take notice that the said petition will be heard at this Court on the _____ day of _____, at _____ o'clock in the noon, on which day you are required to appear, and if you do not appear the Court may make a receiving order against you in your absence.

Add this in case
of a petition.

The petition (or bankruptcy notice) can be inspected by you on application at this Court.

Dated this _____ day of _____ 19 .

Registrar.

(S. 70)

FORM No. 36.

Order setting aside Bankruptcy Notice.
(Title).

In the matter of a bankruptcy notice issued—

Upon the application of A.B. to set aside this notice, and upon reading the affidavit of A.B. (and upon hearing _____), it is ordered that this notice be set aside, and that C.D. (or as the case

may be) pay to A.B. the sum of L.P. for costs (or the costs of this matter).

Dated this day of 19 .

By the Court,
Registrar.

(S. 71) FORM No. 37*
Debtor's Petition.
(Title).

I (a) lately residing at (and carrying on business at (b) having for the greater part of the past six months resided at (and carried on business at) within the district of the Court (or, as the case may be,) and being unable to pay my debts, hereby petition the Court that a receiving order be made in respect of my estate (and that I may be adjudged bankrupt).

(a) Insert name and address, and description of debtor.

(b) Insert the other address or addresses at which unsatisfied debts and liabilities may have been incurred.

Dated the day of 19 .

(Signature)

Signed by the debtor in my presence.

(c)

Signature of witness.

Address.

Description.

Filed the day of 19 .

NOTE: — Where the debtor resides at a place other than his place of business both addresses should be inserted.

(c) Attestation see sec. 74 of Rules.

(S. 71) FORM No. 38**
Creditor's Petition.
(Title).

I, C.D., of (or We, C.D., of and E.F., of) hereby petition the Court that a receiving order may be made in respect of the estate of (a) of (b) and lately carrying on business at (or residing at) (c) and say:—

(a) Insert name of debtor.

(b) Insert present address and description of debtor.

1. That the said A.B. has for the greater part of six months next preceding the presentation of this petition resided (or carried on business) at (or, has property situate at) within the jurisdiction of this Court.

(c) Insert address or addresses at which the debtor has lately resided or carried on business.

*) See note to B.R. r. 71, p. 442.

***) See note to B.R. r. 71, p. 442.

The marginal note (a) to the endorsement was obviously inserted by mistake. It also appears in Forms 49 and 50 in its proper place. (Cf. English form 11).

2. That the said A.B. is justly and truly indebted to me (or us in the aggregate) in the sum of L.P.
(*set out amount of debt or debts, and the consideration*).

NOTE: — The address at which the debtor was residing or carrying on business when the petitioning creditor's debt was incurred should in all cases appear in the petition.

3. That I (or We) do not, nor does any person on my (or our) behalf hold any security on the said debtor's estate, or on any part thereof, for the payment of the said sum.

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 A.B. in the event of his being adjudged bankrupt) (or, and I estimate the value of such security at the sum of L.P.).

or

That I, C.D., one of your petitioners, hold security for the payment of, etc.

That I, E.F., another of your petitioners, hold security for the payment of, etc.

4. That A.B. within three months before the date of the presentation of this petition has committed the following act (or acts) of bankruptcy, namely (*here set out the nature and date or dates of the act or acts of bankruptcy relied on*).

Dated this day of 19 .

(Signed) C.D.
 E.F.

Signed by the petitioner in my presence.

Signature of witness.

Address.

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 E.F. in my presence". If the petition be signed by a firm, the partner signing should add also his own signature, e.g. "A.S. & 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.

(a) Insert the place at which the debtor is to attend on the Official Receiver.

This petition having been presented to the Court on the
day of 19 , it is ordered that this petition shall be heard
at (a) on the day of 19 , at o'clock
in the noon.

And you, the said A.B., are to take notice that if you intend to dispute the truth of any of the statements contained in the petition you must file with the Registrar of this Court a notice showing the grounds upon which you intend to dispute the same, and send by post a copy of the notice to the petitioner (three) days before the date fixed for the hearing.

(S. 77)

FORM No. 39.

Affidavit of Truth of Statements in Petition.
(Title).

I, the petitioner named in the petition hereunto annexed, make oath (if the petitioner declare or affirm, after the form accordingly) and say:—

1. That the several statements in the said petition are within my own knowledge true.

Sworn at, etc.

(Signed) C.D.

NOTE. — If the petitioner cannot depose that the truth of all the several statements in the petition is within his own knowledge, he must set forth the statements the truth of which he can depose to, and file a further affidavit by some person or persons who can depose to the truth of the remaining statements.

(S. 79)

FORM No. 40*).

Affidavit of Truth of Statements in Joint Petition.
(Title).

We, C.D., E.F., G.H., etc., the petitioners named in the petition hereunto annexed, severally make oath and say:—

And first I, the said C.D., for myself say—

1. That A.B. is justly and truly indebted to me in the sum of pounds as stated in the said before-mentioned petition.
2. That the said A.B. committed the act (or acts) of bankruptcy stated to have been committed by him in the said before-mentioned petition.
3. That A.B. has for the greater part of the past six months resided (or carried on business) at

*) See note to B.R. r. 79, p. 444.

And I, the said E.F., for myself say—

4. That A.B. is justly and truly indebted to me in the sum of pounds as stated in the said before-mentioned petition.

And I, the said G.H. for myself say—

5. That A.B. is, etc.

(Signed) C.D.
E.F.
G.H.

Sworn by the deponents, C.D., E.F., and G.H. etc.

See note to last form.

(S. 83)

FORM No. 41.

Affidavit of Service of Petition.
(Title).

In the matter of a petition dated

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

1. That I did, on _____ day the _____ day of _____, 19____, serve the above-mentioned A.B. (or the partners in the above-mentioned firm of _____) with a copy of the above-mentioned petition, duly sealed with the seal of the Court, by delivering the same personally to the said A.B. (or C.D., a partner, or E.F., a person having at the time of service the control and management of the partnership business there or of the business carried on under the above-mentioned name or style) at (place) before the hours of _____ in the _____ noon.

2. A sealed copy of the said petition is hereunto annexed.

Sworn at, etc.

L.M.,
Persons serving Petition.

NOTE: — If the service is effected on one partner on behalf of his firm, or on a person having at the time of service the control and management of the partnership business there or of a business carried on by any person in a name or style other than his own, the affidavit must after the word "at" contain the words "being the principal place of business of the said _____"

(S. 86)

FORM No. 42.

Application for Interim Receiver.

(Title).

I, C.D., do, on the grounds set forth in the annexed affidavit, apply to the Court to appoint the Official Receiver of this Court as Interim Receiver of the property of the said A.B., and (*here insert any special directions to the Official Receiver that may be desired*).

Dated this day of , 19 .

(Signed) C.D.

Order thereon.

Upon reading this application and the affidavit therein referred to, and hearing , it is ordered that upon a deposit of LP. being lodged by the applicant, the Official Receiver of this Court be thereupon constituted Interim Receiver of the property of the said A.B. (*here insert directions, if any*).

Dated this day of , 19 .

By the Court,
Registrar.

(S. 95)

FORM No. 43.

Notice by Debtor of Intention to oppose Petition.

(Title).

In the matter of a bankruptcy petition presented against me on the day of 19 , by C.D. of (*or E.F. of G.H. of etc.*)

I, the above A.B., do hereby give you notice that I intend to oppose the making of a receiving order as prayed, and that I intend to dispute the petitioning creditor's debt (*or the act of bankruptcy, or as the case may be*).

Dated this day of , 19 .

A.B.

To C.D. of , and to and to the Registrar of the said Court.

(S. 95)

FORM No. 44.

Order to stay Proceedings on Petition.
(Title).

In the matter of a bankruptcy petition against A.B. of

Upon the hearing of this petition this day, and the said A.B. appearing and denying that he is indebted to the petitioner (*where petition presented by more than one creditor, add the name of the creditor whose debt is denied*) in the sum stated in the petition (*or alleging that he is indebted to the petitioner in a sum of a less amount than fifty pounds*), (*or alleging that he is indebted to C.D., one of the petitioners, in a sum less than the sum stated to be due from him in the petition*), it is ordered that the said A.B. shall within

days enter into a bond in the penal sum of the amount of the alleged debt and probable costs or such other sum as the Court may direct) with two such sufficient sureties as the Court shall approve of to pay (*or deposit with the Official Receiver the sum of as security for the payment of*) such sum or sums as shall be recovered against the said A.B. by C.D. the petitioner (*or one of the petitioners*) in any proceeding taken or continued by him against the said A.B., together with such costs as shall be given by the Court in which the proceedings are had.

And it is further ordered, that the said A.B. entering into the bond aforesaid, all proceedings on this petition shall be stayed until after the Court in which the proceedings shall be taken shall have come to a decision thereon.

Dated this day of , 19 .

By the Court,
Registrar.

(S. 97)

FORM No. 45.

Adjournment of Petition.
(Title).

Upon the hearing of the petition this day, and hearing
for the petitioner and for the debtor, and reading
it is ordered that the further hearing of this petition be
adjourned until the day of , 19 , at
o'clock in the noon.

Dated this day of , 19 .

By the Court,
Registrar.

(S. 97)

FORM No. 46.
Dismissal of Petition.
(Title).

In the matter of a bankruptcy petition filed the (date).

Upon the hearing of this petition this day, and upon reading and hearing it is ordered that this petition be dismissed (and that the petitioner do pay to the said A.B. the taxed costs thereof.)

Dated this day of , 19 .

By the Court,

Registrar.

(S. 97)

FORM No. 47.

Dismissal of Petition upon which Proceedings are stayed where a Receiving Order has been made on a subsequent Petition.
(Title).

Whereas a receiving order has been made against A.B. upon a petition presented to this Court by O.P., of , it is ordered that the bankruptcy petition against the said A.B., presented to this Court by C.D., of , the proceedings on which were stayed by order of Court of the day of , 19 , be dismissed (*add terms, if any*).

Dated this day of , 19 .

By the Court,
Registrar.

(S. 97)

FORM No. 48.

Order restraining Action, etc., before Receiving Order.
(Title).

Upon the application of , and upon reading it is ordered that L.M. of , shall be restrained from taking any further proceedings in the action brought by him (*or, upon the*

judgment recovered or obtained by him) against the said A.B. in (*here state the Court in which proceedings are*), or, it is ordered that the proceedings in the action (*or suit*) brought by him against the said A.B. in (*here state the Court in which proceedings are*) may be proceeded with on (*here insert the terms fixed by the Court*).

Dated this day of , 19 .

By the Court,
Registrar.

(S. 100)

FORM No. 49.

Receiving Order on Debtor's Petition.
(Title).

On the petition of the debtor himself, filed the day of , 19 , and numbered of , 19 , a receiving order is hereby made against A.B. (*insert name, address, and description of debtor as set out in petition*), and the Official Receiver of this Court is hereby constituted receiver of the estate of the said debtor.

Dated this day of , 19 .

By the Court,
Registrar.

NOTE. — The above-named debtor is required immediately after the service of this order upon him to attend the Official Receiver of the Court at his offices at (a)

(a) Insert the place at which the debtor is to attend on the Receiver.

The Receiver's offices are open (except on holidays) every week-day from a.m. to p.m., except days when they close at p.m.

Indorsement on Order.

The name and address of the advocate (if any) for the debtor are (*insert name and address*).

(S. 100)

FORM No. 50.

Receiving Order on Creditor's Petition.
(Title).

On the petition (dated the day of , 19 , and numbered of) of J.S., of a creditor, filed the (*insert date*) and on reading and hearing and it appearing to the

Court that the following act or acts of bankruptcy has or have been committed, viz:—

(set out the nature and dates or date of the act or acts of bankruptcy on which the order is made).

A receiving order is hereby made against A.B. *(insert name, addresses, and descriptions of debtor as set out in petition)* and the Official Receiver of this Court is hereby constituted Receiver of the estate of the said debtor.

Dated this _____ day of _____, 19__ .

By the Court,
Registrar.

NOTE. — The above named debtor is required, immediately after the service of this order upon him, to attend the Official Receiver of the Court at his offices at (a)

(a) Insert the place at which the debtor is to attend on the Official Receiver.

The Official Receiver's offices are open every week-day from a.m. to _____ p.m., except _____ days, when they close at _____ p.m.

Indorsement on Order.

The name and address of the advocate to the petitioning creditor are *(insert name and address)*.

(S. 103)

FORM No. 51*).

(Title).

Application for Registration of Receiving Order against an individual

In the District Court of _____
holden at _____

In Bankruptcy No. _____ of _____
Re _____

(1)

A Receiving Order was made on the _____ day of _____ 19__, against the above-named debtor(s).

The Petitioner is (2)

I hereby apply for registration thereof in the register of writs and orders affecting land.

Dated this _____ day of _____, 19__ .

Official Receiver.

To the Director of Land Registration,

For use at Land Registry.

(1) Here insert full names and description of debtor as in petition, all names to be in block capitals.

(2) Here insert full names, addresses and description as petition, in block capitals.

*) See note to B.R. r. 103, p. 448.

(S. 108)

FORM No. 52.

Notice of Receiving Order (for Local Paper).
(Title).

Receiving order made
Date of adjudication (if any)
Date and place of first meeting
Date of public examination

NOTE. — All debts due to the estate should be paid to me.

Official Receiver.
Address

Dated this day of , 19 .

(S. 108)

FORM No. 53.

Notices for Palestine Gazette.
The Bankruptcy Ordinance, 1936.
Receiving Order.

Debtor's Name (Surname first)	Address
Description	Court
Petition	Number of Matter
Order,	Number of Receiving Order
Whether debtor's or Creditor's Petition	Act or Acts
of Bankruptcy proved in Creditor's Petition.	

(S. 111)

FORM No. 54.

*Notice to Official Receiver and Trustee of Application for Annulment
or Rescission on Payment of Debts in Full.*

(Title).

The bankrupt (or debtor) having applied to the Court for annulment of the order of adjudication (or rescission of the receiving order) made against him on the ground that he has paid his debts in full, the Court has fixed the day of , 19 , at o'clock in the noon at for hearing the application.

Dated this day of , 19 .

Registrar.

To the Official Receiver,
and , Trustee of the estate of the bankrupt.

(S. 112)

FORM No. 55*).

Statement of Affairs.

To the Debtor.

You are required to fill up, carefully and accurately, this sheet, and such of the several sheets, A, B, C, D, E, F, G, H, I, J and K*, as are applicable showing the state of your affairs on the day on which the receiving order was made against you, viz: the day of 19 . Such sheets, when filled up will constitute your Statement of Affairs and must be verified by oath or declaration.

*) See note to B.R. r. 112, p. 450.

Gross Liabilities		Liabilities (as stated and estimated by debtor)	Expected to rank	Assets (as stated and estimated by debtor)	
LP.	Mils		LP.	Mils	
		Unsecured creditors, as per list (A)			Property as per list (H)
		Creditors fully secured, as per list (B)			(a) Cash at bankers . . .
		Estimated value of securities			(b) Cash in hand
		Surplus			(c) Cash deposited with advocate for costs of petition
		Less amount thereof carried to sheet (C)			(d) Stock in trade (cost)
		Balance thereof to contra Creditors partly secured as per list (C)			(e) Machinery
		Less estimated value of securities			(f) Trade fixtures, fittings utensils, etc.
		Liabilities on Bills discounted other than debtor's own acceptance for value, as per list (D), viz. —			(g) Farming stock
		On accommodation bills as drawer, acceptor, or indorser LP.: :			(h) Growing crops and tenant right
		On other bills as drawer or indorser LP.: :			(i) Furniture
		LP. : :			(j) Life policies
					(k) Stocks and shares . .
		Of which it is expected will rank against the estate for dividend.			(l) Interests under wills, etc.
		Contingent or other liabilities as per list (E) . . LP.: :			(m) Other property, viz.—
					Total as per list (H)
		Of which it is expected will rank against the estate for dividend			Book debts as per list (I) viz: LP. . . .
		Creditors for rent, etc. as per list (F) LP.: :			Good
		Creditors for rates, taxes, wages, etc., payable in full as per list (C) by . .			Doubtful
		Sheriff's charges under S. 40 of the Ordinance estimated at			Bad
		Deducted contra			LP.
		(2) surplus explained in statement (K)			LP.
					Estimated to produce bills of exchange or other similar securities on hand, as per list (J) . LP.
					Estimated to produce surplus from securities in the hands of creditors fully secured (per contra) LP.
					Deduct creditors for rent and for preferential rates, taxes, wages, sheriff's charges, etc. (per contra) LP.
					(2) Deficiency explained in statement (K) LP.

* Sheet (L) should be substituted for any one or more of such of the sheets named as will have to be returned blank.

I, _____ of _____, make oath and say that the above statement and the several lists hereunto annexed

marked _____, are to the best of my knowledge and belief, a full, true and complete statement of my affairs on the date of the above-mentioned receiving order made against me.

Sworn at _____ this
day of _____, 19____, before me.

Signature.

A.

Unsecured Creditors.

The names to be arranged in alphabetical order and numbered consecutively, creditors for LP. 10 and upwards being placed first.

No	Name	Address and Occupation	Amount of Debt		Date when contracted		Consideration
					Month	Year	
			LP.	Mils.			

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:—

	LP.	Mils
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	Date when given	Estimated value of security		Estimated surplus from security	
			LP.	Mils	Month	Year				LP.	Mils	LP.	Mils

Signature

Dated

19

C.

Creditors partly secured.

No.	Name of Creditor	Address and Occupation	Amount of Debt		Date when contracted		Consideration	Particulars	Month and year when given	Estimated value of security		Estimated debt unsecured	
			LP.	Mils	Month	Year				LP.	Mils	LP.	Mils

Signature

Dated

19

D.

*Liabilities of Debtor on Bills discounted other than his own
Acceptance 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				
				LP.	Mils	LP.	Mils		LP.	Mils

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		Amount expected to rank for Dividend		Date when Liability incurred		Nature of Liability
			LP.	Mils	LP.	Mils	Month	Year	

Signature

Dated 19 .

F.

Creditors for Rent, etc.

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.)
							LP.	Mils	

Signature

Dated 19 .

G.

Preferential Creditors for Rates, Taxes, Wages, Rent, Compensation under the Workmen's Compensation Ordinance, 1927.

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).	
							LP.	Mils	LP.	Mils

Signature

Dated 19 .

H.

Property.

Full particulars of every description of property in possession and in reversion, not included in any other list, are to be set forth in this list:—

Full statement and nature of property	Estimated to produce	
	LP.	Mils
(a) Cash at bankers		
(b) Cash in hand		
(c) Cash deposited with advocate for costs of petition		
(d) Stock in trade at cost LP.		
(e) Machinery at		
(f) Trade fixtures, fittings, utensils, etc. at		
(g) Farming stock at		
(h) Growing crops and tenant right at		
(i) Household furniture and effects at		
(j) Life policies		
(k) Stocks and shares		
(l) Interests under wills, etc.		
(m) 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 to be found	When contracted		Estimated to produce	Particulars of any Securities held for Debt.
			Good		Doubtful		Bad			Month	Year		
			LP.	Mils	LP.	Mils	LP.	Mils					

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 inserted under the heading "Amount of Debt", thus:—

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, etc.	Amount of Bill or Note		Date when due	Estimated to produce		Particulars of any Property held as Security for payment of Bill or Note
			LP.	Mils		LP.	Mils	

Signature

Dated

19

K. Deficiency (or Surplus) Account.

LP.		Mils LP.		Mils LP.	
Excess of assets over liabilities on the (1) day of 19				Excess of liabilities over assets on the (1) day of 19 (if any)	
(if any)				Net loss (if any) arising from carrying on business from the (1) day of 19, to date of receiving order, after charging against profits the usual trade expenses	
Net profit (if any) arising from carrying on business from the (1) day of 19, to date of receiving order, after deducting usual trade expenses				Bad debts (if any) as per schedule "I" (2)	
Income or profit from other sources (if any) since (1) day of 19				Depreciation of stock in trade	
Gifts from relations and others				Depreciation of machinery	
(5) Deficiency as per Statement of Affairs				Depreciation of trade fixtures, fittings, etc. Expenses incurred since the (1) day of 19, other than usual trade expenses, viz., household and personal expenses of self and (3)	
(6) Total amount to be accounted for	LP.			(4) Other losses and expenses (if any)	
				(5) Surplus as per Statement of Affairs	
				(6) Total amount accounted for	LP.

Notes.—(1) This date should be twelve months before date of receiving order, or such other time as the Official Receiver may have fixed.
 (2) This schedule must show when debts were contracted.
 (3) Add "wife and children" (if any), stating number of latter.
 (4) Here add particulars of other losses or expenses (if any) including liabilities (if any) for which no consideration received.
 (5) Strike out words which do not apply.
 (6) These figures should agree.

L.

In substitution for such of the sheets named "A" to "J" as will have to be returned blank.

List	Particulars, as per front sheet	Debtor's remarks.
		Where no particulars are entered by the debtor on any one or more of the lists named "A" to "J" the word "Nil" should be inserted in this column opposite the particular list thus left blank.
A.	Unsecured creditors.	
B.	Creditors fully secured.	
C.	Creditors partly secured.	
D.	Liabilities of debtor on bills discounted other than his own acceptances for value.	
E.	Contingent or other liabilities.	
F.	Creditors for rent, etc.	
G.	Preferential creditors, rates, taxes, wages, compensation under the Workmen's Compensation Ordinance, 1927.	
H.	Property.	
I.	Debts due to the estate.	
J.	Bills of exchange, promissory notes, etc. available as assets.	

Signature

Dated 19 .

(S. 114)

FORM No. 56.

Application by the Official Receiver for an Order appointing a Sitting for the Public Examination of the Debtor.

(Title).

A receiving order having been made in the above matter, application is hereby made to the Court by the Official Receiver for an order appointing the day of at or such other time

and place as the Court shall direct for holding the public examination of the debtor, and that the debtor do attend such public examination.

Dated this day of 19 .

Official Receiver

(S. 114)

FORM No. 57.

Order appointing a Time for the Public Examination of the Debtor.

(*Title*).

Upon the application of the Official Receiver in the above matter, it is ordered that the public examination of the above-named debtor be held at (a) on the day of at o'clock in the

(a) Insert the place for the examination.

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

Dated this day of 19 .

By the Court,

Registrar.

NOTE.—Notice is hereby given that if you, the above-named debtor, fail without reasonable excuse, to attend at the time and place aforesaid you will be liable to be committed to prison without further notice.

(S. 114)

FORM No. 58.

Order of Adjournment of Public Examination.

(*Title*).

This being the day appointed for the (a) public examination of the above-named , and the said having submitted himself for such examination now upon hearing Mr. , the Official Receiver in the above matter, and upon hearing and it appearing that , it is ordered that the said public examination be adjourned to the day of 19 , at in the noon at , and it is further ordered that the said do attend at the said court on the said day of 19 , for the purpose of being further examined as to his conduct, dealings, and property.

(a) Insert here word "further" if necessary.

And it is further ordered that the said (set out any further order of the Court).

Dated the day of 19 ` .

By the Court,

Registrar.

(S. 114)

FORM No. 59.

*Order of Court that Examination is concluded (S. 15 (9) of the Ordinance).
(Title).*

Whereas the above-named A.B. has duly attended before the Court, and has been publicly examined as to his conduct, dealings and property;

And whereas the Court is of opinion that the affairs of the said A.B. have been sufficiently investigated, it is hereby ordered that the examination of the said A.B. be and it is hereby concluded.

Dated this day of 19 .

By the Court,

Registrar.

(S. 114)

FORM No. 60.

*Memorandum of Public Examination of Debtor.
(Title).*

Memorandum.—That I, the above-named debtor, being sworn and examined upon my oath, say that the notes of my public examination marked "A", and appended hereto, were read over by or to me and are correct.

And I further say, that at the time of this my examination, I have delivered up to the Official Receiver or the trustee of my estate, all property, estate, and effects, and all books, papers, and writings relating thereto.

And I further say, that I have made a full disclosure of all my assets and of all my debts and liabilities of whatever kind, and that I have not removed, concealed, embezzled, or destroyed any part of my estate, real or personal, nor any books of account, papers, or

writings, relating thereto, with an intent to defraud my creditors, or to conceal the state of my affairs.

(*here insert any special matter*).

Signature

Dated the day of 19 .

(S. 115)

FORM No. 61*).

Warrant against Debtor about to quit Palestine, etc.

(*Title*).

To X.Y., the officer of this Court and all police officers within the jurisdiction of the said Court, and to the Superintendent or Keeper of the (*here insert the prison*).

Whereas, by evidence taken upon oath, it hath been made to appear to the satisfaction of the Court that there is probable reason to suspect and believe that the said A.B., of , has absconded and gone abroad (*or* quitted his place of residence), or is about to go abroad (*or* quit his place of residence), (with a view of avoiding service of a bankruptcy petition), (*or* of avoiding appearing to a bankruptcy petition), (*or* avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings in bankruptcy), (*or* of avoiding payment of a judgment debt in respect of which a bankruptcy notice has been issued).

(*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 bankruptcy), (*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 bankruptcy of the said A.B.)

(*Or* whereas, by evidence taken upon oath, it hath been made to appear to the satisfaction of the 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 trustees, 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 , for the purpose of being

*) See note to sec. 23, pp. 288—9.

examined, according to the requirements of an order of this Court made on the _____ day of _____, 19____, directing him so to attend).

These are therefore to require you the said _____ to take the said A.B., and to deliver him to the Superintendent or Keeper of the above-named prison, and you, the said Superintendent 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.

Dated this _____ day of _____ 19____ .
By the Court,
Judge of the District Court.

(S. 116)

FORM No. 62.

First Meeting, and Public Examination.

Debtor's Name (Surname first)	Address	Des-
Court		cription
Date of First Meeting	Place	Number of Mat-
Hour	Place	ter
Place		Public Examination
		Date of Pu-
		blic Examination
		any, for Summary Administration,
		Date of Order, if

(S. 121)

FORM No. 63.

Notice of Day for Proceeding with Public Examination (for Local Paper).
 (Title).

Notice is hereby given that the above-named Court has appointed _____ day, the _____ day of _____ 19____, at _____ o'clock in the noon, for proceeding with the public examination of the above-named debtor, which, on the _____ day of _____ 19____, was adjourned *sine die*.

Dated this _____ day of _____ 19____ .
(Signed)
 Official Receiver

(S. 121)

FORM No. 64.

Notices for the Palestine Gazette

*Notice of Day appointed for Proceeding with Public Examination
adjourned sine die.*

Debtor's Name (Surname first)	Address		
Description	Court	Number of Matter	Date fixed
for proceeding with Examination	Hour	Place.	

(S. 122)

FORM No. 65.

*Order dispensing with Public Examination of Debtor.
(Title).*

(a) Insert name and address of applicant, and the capacity in which he makes the application.

Upon the application of the Official Receiver (or, of (a) , of) in the above matter, and upon reading and upon hearing , and it appearing to the Court that the debtor is (b) , it is ordered that the public examination of the debtor be dispensed with.

(b) State what the disability is.

Dated this day of 19 .

By the Court,
Registrar.

(S. 122)

FORM No. 66.

*Order as to Examination of Debtor who is suffering from Mental
or Physical Affliction or Disability.*

(Title).

(a) Insert name and address of applicant, and the capacity in which he makes the application.

Upon the application of the Official Receiver (or, of (a) , 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 a public examination in Court (or, as the case may be), it is ordered that instead of a public examination of the debtor (b), the debtor be examined on oath at (c) before 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 Of-

(b) This part of the order to be adapted to the circumstances of the case.

Official Receiver and trustee and (d) be at liberty to attend such examination and take part therein.

(c) Insert place of examination.

Dated this day of 19 .

(d) Insert name of any person authorised by the Court to attend.

By the Court,
Registrar.

(S. 123)

FORM No. 67.
Proposals for a Composition.
(Title).

I, , the above-named debtor, hereby submit the following proposal for a composition in satisfaction of my debts: —

1. That payment in priority to all other of my debts directed to be so paid in the distribution of the property of a bankrupt shall be provided for as follows. —

(Set out terms of proposal so far as relate to preferential claims).

2. That provision for payment of all the proper costs, charges and expenses of and incidental to the proceedings, and all fees and percentages payable to the Official Receiver shall be made in the following manner: —

(Set out proposal for provisions for fees, charges, costs, etc.)

3. That the following composition shall be paid as hereinafter mentioned on all provable debts: —

(Set out terms of composition).

4. That the payment of the composition be secured in the following manner: —

(Set out full names and addresses of sureties (if any) and complete particulars of all securities intended to be given).

Dated this day of 19 .

(Signed)

(S. 123)

FORM No. 68.
Proposal for a Scheme.
(Title).

I, , the above-named debtor, hereby submit the following proposal for a scheme of arrangement of my affairs in satisfaction of my debts.

1. That: —

(Set out terms of scheme.)

2. That payment in priority to all other of my debts of all debts directed to be so paid in the distribution of the property of a bankrupt is provided for as follows: —

(Set out or indicate by reference to the scheme how it is proposed to provide for fees, costs, charges etc.)

3. That provision for payment of all the proper costs, charges and expenses of and incidental to the proceedings, and all fees and percentages payable to the Official Receiver and the Court is provided for as follows: —

(Set out or indicate by reference to the scheme how it is proposed to provide for fees, costs, charges etc.)

(Set out any other terms).

Dated this day of , 19 .

Signed (a)

(a) To be signed by the debtor, or in the case of joint debtors, to be signed in the firm name by such of the debtors as the Official Receiver shall require.

(S. 123 & 162)

FORM No. 69*).

Notice of the Meeting where Debtor submits an Offer of Composition or Scheme, where no Order for Summary Administration has been made.

(Title).

(Under receiving order, dated the day of .)

Notice is hereby given that a general meeting of creditors of the above-named debtor will be held at on the day of , at o'clock in the noon precisely.

Creditors qualified to vote at such meeting may, by a resolution passed by a majority in number and three-fourths in value, of all the creditors who have proved their debts, accept the proposal made by the debtor for a composition (or scheme) the terms of which are set forth in the accompanying report, or any amendment of such proposal which in the opinion of the Official Receiver is calculated to benefit the general body of creditors.

*) See note to Sched. I., r. 3, p. 405.

Proofs of debts intended to be used at the meeting must be lodged with the Official Receiver not later than o'clock on the day of

Proxies and voting letters to be used at the meeting must be lodged not later than o'clock on the day of .
Creditors who prove their debts, and whose proofs are admitted, and who do not vote on the debtor's proposal, will be reckoned as voting *against* it.

A sitting of the Court for the public examination of the debtor will be held at on the day of at o'clock in the noon.

Any creditor who has tendered a proof or his representative authorised in writing, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Dated this day of 19 .

Official Receiver.

Address

Notes.

1. Creditors who have proved may vote for or against the acceptance of the debtor's proposal by means of the voting letter attached to the Official Receiver's report.

2. If the proposal be not accepted the meeting may, if the debtor has not already been adjudged bankrupt, resolve on his adjudication, and in that case they may also by ordinary resolution appoint a trustee and a committee of inspection, and fix the remuneration of the trustee or resolve that it be left to the committee of inspection.

3. A form of proof and forms of general and special proxy and a summary of the statement of affairs are sent herewith.

(S. 123 & 162) FORM No. 70*).

Notice of Meeting in a Summary Case where Debtor submits an Offer of Composition or Scheme.

(Title).

(Under Receiving Order, dated the day of , 19).

Notice is hereby given that a general meeting of creditors of the above-named debtor will be held at on the day of , 19 , at o'clock in the noon precisely.

*) See note to Sched. I, r. 3, p. 405.

Creditors qualified to vote at such meeting may, by a resolution passed by a majority in number, and three-fourths in value, of all the creditors who have proved their debts, accept the proposal made by the debtor for a composition (*or* scheme), the terms of which are set forth in the accompanying report, or any amendment of such proposal which in the opinion of the Official Receiver is calculated to benefit the general body of creditors.

Proofs of debts intended to be used at the meeting must be lodged with the Official Receiver not later than o'clock on the day of 19 .

Proxies and voting letters to be used at the meetings must be lodged not later than o'clock on the day of , 19.

Creditors who prove their debts, and whose proofs are admitted, and who do not vote on the debtor's proposal will be reckoned as voting *against* it;

A sitting of the Court for the public examination of the debtor will be held at on the day of , 19 , at o'clock in the noon.

Any creditor who has tendered a proof, or his representative authorised in writing, or the holder of a general proxy or general power of attorney from a creditor, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Dated this day of 19 .

Official Receiver.

Address

Notes.

1. Creditors who have proved may vote for or against the acceptance of the debtor's proposal by means of the voting letter attached to the Official Receiver's report.
2. If the proposal be not accepted the meeting may, if the debtor has not already been adjudged bankrupt, resolve on his adjudication, when the Official Receiver will become the trustee, unless the creditors by special resolution appoint a trustee.
3. A form of proof and forms of general and special proxy and a summary of the statement of affairs are sent herewith.

(S. 123)

FORM No. 71.

*Report of Official Receiver to Creditors on Proposal for Composition or Scheme and Voting Letter.**(Title).*

The Official Receiver of the above estate hereby reports:—

That the debtor has lodged with him a proposal for a composition (or scheme) to be submitted to the creditors of which the following is a copy:—

(Here set out fully the terms of proposal)

That the liabilities, as shown by the debtor's statement of affairs, amount to the sum of LP. , and the assets are estimated by the debtor at the sum of LP. after payment of preferential debts.

That the value of the assets is (fairly estimated by the debtor) (or, as the case may be).

That the terms of the debtor's proposal (*set out particulars of proposal and observations on the proposal and the debtor's conduct*).

Dated this day of , 19 .

*Official Receiver.**Address**Voting Letter.**(Title).*

I, , of , a creditor in the above matter for the sum of LP. , hereby request the Official Receiver of the said estate to record my vote (a) the acceptance of the proposal as set forth in the report of the Official Receiver hereto annexed, and/or (b) any amendment thereof which shall, in the opinion of the Official Receiver, be calculated to benefit the general body of the creditors.

Dated this day of , 19 .

*Signature of Creditor**Signature of Witness*

Address.

(a) Insert here the word "for" or the word "against" as the case may require.

(b) Creditors may, if they think fit, authorise the Official Receiver to vote "against" the proposal now submitted, but 'for' such amendment thereof as may be satisfactory to the Official Receiver.

(S. 124)

FORM No. 72.

*Resolution accepting Composition
(Title).*

Minutes of resolutions come to and proceedings had at a meeting of creditors held at this day of 19 ,
 , Chairman.

Resolved as follows:—(a)

That the debtor's proposal for a composition, as set forth in the annexed paper writing marked "A" be accepted.

(If the Official Receiver is not to be the trustee for the purpose of receiving and distributing the composition, add here resolutions appointing a trustee, and fixing his remuneration.)

F.K.

Chairman.

(a) Insert "unanimously" where the resolution is so carried.

No.	Assenting Creditors' Signatures	Amount of Proof	No.	Dissenting Creditors' Signatures	Amount of Proof

NOTE:—When a resolution is carried unanimously the creditors need not sign, but when a division is taken all creditors and holders of proxies voting should sign. The signatures must be attached at the meeting. Resolutions should be put separately.

(S. 124)

FORM No. 73.

*Resolution accepting a Scheme of Arrangement.
(Title).*

Minutes of resolutions come to and proceedings had at the first meeting of creditors held at this day of
 , 19 .

Chairman.

Resolved as follows:— (a)

That the debtor's proposal for a scheme of arrangement as set forth in the paper writing hereunto annexed, and marked with the letter "A" be accepted.

(a) Insert "unanimously" where the resolution is so carried.

That upon the Court, approving this scheme of arrangement Mr. _____, of _____, shall be the trustee thereunder at (*here state remuneration*).

That _____ shall be appointed the committee of inspection under this scheme of arrangement for the purpose of superintending the administration of the debtor's property by the trustee (b) _____, of whom _____ shall form a quorum.

(b) Insert number "two" or as the case may be.

(*Here add any further resolutions that may be come to respecting the administration of the property, the carrying on and disposal of the debtor's business, etc., etc.*)

F.K.
Chairman.

No.	Assenting Creditors' Signatures	Amount of Proof	No.	Dissenting Creditors' Signatures	Amount of Proof

NOTE:—When a resolution is carried unanimously the creditors need not sign, but when a division is taken all creditors and holders of proxies voting should sign. The signatures must be attached at the meeting. Resolutions should be put separately.

(S. 124)

FORM No. 74.

Application to Court to appoint Day for approving' Composition or Scheme.
(*Title*).

Whereas at a meeting of creditors of the above-named debtor, held at _____ on the _____ day of _____, a _____ resolution to accept a (a) _____ was duly passed by a majority in number representing three-fourths in value of all the creditors who have proved their debts.

(a) Composition or scheme of arrangement.

And whereas the public examination of the said debtor was concluded on the _____ day of _____.

Now the (c) _____ applies to the Court to fix a day for the consideration of the above-mentioned (a)

(c) "Debtor" or "Official Receiver".

Order.

Before

Upon reading the above application, and hearing
it is ordered that the application for the consideration by the Court
of the above-mentioned (a) shall be heard at
on the day of , 19 , at o'clock in the
noon,

Dated this day of 19 .

By the Court,
Registrar.

(S. 125)

FORM No. 76.

*Notice to Official Receiver of Application to Court by Debtor to
approve Composition or Scheme.*

(Title).

Take notice that application will be made to the Court on the
day of , at o'clock in the
noon, to sanction the composition (or scheme), approved on the
day of by the statutory majority of creditors.

Dated this day of 19 .

G.H.

(S. 126)

FORM No. 77.

*Notice to Creditors of Application to Court to approve Composition
or Scheme of Arrangement.*

(Title).

Take notice that application will be made to the above Court
sitting at, on the day of at o'clock
in the noon to approve the composition (or scheme of arrange-
ment) as proposed by the said debtor and duly accepted by the
statutory majority of the creditors at a meeting held on the
day of 19 .

Dated this day of 19 .

Official Receiver.

(S. 126)

FORM No. 78.

Notice to Creditors of application to Court to approve Composition or Scheme of Arrangement in a Summary Case.

(Title).

Summary Case.

Take notice that application will be made to the above Court sitting at _____, on _____ the _____ day of _____ 19____, at o'clock _____ in the noon, to approve the composition (or scheme of arrangement) as proposed by the said debtor and duly accepted by the statutory majority of creditors at a meeting held on the _____ day of _____ 19____.

Dated this _____ day of _____, 19____.

Official Receiver.

(S. 126)

FORM No. 79.

Application to extend Time for approving a Composition or Scheme, and Order thereon.

(Title).

Ex Parte the Official Receiver.

(a) Composition or scheme of arrangement.

The Official Receiver in the above matter reports to the Court that a (a) _____ was on the _____ day of _____, 19____, duly lodged by the debtor in the above matter.

That the public examination of the debtor was concluded on the _____ day of _____, 19____.

(b) "The prescribed notices cannot be given"; or "the moneys or securities required for the said (a) have not been lodged"; or as the case may be.

That (b) _____ in time to allow of the approval of _____ the said (a) _____ within fourteen days after the conclusion of the examination of the debtor as required by section 18 of the Bankruptcy Ordinance, 1936.

Under these circumstances, application is made for an extension of time to the _____ day of _____, 19____, for obtaining such approval.

Dated this _____ day of _____, 19____.

*Official Receiver.**Order.*

Before

Upon reading the above report of the Official Receiver, and

hearing it is ordered that the time for obtaining the approval of the said (a) in the above matter be extended to the day of _____, 19 .

Dated this _____ day of _____, 19 .

By the Court,

Registrar.

(S. 133) FORM No. 80*)

Order on Application to approve Composition.

(Title).

On the application of _____, and on reading the report of the Official Receiver, filed on the _____ day of _____, and hearing the Official Receiver and _____, and the Court being satisfied that the creditors in the above matter have duly accepted a composition (or scheme) 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 case is not one in which the Court would be required, if the debtor were adjudged bankrupt, to refuse an order of discharge.*

(and as the case may be)

And being satisfied

(a) That no facts have been proved which would justify the Court in refusing, qualifying or suspending an order of discharge;

or

(b) That facts have been proved which would justify the Court in refusing, qualifying or suspending an order of discharge, but that having regard to the nature of such facts, and the composition (or scheme) providing reasonable security for payment of not less than two hundred and fifty mils in the pound on all the unsecured debts provable against the debtor's estate, the said composition (or scheme) 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/or after "*"

*) See note to B.R.r. 133, p. 455.

and/or being satisfied

- (a) That the case is one in which the Court would be required, if the debtor were adjudged bankrupt, to refuse his discharge.
- (b) That facts have been proved which would justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court doth refuse to approve the said composition (or scheme).

Dated this day of , 19 .

By the Court,
Registrar.

(S. 133)

FORM No. 81.

Certificate of Approval of Composition or Scheme.
(Title).

I hereby certify that a composition (or scheme of arrangement) between A.B., of , the above-named debtor, and his creditors was duly approved by the court on the day of , 19 .

Dated this day of , 19 .

Official Receiver.

(S. 133)

FORM No. 82.

Order on Application to approve Composition or Scheme.
(Title).

Debtor's Name (Surname first)	Address
Description	Court
Number of Matter	Date of Order
Nature of Scheme or Composition sanctioned, or Order made	

(S. 136)

FORM No. 83.

Application for Enforcement of Provision in a Composition or Scheme.
(Title).

In the matter of a composition (or scheme of arrangement) made by A.B.

I, L.M. of _____, do apply to this Court for an order for the enforcement of the provisions of the said composition (*or* scheme of arrangement) against _____ on the grounds set forth in the annexed affidavit.

Dated this _____ day of _____, 19 .

L.M.

(S. 136)

FORM No. 84.

Affidavit in support of Application for Enforcement of Provisions of a Composition or Scheme.

(Title).

In the matter of a composition (*or* scheme of arrangement) made by A.B. of _____

I, L.M. make oath and say:—

1. That I am interested in the said composition (*or* scheme of arrangement), 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 (*or* scheme of arrangement) 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, etc.

L.M.

(S. 136)

FORM No. 85*

Order for Enforcement of Provision in a Composition or Scheme.

(Title).

In the matter of a composition (*or* scheme of arrangement) made by A.B., of _____

Upon the application of L.M. of _____, and reading (*here insert evidence*) and upon hearing the _____ Court being of opinion that the provisions of the said composition (*or* scheme of arrangement) mentioned in the said affidavit should be enforced, it is ordered that (*here insert order*).

Dated this _____ day of _____, 19 .

By the Court,

Registrar.

*) See note to B.R.r. 136, p. 455.

To:

Take notice that unless you obey the directions contained in this order, you will be deemed to have committed a contempt of Court.

(S. 140)

FORM No. 86.

Notice to Creditors 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.

The last day for receiving proofs is the day of , 19 .

Dated this day of , 19 .

Official Receiver.

(S. 142)

FORM No. 87.

Order of Adjudication.
(Title).

Pursuant to a petition dated against (*here insert name, description, and address of debtor*) on which a receiving order was made, on the (*date*) and on the application of (*here insert "the Official Receiver" or "the debtor himself", or "A.B. of a creditor"*) and on reading and hearing it is ordered that the debtor be and the said debtor is hereby adjudged bankrupt.

Dated this day of 19 .

By the Court,
Registrar.

(S. 143)

FORM No. 88.

Order of Adjudication after Resolution of Creditors.
(Title).

Whereas pursuant to a petition dated against A.B., a receiving order was made on the (*date*). And whereas it appears to the Court that at the first meeting of creditors held on the (*date*),

it was duly resolved that the debtor be adjudged bankrupt. It is ordered that the debtor be and the debtor is hereby adjudged bankrupt.

Dated this day of , 19 .

By the Court,
Registrar.

(S. 143) FORM No. 89.

Application for Adjudication under section 14 of the Ordinance.
(Title).

The Official Receiver in the above matter reports to the Court: —

That a receiving order was made against the above-named debtor on the day of 19 .

That a copy of the form hereunto annexed was sent to the said debtor on the day of 19 .

That the debtor has not submitted a statement of and in relation to his affairs as required by section 14 of the Bankruptcy Ordinance, 1936, nor has he furnished the Official Receiver with any reasonable excuse for his failure to do so.

The Official Receiver accordingly, in pursuance of section 14 of the Bankruptcy Ordinance, 1936, makes application to the Court to adjudge the said debtor bankrupt.

Dated this day of , 19 .

Official Receiver.

(S. 143) FORM No. 90*)

Application for Adjudication under section 14 of the Ordinance.
(Title).

The Official Receiver in the above matter reports to the Court: —

That a receiving order was made against the above-named debtor on the day of , 19 .

That the act of bankruptcy on which the petition was founded was the allegation that the debtor had within three months before the date of the presentation of the petition

That from inquiries made since the receiving order, the statement that the said debtor had appears to have been well founded, and the present place and residence of the debtor has not been ascertained.

*) See note to B.R.r. 143, p. 456.

That the debtor has failed to attend at the office of the Official Receiver to be examined in respect to his property and creditors, and to give necessary information relative to his estate, affairs, conduct, and dealings, and to receive instructions as to the preparation of a statement of and in relation to his affairs in accordance with the notice (a copy of which is hereto annexed) sent by post addressed to _____ as aforesaid.

That the debtor has not submitted a statement of and in relation to his affairs in pursuance of section 14 of the Bankruptcy Ordinance, 1936.

The Official Receiver accordingly, in pursuance of the provisions of section 14 of the Bankruptcy Ordinance, 1936, and section 143 of the Bankruptcy Rules, 1936, makes application to the Court to adjudge the said debtor bankrupt.

Dated this _____ day of _____, 19 _____

Official Receiver.

(S. 143)

FORM No. 91.

Application for Adjudication after Resolution for Bankruptcy or by Consent.
(Title).

The Official Receiver of the estate of the above-named debtor hereby reports to the Court: —

That at the first meeting of the creditors of the said debtor held at _____ on the _____ day of _____ 19 _____, the following resolution was passed: —

“That _____, the above-named debtor, shall be adjudged bankrupt, and that the Official Receiver do apply to the Court to make the adjudication”.

(And/or that the debtor has, in writing, consented to be adjudged bankrupt).

The Official Receiver accordingly, in pursuance of the provisions of section 18 of the Bankruptcy Ordinance, 1936, makes application to the Court to adjudge the said debtor _____ bankrupt.

Dated this _____ day of _____, 19 _____

Official Receiver.

(S. 143)

FORM No. 92.

Application for Adjudication: No Quorum: Summary Administration.
(Title).

Summary Case.

The Official Receiver reports to the Court: —

That a receiving order was made against the above-named debtor on the day of , 19 .

That an order for the summary administration of the estate of the debtor was made on the day of , 19 .

That the first meeting of creditors was duly summoned to be held at , on the day of , 19 .

That creditors qualified to vote not being present or represented thereat to form a quorum no resolution was passed.

That (a)

The Official Receiver accordingly, in pursuance of the provisions of section 18 of the Bankruptcy Ordinance, 1936, makes application to the Court to adjudge the said debtor bankrupt.

Dated this day of , 19 .

Official Receiver.

(a) "The debtor has, in writing, consented to the Court adjudging him bankrupt."

(S. 143)

FORM No. 93.

Application for Adjudication where no Quorum at Adjourned Meeting.
(Title).

The Official Receiver reports to the Court:—

That a receiving order was made against the above-named debtor on the day of , 19 .

That creditors qualified to vote not being present or represented thereat to form a quorum, the said meeting was adjourned to the day of , 19 .

That at such adjourned meeting creditors qualified to vote not being present or represented to form a quorum no resolution was passed.

That (a)

The Official Receiver accordingly, in pursuance of section 18 of the Bankruptcy Ordinance, 1936, makes application to the Court to adjudge the said debtor bankrupt.

Dated this day of , 19 .

Official Receiver.

(a) Notice of this application was on the day of 19 , sent by post addressed to the debtor, or, the debtor has consented, in writing, to the Court adjudging him bankrupt.

(S. 143)

FORM No. 94.

Notice to Debtor of Intended Application for Adjudication.
(Title).

Take notice, that, on behalf of the Official Receiver, application will be made to the Court sitting in bankruptcy, at _____, on _____ day, the _____ day of _____ 19____, at _____ o'clock in the _____ noon for an order adjudging you, the above-named A. B., bankrupt.

(a) Here state the grounds on which the application will be made.

(a)

(And further take notice, that leave has been obtained to serve you with short notice of this application).

Dated this _____ day of _____ 19____.

To the above-named.

(S. 143)

FORM No. 95.

Resolutions where Adjudication resolved on.
(Title).

Minutes of resolutions come to and proceedings had at the first meeting of creditors held at _____ this _____ day of _____ chairman, the Official Receiver (or the Official Receiver being absent, F.K., of _____, chairman).

Resolved as follows (unanimously): —

That A.B. shall be adjudged bankrupt, and that the Official Receiver do apply to the Court to make the adjudication.

That G. H. of (residence and occupation), shall be the trustee of the property of the bankrupt at (*here state remuneration or that the appointment of a trustee in this bankruptcy be made by the committee of inspection*).

That I.K., L.M., N.O., P.Q., and R.S. be appointed the committee of inspection in this bankruptcy, for the purpose of superintending the administration of the property of the bankrupt by the trustee.

(*Here add any other resolutions that may be come to as to the manner of the administration of the property by the trustee, etc.*)

F. K.,
Chairman.

As on 10.1.46.

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M. Shoham, Tel-Aviv, P.O.B. 576, Tel. 2239