

# THE RULES OF COURT UNDER THE COMPANIES ACT, 1863<sup>(1)(2)</sup> (QUEENSLAND, ADOPTED) IN THEIR APPLICATION TO THE TERRITORY OF NEW GUINEA.

IN THE SUPREME COURT OF QUEENSLAND.

As of Tuesday, the 1st Day of March, A.D. 1881.

## REGULAE GENERALES.

IT is ordered by the Honourable CHARLES LILLEY, the Chief Justice of Queensland, and by the Honourable GEORGE ROGERS HARDING, and by the Honourable RATCLIFFE PRING, Judges of the Supreme Court of Her Majesty's said Colony, in pursuance and execution of the powers vested in them by "*The Companies Act of 1863*," and of all other powers and authorities enabling them in that behalf as follows:—

### *Petition to Wind-up Company.*

1. Every petition for the winding-up of any company by the Court, or subject to the supervision of the Court, shall be intituled in the matter of "*The Companies Act, 1863*," and of the company to which such petition shall relate, describing the company by its most usual style or firm.

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

- (1.) In the case of a company whose registered office, or if there shall be no such office, then whose principal or last known principal place of business is or was situate within the Municipality of Brisbane, once in the *Queensland Government Gazette*, and once at least in two Brisbane daily newspapers, one of which shall be a morning newspaper.

(1) These Rules of Court were adopted as Rules of the Territory of Papua by virtue of the adoption in that Territory of *The Companies Act, 1863* (Queensland) by *The Courts and Laws Adopting Ordinance (Amended) of 1889* (Papua). They were continued in force in the Territory of Papua by Section 3 (3) of the *Companies Ordinance, 1912-1926*, notwithstanding the repeal of *The Companies Act, 1863* (Queensland, adopted) by that Ordinance. The *Laws Repeal and Adopting Ordinance 1921-1939* of the Territory of New Guinea (Section 15 and Third Schedule), *inter alia*, adopted the *Companies Ordinance, 1912-1926*, of the Territory of Papua as an Ordinance of the Territory of New Guinea, together with "those portions of every regulation or rule made under the provisions of" that Ordinance, that were in force in the Territory of Papua as at 9th May, 1921. As at that date, the only Rules in force in the Territory of Papua under the *Companies Ordinance, 1912* (as it then was) were *The Rules of Court under The Companies Act, 1863* (Queensland, adopted), printed herein.

(2) Particulars of these Rules of Court are as follows:—

### RULES OF COURT OF THE STATE OF QUEENSLAND.

Act under which made.	Date on which published in Queensland Govt. Gaz.	Ordinance by which adopted.	Date on which adoption took effect.
<i>The Companies Act, 1863</i>	2.3.1881	<i>Laws Repeal and Adopting Ordinance 1921-1939</i>	9.5.1921 ( <i>Cwllth. Gaz.</i> of 6.5.1921)

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

- (2.) In the case of any other company, once in the *Queensland Government Gazette* and once at least in two local newspapers circulating in the district where such registered office, or principal or last known principal place of business, as the case may be, of such company is or was situate.

The advertisement shall state the day on which the petition was presented, and the name and address of the petitioner, and of his solicitor and Brisbane agent (if any).

3. Every such petition shall, unless presented by the company, be served at the registered office if any of the company, and if no registered office then at the principal or last known principal place of business of the company, if any such can be found, upon any member, officer, or servant of the company there, or in case no such member, officer, or servant can be found there, then by being left at such registered office or principal place of business, or by being served on such member or members of the company as the Court may direct; and every petition for the winding-up of a company subject to the supervision of the Court shall also be served upon the Liquidator (if any) appointed for the purpose of winding-up the affairs of the company.

4. Every petition for the winding-up of any company by the court or subject to the supervision of the Court, shall be verified by an affidavit referring thereto, in the form or to the effect set forth in Form No. 2 in the schedule hereto; such affidavit shall be made by the petitioner, or by one of the petitioners, if more than one, or, in case the petition is presented by the company, by some director, secretary, or other principal officer thereof; and shall be sworn after and filed within four days after the petition is presented, and such affidavit shall be sufficient *prima facie* evidence of the statements in the petition.

5. Every contributory or creditor of the company shall be entitled to be furnished, by the solicitor to the petitioner, with a copy of the petition, within twenty-four hours after requiring the same, on paying at the rate of eightpence per folio of seventy-two words for such copy.

*Order to Wind-up Company.*

6. Every order for the winding-up of a company by the court, or subject to its supervision, shall, within twelve days after the date thereof, be advertised by the petitioner once in the *Queensland Government Gazette*, and shall be served upon such persons (if any) and in such manner as the Court may direct.

7. A copy of every order for winding-up a company, certified to be a true copy thereof as passed and entered, shall be left by the petitioner at the Supreme Court Office within ten days after the same shall have been passed and entered, and in default thereof any other person interested in the winding-up may leave the same, and the Judge may, if he thinks fit, give the carriage and prosecution of the order to such person. Upon such copy being left a summons shall be taken out to proceed with the winding-up of the company, and be served upon all parties who may have appeared upon the hearing of the petition. Upon

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the return of such summons a time shall, if the Judge think fit, be fixed for the appointment of an Official Liquidator, and for the proof of debts, and for the list of contributories to be brought in, and directions may be given as to the advertisements to be issued for all or any of such purposes, and generally as to the proceedings and the parties to attend thereon. The proceedings under the order shall be continued by adjournment, and, when necessary, by further summons, and any such direction as aforesaid may be given, added to, or varied, at any subsequent time, as may be found necessary.

### *Official Liquidator.*

8. The Judge may appoint a person to the office of Official Liquidator, without previous advertisement or notice to any party, or fix a time and place for the appointment of an official liquidator, and may appoint or reject any person nominated at such time and place, and appoint any person not so nominated.

9. When a time and place are fixed for the appointment of an Official Liquidator, such time and place shall be advertised in such manner as the Judge shall direct, so that the first or only advertisement shall be published within fourteen days and not less than seven days before the day so fixed.

10. Every official liquidator shall give security by entering into a recognizance with two or more sufficient sureties, in such sum as the Judge may approve; and the Judge may, if he shall think fit, accept the security of any guarantee society in Queensland, in lieu of the security of such sureties as aforesaid, or any of them. The recognizance shall be given to the Judge to whom the matter is assigned.

11. The Official Liquidator shall be appointed by order; and unless he shall have given security, a time shall be fixed by such order within which he is to do so; and the order shall fix the times or periods at which the Official Liquidator is to leave his accounts of his receipts and payments at the Supreme Court Office, and shall direct that all moneys to be received shall be paid into the Queensland National Bank, Limited, immediately after the receipt thereof, to the account of the Official Liquidator of the company, and an account shall be opened there accordingly; and an office copy of the Order shall be lodged at such bank.

12. When an Official Liquidator has given security pursuant to the directions in the order appointing him, the same shall be certified by the Registrar, as in the case of a receiver appointed in a cause, subject to giving security.

13. The Official Liquidator shall, on each occasion of passing his account, and also whensoever the Judge may so require, satisfy the Judge that his sureties are living and resident in Queensland, and have not been adjudged or become insolvent, and in default thereof he may be required to enter into fresh security within such time as shall be directed.

14. Every appointment of an Official Liquidator shall be advertised, in such manner as the Judge shall direct, immediately after he has been appointed, and has given security.

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

15. Where it is desired to appoint provisionally an Official Liquidator, an application for that purpose may, at any time after the presentation of the petition for winding-up the company, be made by summons, without advertisement or notice to any person, unless the Judge shall otherwise direct; and such provisional Official Liquidator may, if the Judge shall think fit, be appointed without security.

16. In case of the death, removal, or resignation of an Official Liquidator another shall be appointed in his room, in the same manner as directed in the case of a first appointment, and the proceedings for that purpose may be taken by such party interested as may be authorised by the Judge to take the same.

17. The Official Liquidator shall, with all convenient speed, after he is appointed, proceed to make up, continue, complete, and rectify the books of account of the company; and shall provide and keep such books of account as shall be necessary, or as the Judge may direct, for the purposes aforesaid, and for showing the debts and credits of the company, including a ledger which shall contain the separate accounts of the contributories, and in which every contributory shall be debited from time to time with the amount payable by him in respect of any call to be made as provided by the said Act and these Rules.

18. The Official Liquidator shall be allowed in his accounts, or otherwise paid, such salary or remuneration as the Judge may from time to time direct, including any necessary employment of assistants or clerks by the Official Liquidator, to which regard shall be had; and such salary or remuneration may either be fixed at the time of his appointment, or at any time thereafter, as the Judge may think fit. Every allowance of such salary or remuneration, unless made at the time of his appointment, or upon passing an account, shall be made upon application for that purpose by the Official Liquidator, on notice to such persons (if any), and supported by such evidence as the Judge shall require; nevertheless, the Judge may from time to time allow any sum he may think fit to the Official Liquidator, on account of the salary or remuneration to be thereafter allowed.

19. The accounts of the Official Liquidator shall be left at the Supreme Court Office at the times directed by the order appointing him, and at such other times as may from time to time be required by the Judge, and such accounts shall, upon notice to such parties (if any) as the Judge shall direct, be passed and verified in the same manner as receivers' accounts.

*Proof of Debts.*

20. For the purpose of ascertaining the debts and claims due from the company, and of requiring the creditors to come in and prove their debts or claims, an advertisement shall be issued at such time as the Judge shall direct; and such advertisement shall fix a time for the creditors to send their names and addresses, and the particulars of their debts or claims, and the names and addresses of their solicitors (if any) to the Official Liquidator, and appoint a day for adjudicating thereon.

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21. The creditors need not attend upon the adjudication, nor prove their debts or claims, unless they are required to do so by notice from the Official Liquidator; but upon such notice being given they are to come in and prove their debts or claims within a time to be therein specified.

22. The Official Liquidator shall investigate the debts and claims sent in to him, and ascertain, so far as he is able, which of such debts and claims are justly due from the company; and he shall make out and leave at the Supreme Court Office a list of all the debts and claims sent in to him, distinguishing which of the debts and claims, or parts of debts and claims so claimed, are in his opinion justly due and proper to be allowed without further evidence, and which of them in his opinion ought to be proved by the creditors; and he shall make and file, prior to the time appointed for adjudication, an affidavit, setting forth which of the debts and claims in his opinion are justly due and proper to be allowed without further evidence, and stating his belief that such debts and claims are justly due and proper to be allowed, and the reasons for such belief.

23. At the time appointed for adjudicating upon the debts and claims, or at any adjournment thereof, the Judge may either allow the debts and claims upon the affidavit of the Official Liquidator, or may require the same, or any of them, to be proved by the claimants, and adjourn the adjudication thereon to a time to be then fixed; and the Official Liquidator shall give notice to the creditors whose debts or claims have been so allowed, of such allowance.

24. The Official Liquidator shall give notice to the creditors whose debts or claims have not been allowed upon his affidavit, that they are required to come in and prove the same by a day to be therein named, being not less than four days after such notice, and to attend at a time to be therein named, being the time appointed by the advertisement, or by adjournment (as the case may be), for adjudicating upon such debts and claims.

25. The value of such debts and claims as are made admissible to proof by the 148th section of the said Act<sup>(3)</sup> shall, so far as is possible, be estimated according to the value thereof at the date of the order to wind-up the company.

26. Interest on such debts and claims as shall be allowed shall be computed, as to such of them as carry interest, after the rate they respectively carry; any creditor whose debt or claim so allowed does not carry interest shall be entitled to interest, after the rate of £8 per centum per annum, from the date of the order to wind-up the company, out of any assets which may remain after satisfying the costs of the winding-up, the debts and claims established, and the interest of such debts and claims as by law carry interest.

27. Such creditors as come in and prove their debts or claims pursuant to notice from the Official Liquidator shall be allowed their costs of proof, in the same manner as in the case of debts proved in a cause.

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(3) The relevant Section of the *Companies Ordinance, 1912-1926* (Papua, adopted) is Section 151.

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

28. The result of the adjudication upon debts and claims shall be stated in a certificate to be made by the Registrar, and certificates as to any of such debts and claims may be made from time to time. All such certificates shall state whether the debts or claims are allowed or disallowed, and whether allowed as against any particular assets, or in any other qualified or special manner.

*List of Contributories.*

29. The Official Liquidator shall, with all convenient speed after his appointment, or at such time as the Judge shall direct, make out and leave at the Supreme Court Office a list of the contributories of the company; and such list shall be verified by the affidavit of the Official Liquidator, and shall, so far as is practicable, state the respective addresses of, and the number of shares or extent of interest to be attributed to each such contributory, and distinguish the several classes of contributories. And such list may from time to time, by leave of the Judge, be varied or added to by the Official Liquidator.

30. Upon the list of contributories being left at the Supreme Court Office, the Official Liquidator shall obtain an appointment for the Judge to settle the same, and shall give notice in writing of such appointment to every person included in such list, and stating in what character, and for what number of shares, or interest such person is included in the list; and, in case any variation or addition to such list shall at any time be made by the Official Liquidator, a similar notice in writing shall be given to every person to whom such variation or addition applies. All such notices shall be served four clear days before the day appointed to settle such list, or such variation or addition.

31. The result of the settlement of the list of contributories shall be stated in a certificate by the Registrar; and certificates may be made from time to time for the purpose of stating the result of such settlement down to any particular time, or as to any particular person, or stating any variation of the list.

*Sales of Property.*

32. Any real or personal property belonging to the company may be sold with the approbation of the Judge, in the same manner as in the case of a sale under a judgment decree or order of the Court in a suit, or, if the Judge shall so direct, by the Official Liquidator; and upon any such sale by the Official Liquidator the conditions or contracts of sale shall be settled and approved of by the Judge, unless he shall otherwise direct; and the Judge may, if he thinks fit, on any sale by public auction, fix a reserved bidding; and unless on account of the small amount of purchase moneys or other cause it shall, having regard to the amount of the security given by the Official Liquidator, be thought proper that the purchase moneys shall be paid to him, all conditions and contracts of sale shall provide that the purchase moneys shall be paid by the respective purchasers into the Queensland National Bank, Limited, to the account of the Official Liquidator of the Company.

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### *Calls.*

33. Every application to the Judge to make any call on the contributories or any of them, for any purpose authorised by the said Act, shall be made by summons, stating the proposed amount of such call; and such summons shall be served, four clear days at the least before the day appointed for making the call, on every contributory proposed to be included in such call; or if the Judge shall so direct, notice of such intended call may be given by advertisement.

34. When any order for a call has been made, a copy thereof shall be forthwith served upon each of the contributories included in such call, together with a notice from the Official Liquidator specifying the amount or balance due from such contributory (having regard to the provisions of the said Act) in respect of such call; but such order need not be advertised unless, for any special reason, the Judge shall so direct.

35. At the time of making an order for a call the further proceedings relating thereto shall be adjourned to a time subsequent to the day appointed for the payment thereof, and afterwards from time to time so long as may be necessary; and at the time appointed by any such adjournment, or upon a summons to enforce payment of the call duly served, and upon proof of the service of the order and notice of the amount due and non-payment, an order may be made for such of the contributories who have made default, or of such of them against whom it shall be thought proper to make such order, to pay the sum which by such former order and notice they were respectively required to pay, or any less sum which may appear to be due from them respectively.

### *Payment in of Moneys and Deposit of Securities.*

36. If any Official Liquidator shall not pay all the moneys received by him into the Queensland National Bank, Limited, to the account of the Official Liquidator of the company, within seven days next after the receipt thereof, unless the Judge shall have otherwise directed, such Official Liquidator shall be charged in his account with ten shillings for every £100, and a proportionate sum for any larger amount, retained in his hands beyond such period, for every seven days during which the same shall have been so retained, and the Judge may, for any such retention, disallow the salary or remuneration of such Official Liquidator.

37. All bills, notes, and other securities payable to the company or the Official Liquidator thereof shall, as soon as they come to the hands of such Official Liquidator, be deposited by him in the Queensland National Bank, Limited, for the purpose of being presented by the bank for acceptance and payment, or for payment only, as the case may be.

38. All orders for payment of calls, balances, or other moneys due from any contributory or other person, shall direct the same to be paid into the Queensland National Bank, Limited, to the account of the Official Liquidator of the company, unless, on account of the smallness of the amount or other cause, it shall, having regard to the

amount of the security given by the Official Liquidator, be thought proper to direct payment thereof to the Official Liquidator. Provided that where any such order has been made directing payment of a specific sum into the Queensland National Bank, Limited, in case it shall be thought proper for the purpose of enabling the Official Liquidator to issue execution or take other proceedings to enforce the payment thereof, or for any other reason, an order may, either before service of such former order, or after the time thereby fixed for payment, be made, without notice, for payment of the same sum to the Official Liquidator.

39. At the time of the service of any order for payment into the Queensland National Bank, Limited, the Official Liquidator shall give to the party served a notice, to the purport or effect set forth in Form No. 40 in the schedule hereto, for the purpose of informing him how the payment is to be made; and before the time fixed for such payment the Official Liquidator shall furnish the cashier of the Queensland National Bank, Limited, with a certificate to the purport or effect set forth in Form No. 41 in the schedule hereto, to be signed by such cashier, and delivered to the party paying in the money therein-mentioned.

40. For the purpose of enforcing any Order for payment of money into the Queensland National Bank, Limited, an affidavit of the Official Liquidator, to the purport or effect set forth in Form No. 43 in the schedule hereto, shall be sufficient evidence of the non-payment thereof.

41. All moneys, bills, notes, and other securities paid and delivered into the Queensland National Bank, Limited, shall be placed to the credit of the account of the Official Liquidator of the company; and orders for any such payment and delivery shall direct the same accordingly.

*Delivery out of Securities, and Payment out and Investment of Moneys.*

42. All bills, notes, and other securities delivered into the Queensland National Bank, Limited, shall be delivered out upon a request signed by the Official Liquidator, and countersigned by the Registrar; and moneys placed to the account of the Official Liquidator shall be paid out upon cheques or orders, signed by the Official Liquidator, and countersigned by the Registrar.

43. All or any part of the money for the time being standing to the credit of the account of the Official Liquidator at the Queensland National Bank, Limited, and not immediately required for the purposes of the winding-up, may be placed at fixed deposit in the said bank, in the name of the Official Liquidator. All moneys placed at fixed deposit shall be so placed by the Queensland National Bank, Limited, upon a request signed by the Official Liquidator and countersigned by the Registrar, and which request shall be sufficient authority for debiting the account with the moneys placed at such deposit; and such moneys at fixed deposit shall not afterwards be dealt with except upon

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a direction for that purpose, signed by the Official Liquidator, and countersigned by the Registrar, or under an order to be made by the Judge.

44. All interest to accrue due upon any such moneys, shall from time to time be placed by the Queensland National Bank, Limited, to the credit of the account of such Official Liquidator.

### *Meetings of Creditors or Contributories.*

45. When the Judge shall direct a meeting of the creditors or contributories of the company to be summoned under the 90th or 139th section of the said Act,<sup>(4)</sup> the Official Liquidator shall give notice in writing seven clear days before the day appointed for such meeting, to every creditor or contributory, of the time and place appointed for such meeting, and of the matter upon which the Judge desires to ascertain the wishes of the creditors or contributories; or, if the Judge shall so direct, such notice may be given by advertisement, in which case the object of the meeting need not be stated, and it shall not be necessary to insert such advertisement in the *Queensland Government Gazette*.

46. The votes of the creditors or contributories of the company, at any meeting summoned by the direction of the Judge, may be given either personally or by proxy; but no creditor shall appoint a proxy who is not a creditor of the company whose debt or claim has been allowed, and no contributory shall appoint a proxy who is not a contributory of the company.

47. The direction of the Judge for any meeting of creditors or contributories under the 90th or 139th section of the said Act,<sup>(4)</sup> and the appointment of a person to act as chairman of any such meeting shall be testified by a memorandum signed by the Registrar.

### *Direction or Sanction of the Judge.*

48. The sanction of the Judge to the drawing, accepting, making, and indorsing of any bill of exchange or promissory note by any Official Liquidator shall be testified by a memorandum on such bill of exchange or promissory note, signed by the Registrar.

49. Every application for the sanction of the Judge to a compromise with any contributory or other person indebted to the company shall be supported by the affidavit of the Official Liquidator that he has investigated the affairs of such contributory or person, and stating his belief that the proposed compromise will be beneficial to the company, and his reasons for such belief; and the sanction of the Judge thereto shall be testified by a memorandum, signed by the Registrar, on the agreement of compromise, unless any party shall desire to appeal from the decision of the Judge, in which case an order shall be drawn up for that purpose.

50. The direction or sanction of the Judge for any other proceeding or act to be taken or done by the Official Liquidator shall be obtained upon summons, and an order shall be drawn up thereon, unless the Judge shall otherwise direct.

(4) The relevant sections of the *Companies Ordinance, 1912-1926* (Papua, adopted) are Sections 96 and 142 respectively.

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

*Applications to the Court or Judge under ss. 127, 128, 131, 168, and 169 of the Act.*

51. Every application under the 127th, 128th, or 131st section of the said Act<sup>(5)</sup> shall be made by petition or motion, or, if the Judge shall so direct, by summons at Chambers; and every application under the 168th or 169th section of the said Act<sup>(6)</sup> shall be made by petition.

*Advertisements.*

52. When an advertisement is required for any purpose, except where otherwise directed by these rules, the advertisement shall be inserted once in the *Queensland Government Gazette*, and in such other newspaper or newspapers, and for such number of times as may be directed. The Judge may, in such cases as he shall think fit, dispense with any advertisement required by these rules.

*Admission of Documents.*

53. The Rules of the Supreme Court,<sup>(7)</sup> Order XXXII., rr. 2, 3, 4, shall apply to any proceeding in Court or Chambers relating to the winding-up of a company.

*Affidavits.*

54. Where an order shall have been made for the winding-up of any company, any person intending to use any affidavit in any proceeding under such order shall file the same in the Office of the Supreme Court, and give notice thereof to the Official Liquidator. The person other than the Official Liquidator filing the affidavit shall not be required to take an office copy thereof; but an office copy thereof shall be taken by the Official Liquidator, and he shall produce the same at the hearing of any application or proceeding upon which it is intended to be used, unless the Judge shall otherwise direct.

*Certificate of the Registrar.*

55. The general practice of the Court shall apply to all certificates of the Registrar in the matter of the winding-up of any company; nevertheless, certificates on passing the Official Liquidator's accounts may be approved and signed by the Judge without delay, and upon being so signed, shall be filed and forthwith acted upon.

*Register and File of Proceedings.*

56. A register shall be kept of all proceedings in each matter, and no documents or proceedings are to be filed in the Judge's Chambers.

57. All orders, exhibits, admissions, memorandums, and office copies of affidavits, examinations, depositions, and certificates, and all other documents relating to the winding-up of any company, shall be filed by the Official Liquidator, as far as may be, in one continuous file, and such file shall be kept by him or otherwise, as the Judge may from

(5) The relevant sections of the *Companies Ordinance, 1912-1926* (Papua, adopted) are Sections 131 and 134.

(6) The relevant section of the *Companies Ordinance, 1912-1926* (Papua, adopted), is Section 158.

(7) The Rules of the Supreme Court referred to in Rule 53 were replaced in Queensland by *The Rules of the Supreme Court* (of 1900). *The Rules of the Supreme Court* (of 1900) have been adopted as laws of the Territory of New Guinea, and are printed below, title COURTS. The present rules corresponding to the former Order XXXII., rr. 2, 3 and 4 are contained in Order XXXVI., rr. 2, 3 and 6, of *The Rules of the Supreme Court* (of 1900) (Queensland, adopted).

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time to time direct. Every contributory of the company, and every creditor thereof whose debt or claim has been allowed, shall be entitled, at all reasonable times, to inspect such file free of charge, and, at his own expense, to take copies or extracts from any of the documents comprised therein, or to be furnished with such copies or extracts at a rate not exceeding sixpence per folio of seventy-two words; and such file shall be produced in Court, or before the Judge, and otherwise, as occasion may require.

### *Provisional Official Liquidators.*

58. All the above rules relating to Official Liquidators shall, so far as the same are applicable, and subject to the directions of the Judge in each case, apply to Provisional Official Liquidators.

### *Attendance and Appearance of Parties.*

59. Every person, for the time being, on the list of contributories of the company, left at the Supreme Court Office by the Official Liquidator, and every person having a debt or claim against the company, allowed by the Judge, shall be at liberty, at his own expense, to attend the proceedings before the Judge, and shall be entitled, upon payment of the costs occasioned thereby, to have notice of all such proceedings as he shall by written request desire to have notice of; but if the Judge shall be of opinion that the attendance of any such person upon any proceeding has occasioned any additional costs which ought not to be borne by the funds of the company, he may direct such costs, or a gross sum in lieu thereof, to be paid by such person, and such person shall not be entitled to attend any further proceedings until he has paid the same.

60. The Judge may from time to time appoint any one or more of the contributories or creditors, as he thinks fit, to represent before him, at the expense of the company, all or any class of the contributories or creditors, upon any question as to a compromise with any of the contributories or creditors, or in and about any other proceedings before him relating to the winding-up of the company, and may remove the person or persons so appointed. In case more than one person shall be so appointed they shall unite in employing the same solicitor to represent them.

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

### *Services of Summonses, Notices, &c.*

62. Services upon contributories and creditors shall be effected (except when personal service is required) by sending the notice, or a copy of the summons or order or other proceeding, through the post in a pre-paid letter, addressed to the solicitor of the party to be served (if any) or otherwise to the party himself at the address entered or last

entered pursuant to the preceding rule; or if no such entry has been made, then, if a contributory, to his last known address or place of abode; and if a creditor, to the address given by him, pursuant to the foregoing Rule 20; and such notice, or copy summons, order, or other proceeding, shall be considered as served at the time the same ought to be delivered in the due course of delivery by the post-office, and notwithstanding the same may be returned by the post office.

63. No service under these Rules shall be deemed invalid by reason that the christian name, or any of the christian names of the person on whom service is sought to be made, has been omitted, or designated by initial letters, in the list of contributories, or in the summons, order, notice, or other document wherein the name of such contributory or creditor is contained, provided the Judge is satisfied that such service is in other respects sufficient.

*Termination of Winding-up.*

64. Upon the termination of the proceedings in Chambers for the winding-up of any company, a balance sheet shall be brought in by the Official Liquidator of his receipts and payments, and verified by his affidavit; and the Official Liquidator shall pass his final account, and the balance (if any) due thereon shall be certified. And upon payment of such balance, in such manner as the Court or Judge shall direct, the recognizance entered into by the Official Liquidator and his sureties may be vacated.

65. When the Official Liquidator has passed his final account, and the balance (if any) certified to be due thereon has been paid in such manner as the Judge shall direct, a certificate shall be made by the Registrar, that the affairs of the company have been completely wound-up; and in case the company has not been already dissolved, the Official Liquidator shall, immediately after such certificate has become binding, apply to the Judge for an order that the company be dissolved from the date of such order.

66. When the proceedings for winding-up any company have been completed, the file of proceedings, and the book containing the Official Liquidator's account, shall be deposited in the Supreme Court Office.

*Duties of Solicitor of Official Liquidator.*

67. The solicitor of the Official Liquidator shall conduct all such proceedings as are ordinarily conducted by solicitors of the Court; and where the attendance of his solicitor is required on any proceeding in Court or Chambers, the Official Liquidator need not attend in person, except in cases where his presence is necessary in addition to that of his solicitor, or the Judge shall direct him to attend.

*Forms.*

68. The forms set forth or referred to in the Schedule to these Orders, with such variations as the circumstances of each case may require, may be used for the respective purposes mentioned in such Schedule.

## COMPANIES—

### *Fees.*

69. Solicitors shall be entitled to charge, and be allowed, for duties performed under these rules, such of the fees on the higher scale authorised by "*The Rules of the Supreme Court*,"<sup>(8)</sup> and other the Orders and Regulations of the Supreme Court as are applicable, except that the special fee allowed on creditor claims is not to apply, and that the fee allowed for attending any summons or other appointment at the Judge's Chambers may be increased to any sum not exceeding eight guineas, and that the fee allowed for notices and services when the same may be effected as provided by the above Rule 62, shall be 1s. 6d. and no more, unless the Court or Judge shall otherwise specially direct.

70. Such of the fees of Court directed to be paid and collected in the Supreme Court Office as are applicable shall be paid in relation to proceedings in the Supreme Court under "*The Companies Act, 1863*", and shall be collected by means of stamps, in the manner prescribed by "*The Judicature Act*."<sup>(9)</sup>

### *Taxation of Costs.*

71. Where an Order is made in Court or Chambers for payment of any costs, the Order shall direct the taxation thereof by the Taxing Officer; except in cases where a gross sum in lieu of taxed costs is fixed by the Order.

### *Power of Judge.*

72. The power of the Court, and of the Judge sitting in Chambers, to enlarge or abridge the time for doing any act, or taking any proceeding, to adjourn, or review any proceeding and to give any direction as to the course of proceeding, is unaffected by these Rules.

### *General Directions.*

73. The general practice of the Court, including the course of proceeding and practice at the Judges' Chambers, shall, in cases not provided for by "*The Companies Act, 1863*", or these Rules, and so far as the same are applicable, and not inconsistent with the said Act or these Rules, apply to all proceedings for winding-up a company.

### *Application of Rules.*

74. These Rules apply only to proceedings under "*The Companies Act, 1863*".

### *Commencement and Citation of Rules.*

75. These Rules shall take effect and come into operation on and after the first day of May, 1881, and may be cited as "*The Rules of Court under the Companies Act, 1863*".<sup>(2)</sup>

(2) See footnote (2) printed on p. 406.

(8) As to solicitor's fees in the Territory of New Guinea, see, now, The Second Schedule of *The Rules of the Supreme Court* (Queensland, adopted), printed below, title COURTS.

(9) *The Judicature Act* (Queensland) has not been expressly adopted as a law of the Territory by any Ordinance of the Territory of New Guinea. Section 23 of *The Judicature Act*, in its original form, provided *inter alia*, for the collection of fees by means of stamps. So much of Section 23 as related to the collection of fees by means of stamps was repealed by 64 Vic. No. 6 (Queensland) which provided for such collection in "sterling money of the realm or Treasury notes".

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

*Interpretation.*

76. The General Interpretation Clause of the General Orders in Equity<sup>(10)</sup> shall be deemed to extend and apply to the Rules of this Order.

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THE SCHEDULE.

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FORMS.

No. 1. *Advertisement of Petition.* (Rule 2.)

In the Supreme Court of Queensland. 18 No. .

[Name of Judge.]

In the Matter of "*The Companies Act, 1863*", and of the Company.

Notice is hereby given, that a petition for the winding-up of the abovenamed company by the Court [or, subject to the supervision of the Court] of Queensland was, on the day of , 18 , presented to the Supreme Court of Queensland by the said company [or, by A.B., of a creditor [or, contributory] of the said company, or, as the case may be]. And that the said petition will come on for hearing before His Honour [name of Judge] on the day of , 18 , and any creditor or contributory of the said company desirous to oppose the making of an order for the winding-up of the said company under the above Act, should appear at the time of hearing, by himself or his counsel for that purpose; and a copy of the petition will be furnished to any creditor or contributory of the said company requiring the same, by the undersigned, on payment of the regulated charge for the same.

C. and D., of &c., (Agents for E. and F., of &c.)  
Solicitors for the Petitioner.

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No. 2. *Affidavit verifying Petition.* (Rule 4.)

In the Supreme Court of Queensland. 18 No. .

[Name of Judge.]

In the Matter, &c.

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

Sworn, &c.

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No. 3. *Order for Winding-up by the Court.* (27 Vic. No. 4, ss. 80, 81.)

In the Supreme Court of Queensland. 18 No. .

[Name of Judge.]

In the Matter, &c.

The day of , 18 .

Upon the petition of the abovenamed company [or, A.B., of &c., a creditor [or contributory] of the abovenamed company on the day of , 18 , preferred unto the Supreme Court of Queensland, and upon hearing counsel for the petitioner, and for , and upon reading the said petition, an affidavit of [the said petitioner] filed, &c., verifying the said petition, an affidavit of L.M., filed the day of

, 18 , the *Queensland Government Gazette* of the

day of , the *Brisbane Courier* newspaper of the

day of [enter any other papers], each containing an advertisement of the said petition [enter any other evidence], it is ordered that the said

Company be wound-up by this Court, under the provisions

of the *Companies Act, 1863*.

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(10) The General Orders in Equity were repealed in Queensland by *The Repealing Rules of 1900*, upon the making of *The Rules of the Supreme Court* (of 1900) (Queensland). *The Rules of the Supreme Court* (of 1900) (Queensland) in their application to the Territory of New Guinea are printed below, title COURTS.

COMPANIES—

No. 4. *Order for Winding-up, subject to Supervision.* (27 Vic. No. 4, ss. 137, 138.)  
 In the Supreme Court of Queensland. 18 No. .  
 [Name of Judge.]

In the Matter, &c.

The day of , 18 .

Upon the petition, &c., it is ordered that the voluntary winding-up of the said Company be continued, but subject to the supervision of this Court; and any of the proceedings under the said voluntary winding-up may be adopted as the Judge shall think fit. And the creditors, contributories, and liquidators of the said company, and all other persons interested, are to be at liberty to apply to the Judge at Chambers as there may be occasion.

No. 5. *Advertisement of order to Wind-up.* (Rule 6.)  
 In the Supreme Court of Queensland. 18 No. .  
 [Name of Judge.]

In the Matter, &c.

By an order made by [name of Judge] in the above matter, dated the day of , 18 , on the petition of the abovenamed company [or A.B., of ], it was ordered that, &c., [as in order].

C. and D., of &c.,  
 Solicitors for the said Petitioner.

No. 6. *Advertisement of Time and Place fixed for the Appointment of Official Liquidator.* (Rule 9.)  
 In the Supreme Court of Queensland. 18 No. .  
 [Name of Judge.]

In the Matter, &c.

Notice is hereby given, that [name of Judge] has fixed the day of , 18 , at o'clock in the noon, at his Chambers in the Supreme Court House, Brisbane, as the time and place for the appointment of an official liquidator of the abovenamed company.

G.H.  
 Registrar.

No. 7. *Proposal for Appointment of Official Liquidator (and Sureties) where Form No. 6 has been issued.*  
 In the Supreme Court of Queensland. 18 No. .  
 [Name of Judge.]

In the Matter, &c.

We, the undersigned contributories of the abovenamed company for the number of shares placed opposite our respective names, hereby propose Mr. W.T., of &c., public accountant, to be the Official Liquidator of the said company [and H.N., of &c., and J.P., of &c., to be his sureties].

Name.	Address.	Number of Shares held.

Rules of Court under Companies Act, 1863 (Queensland, adopted).

No. 8. Order appointing an Official Liquidator. (Rules 10, 11.)

In the Supreme Court of Queensland. 18 No. .

[Name of Judge.]

\*In Chambers.

In the Matter, &c.

at Chambers.

Upon the hearing and upon reading the affidavit of filed the day of , 18 , and The Judge doth hereby appoint R.P.H., of &c., Official Liquidator of the abovenamed company. [If security has not been given, add, and it is ordered that the said R.P.H. do, on or before the day of next, give security to be approved of by the Judge.] And it is ordered that the said R.P.H. do, on the day of , and day of , 18 , and the same days in each succeeding year, leave his accounts at the Supreme Court Office at . And it is ordered that all moneys to be received by the said R.P.H. be paid by him into the Queensland National Bank, Limited, to the credit of the account of the Official Liquidator of the said company, within seven days after the receipt thereof. [In case two or more Official Liquidators are appointed, add, And the said Judge doth declare that the following acts, required or authorised by the above statute to be done by the Official Liquidator, may be done by either [or, any one, or, two] of the Official Liquidators hereby appointed, that is to say [describe the acts]; and that all other acts so required or authorised to be done be done by both [or, all] the Official Liquidators hereby appointed.]

Dated the day of , 18 .

\* Insert the name of the Judge making the order.

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No. 9. Order appointing a Provisional Official Liquidator. (Rules 10, 11, 15, 58.)

In the Supreme Court of Queensland. 18 No. .

[Name of Judge.]

\*In Chambers.

In the Matter, &c.

Upon hearing and upon reading the affidavit of filed the day of , 18 , and The Judge doth hereby appoint R.P.H., of &c., provisionally, Official Liquidator of the abovenamed company. [If security dispensed with add, without security; or, if security is to be given, add directions as to security, accounts, and payment into the bank, as in Form No. 8.] And the said Judge doth hereby limit and restrict the powers of the said R.P.H., as such provisional Official Liquidator, to the following acts, that is to say [describe the acts which the provisional Official Liquidator is to be authorized to do].

Dated the day of , 18 .

\* Insert the name of the Judge making the order.

COMPANIES—

No. 10. *Recognizance of the Official Liquidator and Sureties.* (Rule 10.)

In the Supreme Court of Queensland.  
 [Name of Judge.] 18 No. .  
 In the Matter, &c.  
 [Name of Judge] has approved of and  
 allowed this recognizance.  
 Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18  
 G. H., Registrar.

R.P.H., of &c., W.B., of &c., and T.P., of &c., before our Sovereign Lady the Queen in her Supreme Court of Queensland personally appearing, do acknowledge themselves, and every of them doth acknowledge himself to owe to the Honourable [name of Judge], the respective sums of lawful money of Great Britain set opposite their respective names in the schedule hereto, to be paid to the said [name of Judge], his executors or administrators; and in default of payment of the said sums, the said R.P.H., W.B., and T.P., are willing and do agree, and every of them is willing and doth agree for himself, his heirs, executors, and administrators, by these presents, that the said sums shall be levied, recovered, and received of and from them and every of them, and of and from all and singular the messuages, lands, tenements, and hereditaments, goods, and chattels of them and every of them, wheresoever the same shall be found.

Witness our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, at Brisbane, the day of \_\_\_\_\_ 18

Whereas in the matter of &c. [take title from order to wind-up] the [name of Judge] has by an order dated the \_\_\_\_\_ day of \_\_\_\_\_ 18, appointed the said R.P.H., Official Liquidator of the said company, and has thereby directed him to give security, to be approved of by the said Judge [or, in case the security precedes the order appointing, has approved of the said R.P.H. as a proper person to be appointed Official Liquidator of the said company, upon his given security]. And whereas the said Judge has approved of the said W.B. and T.P. to be sureties for the said R.P.H. in the amounts set opposite to their respective names in the schedule hereto, and has also approved of the above-written recognizance, with the under-written condition, as a proper security to be entered into by the said R.P.H., W.B., and T.P., pursuant to the said order and [or, pursuant to] to the orders of the said court in that behalf; and in testimony of such approbation the Registrar hath signed an allowance in the margin hereof. Now the condition of the above-written recognizance is such, that if the said R.P.H., his executors, or administrators, or any of them, do and shall duly account for what the said R.P.H. shall receive, or become liable to pay, as Official Liquidator of the said company at such periods and in such manner as the said Judge shall appoint, and pay the same as the said Judge hath [by the said order] directed, or shall hereafter direct, then the above recognizance to be void, otherwise to remain in full force and virtue.

THE SCHEDULE ABOVE REFERRED TO.

R.P.H.	.	_____	.	Thousand pounds.
W.B.	.	_____	.	Thousand pounds.
T.P.	.	_____	.	Thousand pounds.

Taken and acknowledged by the above-named R.P.H., &c., &c.

No. 11. *Affidavit of Sureties.* (Rule 10.)

In the Supreme Court of Queensland. 18 No. .  
 [Name of Judge.]

In the Matter, &c.

We, W.B., of &c., and T.P., of &c., severally make oath, and say as follows:—

1. I, the said W.B., for myself, say that I am worth the sum of £ \_\_\_\_\_ of lawful money of Great Britain, over and above what is sufficient for the payment of all my just debts and liabilities.

2. And I, the said T.P., for myself, say that I am worth the sum of £ \_\_\_\_\_ of &c. [as above].

Sworn, &c.

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

No. 12. *Sanction of Appointment of Solicitor to Official Liquidator, and Appointment.* (27 Vic. No. 4, s. 96.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

\*In Chambers.

In the Matter, &c.

His Honour [name of Judge] sanctions the Official Liquidator appointing a Solicitor, to assist him in the performance of his duties.

G.H., Registrar.

I hereby appoint Messrs. C. and D., of &c., to be my Solicitors in this matter.

Dated this                      day of                      18 .  
R.P.H., Official Liquidator.

\* Insert name of Judge making the order.

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No. 13. *Order for payment of Money or Delivery of Books, &c., to Official Liquidator.* (27 Vic. No. 4, ss. 99, 100.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

\*In Chambers.

In the Matter, &c.

Upon hearing                      and upon reading the affidavit of                      filed  
this                      day of                      18 , and  
It is ordered that A.B., of &c., do, within four days after service hereof, pay to [or, deliver, convey, surrender, or transfer to or into the hands of] R.P.H., the Official Liquidator of the said company at the office of the said R.P.H., situate at &c., the sum of £                      being the amount of debt appearing to be due from the said A.B., on his account with the said company [or, any sum or balance, books, papers, estate, or effects], [or, specifically describe the property] now being in the hands of the said A.B., and to which the Company is *prima facie* entitled [or, otherwise, as the case may be.]

Dated this                      day of                      18 .

\* Insert the name of Judge making the order.

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No. 14. *Direction to open Account at the Queensland National Bank, Limited.*  
(Rules 11, 32, 36-44.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

In the Matter, &c.

To the Queensland National Bank, Limited.

Gentlemen,

An order, dated the                      day of                      18 , having been made in the above matter by His Honour [name of Judge] for winding-up the above-named company by the Supreme Court, under the provisions of the said Act, and R.P.H., of                      , having by order dated the                      day of                      18 , been appointed Official Liquidator of the said company, you are requested to open an account, to be entitled "The Account of the Official Liquidator of the                      Company," in your books, pursuant to the said Act.

## COMPANIES—

All cheques drawn upon such account must be signed by the Official Liquidator, whose signature is attached hereto, and countersigned by the Registrar of the said Court, whose signature is also attached hereto.

I am, Gentlemen,  
Your most obedt. servt.,

G.H., Registrar.

The                      day of                      18 .

*Signatures.*

R.P.H., Official Liquidator,

G.W., Registrar.

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### No. 15. *Advertisement of Appointment of Official Liquidator.* (Rule 14.)

In the Supreme Court of Queensland.                      18 No. .

[*Name of Judge.*]

In the Matter, &c.

His Honour [*name of Judge*] has, by an order dated the                      day of  
, 18 , appointed R.P.H., of                      , to be official  
liquidator of the above-named company.

Dated this                      day of                      , 18 .

G.H., Registrar.

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### No. 16. *Advertisement for Creditors.* (Rule 20.)

In the Supreme Court of Queensland.                      18 No. .

[*Name of Judge.*]

In the Matter of, &c.

The creditors of the above-named company are required, on or before the  
day of                      18 , to send their names and addresses, and  
the particulars of their debts or claims, and the names and addresses of their  
solicitors, if any, to R.P.H., of  
the Official Liquidator of the said company, and, if so required, by notice in  
writing from the said Official Liquidator, are by their solicitors to come in and  
prove their said debts or claims, at the Chambers of His Honour [*name of  
Judge*] in the Supreme Court House,                      , at such time as shall be  
specified in such notice, or in default thereof they will be excluded from the  
benefit of any distribution made before such debts are proved.

day, the  
day of                      , 18 , at                      o'clock in the                      noon, at  
the said Chambers, is appointed for hearing and adjudicating upon the debts  
and claims.

Dated this                      day of                      18 .

G.H., Registrar.

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### No. 17. *Affidavit of Official Liquidator as to Debts and Claims.* (Rule 22.)

In the Supreme Court of Queensland.                      18 No. .

[*Name of Judge.*]

In the Matter, &c.

I, R.P.H., of &c., the Official Liquidator of the above-named company, make  
oath, and say as follows:—

1. I have in the paper writing now produced and shown to me, and marked  
with the letter A., set forth a list of all the debts and claims the particulars  
of which have been sent in to me by persons making claims upon, or claiming  
to be creditors of the said company, pursuant to the advertisement issued in  
that behalf, dated the                      18 ; and the names and addresses of the  
persons by whom such claims are made.

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

2. I have investigated the said debts and claims, and examined the same with the books and documents of the said company, in order to ascertain, so far as I am able, which of such debts and claims are justly due from the said company; and I have, in the first part of the said list, set forth such of the said debts and claims, or parts thereof, as, in my opinion, are justly due from the said company, and proper to be allowed without further evidence; and I have, in the sixth column of the said first part of the said list, set forth the amounts proper to be allowed in respect of such debts and claims; and I believe that such amounts respectively are justly due and proper to be allowed; and I have, in the seventh column of the said first part of the said list, stated my reasons for such belief.

3. I have, in the second part of the said list, set forth such of the said debts and claims as in my opinion ought to be proved by the respective creditors.

Sworn, &c.,

No. 18. *Exhibit referred to in Affidavit No. 17.*

A.

In the Supreme Court of Queensland.  
[Name of Judge.]

18 No. .

In the Matter, &c.

List of debts and claims of which the particulars have been sent in to the Official Liquidator.

This paper writing, marked A., was produced and shown to R.P.H., and is the same as is referred to in his affidavit, sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_

W.B., &c.

*First Part.*—Debts and claims proper to be allowed without further evidence.

Serial No.	Names of Creditors.	Addresses and Descriptions.	Particulars of Debt or Claim.	Amount Claimed.		Reasons for belief that amounts are proper to be allowed.
				£ s. d.	£ s. d.	

*Second Part.*—Debts and claims which ought to be proved by the creditors.

Serial No.	Names of Creditors.	Addresses and Descriptions.	Particulars of Debt or Claim.	Amount Claimed.
				£ s. d.

COMPANIES—

No. 19. *Notice to Creditor of Allowance of Debt.* (Rule 23.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

In the Matter, &c.

Sir,  
The debt claimed by you in this matter has been allowed by the Judge at the sum of £ . [If part only allowed, add, If you claim to have a larger sum allowed, you are hereby required to come in and prove the further amount claimed, &c., as in next form.]

I am, &c.,  
R.P.H., Official Liquidator.

To Mr. P.R.

---

No. 20. *Notice to Creditors to come in and prove their Debts.* (Rule 24.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

In the Matter, &c.

You are hereby required to come in and prove the debt claimed by you against the above-named company, by filing your affidavit, and giving notice thereof to me, on or before the day of next; and you are to attend by your solicitor at the Chambers of His Honour [name of Judge], at the Supreme Court House, at on the day of 18 , at o'clock in the noon, being the time appointed for hearing and adjudicating upon the claim.

Dated this day of 18 .  
R.P.H., Official Liquidator.

To Mr. S.T.

---

No. 21. *Affidavit of Creditor, in proof of Debt.* (Rule 24.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

In the Matter, &c.

I, S.T., of &c., make oath, and say as follows:—

1. The above-named company was, on the day of 18 , the date of the Order for winding-up the same, and still is justly and truly indebted to me in the sum of £ for, &c. [Describe shortly the nature of the debt, and exhibit any security for it; and in the case of a trade debt exhibit a bill of parcels, and verify the reasonableness of the charges, as in proving a debt in a suit.]

2. I have not, nor hath, nor have any person or persons by my order, or to my knowledge or belief, for my use received the said sum of £ or any part thereof or any security or satisfaction for the same or any part thereof [if any security add], except the said [describe the security], hereinbefore-mentioned or referred to.

Sworn, &c.

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No. 22. *Certificate of Chief Clerk, as to Debts and Claims.* (Rule 28.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

In the Matter, &c.

In pursuance of the directions given to me by His Honour [name of Judge], I hereby certify that the result of the adjudication upon debts and claims against the above-named company, brought in pursuant to the advertisement

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

issued in that behalf, dated the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, so far as such adjudication has up to the date of this Certificate been proceeded with, is as follows:—

1. The debts and claims which have been allowed are set forth in the first Schedule hereto, and, with the interest thereon and costs mentioned in the said Schedule, are due to the persons therein named, and amount altogether to £ \_\_\_\_\_.

2. I have in the first part of the said Schedule set forth such of the said debts and claims as carry interest, and the interest thereon has been computed after the rate they respectively carry down to the date of this Certificate.

3. I have in the second part of the said Schedule set forth such of the said debts and claims as do not carry interest, and the interest thereon has been computed at the rate of £8 per cent. per annum, from the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, being the date of the said Order to wind-up the Company, down to the date of this Certificate.

4. The claims set forth in the second Schedule hereto have been brought in by the persons therein named, and have been disallowed.

The evidence produced, &c.

THE FIRST SCHEDULE ABOVE REFERRED TO.

*First Part.—Debts and Claims which carry interest.*

No.	Names of Creditors.	Addresses and Descriptions.	Particulars of Debt.	Total due.
1	J.L. ...	29 _____ Street, Brisbane, Stationer Principal .. .. . Interest at £ per cent. per annum from 18____, to the date of this certificate .. Costs of Proof ..	On Bill of Exchange, dated, &c. £ £ £	£ s. d.
			Total First Part ..	£

*Second Part.—Debts and Claims which do not carry interest.*

No.	Names of Creditors.	Addresses and Descriptions.	Particulars of Debt.	Interest on Principal.	Total due.
40	W.P. ...	15 _____ Street, Brisbane, Coal Merchant Principal .. .. . Costs of Proof	Goods sold £50 0 0 2 0 0	£ s. d. 2 0 0 }	£ s. d. 54 0 0
			Totals, £		
			Add Total First Part ..		£
			Total First and Second Parts ..		£

COMPANIES—

THE SECOND SCHEDULE ABOVE REFERRED TO.

No.	Names of Creditors.	Addresses and Descriptions.	Particulars of Claim.	Amount Claimed.
				£ s. d.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

G.H., Registrar.

No. 23. Notice to Creditor to attend to receive Debt. (Rule 28.)

In the Supreme Court of Queensland. 18 No. .  
 [Name of Judge.]

In the Matter, &c.

Sir,

Upon application at my office, No. \_\_\_\_\_ Street, Brisbane,  
 on or after the \_\_\_\_\_ instant, between the hours of ten and four o'clock,  
 you may receive a cheque for the amount of your debt, allowed in this matter  
 as under:—

Principal .. .. .	..	..	..	..	..
Interest .. .. .	..	..	..	..	..
Costs of Proof .. .. .	..	..	..	..	..
					Total £ _____

If you cannot attend personally, the cheque will be delivered to your Order,  
 upon your filling up and signing the subjoined form.

The bills or securities [if any] held by you must be produced at the time  
 of such application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

I am, &c.,  
 R.P.H., Official Liquidator.

To Mr. S.T.

[Form of Order.]

Sir,

Please to deliver to W.R., the cheque for £ \_\_\_\_\_ referred to in the above  
 letter as payable to me.

S.T.,  
 Creditor.

To Mr. R.P.H.,  
 Official Liquidator of the }  
 Company.

No. 24. Affidavit in support of List of Contributories. (Rule 29.)

In the Supreme Court of Queensland. 18 No. .  
 [Name of Judge.]

In the Matter, &c.

I, R.P.H., of &c., the Official Liquidator of the above-named company, make  
 oath, and say as follows:—

1. The paper writing now produced and shown to me, and marked with the  
 letter A. contains a list of the contributories of the said company, made out

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

by me from the books and papers of the said company, together with their respective addresses, and the number of shares (or, extent of interest), to be attributed to each; and such list is, to the best of my knowledge, information, and belief, a true and accurate list of the contributories of the said company, so far as I have been able to make out and ascertain the same.

2. I have, in the first part of the said list marked A., distinguished the persons who are contributories in their own right.

3. I have, in the second part of the said list marked A., distinguished the persons who are contributories as being representatives of, or being liable to the debts of others.

Sworn, &c.

No. 25. *List of Contributories referred to in Form No. 24.*

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

A.

In the Matter, &c.

This list of contributories marked A. was produced and shown to R.P.H., and is the same list of contributories as is referred to in his affidavit, sworn before me this day of 18 .

W.B., &c.

*First Part.—Contributories in their own right.*

Serial No.	Name.	Address.	Description.	In what Character included.	Number of Shares (or, extent of Interest).

*Second Part.—Contributories as being representatives of or liable to the debts of others.*

Serial No.	Name.	Address.	Description.	In what Character included.	Number of Shares (or, extent of Interest).

No. 26. *Notice to Contributories of Appointment to settle List of Contributories.* (Rule 30.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

In the Matter, &c.

His Honour [name of Judge] has appointed the day of 18 , at of the clock in the noon, at his chambers, in the Supreme Court House Brisbane, to settle the list of the

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contributories of the above-named company, made out and left at the Supreme Court office by the Official Liquidator of the said company, and you are included in such list in the character, and for the number of shares (*or, extent of interest*) stated below; and if no sufficient cause is shown by you to the contrary at the time and place aforesaid, the list will be settled by the said Judge, including you therein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 .

R.P.H., Official Liquidator.

To Mr. A.B. (and to \_\_\_\_\_ )  
 Mr. C.D., his solicitor.) }

Number on List.	Name.	Address.	Description.	In what Character included.	Number of Shares ( <i>or, extent of Interest</i> ).

No. 27. *Affidavit of Service of Notice.* (Rule 30.)

In the Supreme Court of Queensland. 18 No. .  
 [Name of Judge.]

In the Matter, &c.

I, W.S., of &c., clerk to Messrs. C. and D., of &c., the solicitors of the Official Liquidator of the above-named company, make oath, and say as follows:—

1. The first six columns of the schedule now produced and shown to me, and marked with the letter A, contain a true copy of the list of contributories of the said company, made out and left at the Supreme Court office by the said Official Liquidator, on the \_\_\_\_\_ day of \_\_\_\_\_ 18 , and now on the file of proceedings of the said company, as I know from having, on the \_\_\_\_\_ day of \_\_\_\_\_ 18 , examined and compared the said schedule with the said list; and I have, in the seventh column of the said schedule, marked A, set forth the names and addresses of the solicitors who have entered appearances for any of the contributories named in the said list.

2. I did, on the \_\_\_\_\_ day of \_\_\_\_\_ 18 , in the manner hereinafter mentioned, serve a true copy of the notice now produced and shown to me, and marked B, upon each of the respective persons whose names, addresses, and descriptions appear in the second, third, and fourth columns of the said schedule marked A, except that in the tabular form at the foot of such copies respectively I inserted the number on list, name, address, description, in what character included, and number of shares (*or, extent of interest*) of the person on whom such copy of the said notice was served, in the same words and figures as the same particulars are set forth in the said schedule marked A.

3. I served the said respective copies of the said notice, by putting such copies respectively, duly addressed to such persons respectively or their solicitors, according to their respective names and addresses appearing in the said schedule marked A, and, with the proper postage-stamps affixed thereto as prepaid letters, into the post office receiving-house, at \_\_\_\_\_ between the \_\_\_\_\_ hours of \_\_\_\_\_ and \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon of the \_\_\_\_\_ day of \_\_\_\_\_

Sworn, &c.

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

No. 28. *The Schedule referred to in Form No. 27.*

In the Supreme Court of Queensland. 18 No. .  
 [Name of Judge.]

A.

In the Matter, &c.

This schedule marked A was produced and shown to W.S., and is the same schedule as is referred to in his affidavit, sworn before me this day of 18 .

W.B., &c.

1.	2.	3.	4.	5.	6.	7.
Number on List.	Name.	Address.	Description.	In what Character included.	Number of Shares (or extent of Interest).	Names and Addresses of Solicitors who have entered appearances, and been served with a copy of the notice referred to in the Affidavit of W.S., to which this Schedule is an exhibit.

No. 29. *Supplemental List of Contributors, and Affidavit in Support.*  
 (Rule 29.)

In the Supreme Court of Queensland. 18 No. .  
 [Name of Judge.]

In the Matter, &c.

I, R.P.H., of &c., the Official Liquidator of the above-named company, make oath, and say as follows:—

1. Since leaving at the Supreme Court Office the list of the contributories in this matter, on the day of 18 , it has come to my knowledge that the several persons whose names are set forth in the supplemental list of contributories now produced and shown to me, and marked with the letter B, are, or have been holders of shares in (or, members of) the said company, and to the best of my judgment, information, and belief, such persons are contributories of the said company.

2. The said supplemental list marked B contains the names of such persons, together with their respective addresses, and the number of shares (or, extent of interest) to be attributed to each; and such list is, to the best of my knowledge, information, and belief, true and accurate.

3. I have, in the first part of the said list marked B, distinguished such of the said persons as are contributories in their own right.

4. I have in the second part of the said list marked B, distinguished such of the said persons as are contributories as being representatives of, or being liable to the debts of others.

Sworn, &c.

No. 30. *Supplemental List of Contributors referred to in Form No. 29.*

B.

In the Supreme Court of Queensland. 18 No. .  
 [Name of Judge.]

In the Matter, &c.



*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

*Second Part.*—Contributories as being representatives of, or liable to the debts of others.

Serial No. in List.	Name.	Address.	Description.	In what Character included.	Number of Shares (or, extent of Interest).	Date when included in the List.

THE SECOND SCHEDULE ABOVE REFERRED TO.

Serial No. in List.	Name.	Address.	Description.	In what Character proposed to be included.	Number of Shares (or, extent of Interest).	Date when excluded from the List.

Dated this                      day of                      , 18                      G.H.,  
Registrar.

No. 32. *Order on Application to vary List.* (Rule 29.)

In the Supreme Court of Queensland.                      18 No. .  
 [Name of Judge.]

\*In Chambers.

In the Matter, &c.

Upon the application of W.N. to review the List of Contributories of the said company, in respect of the inclusion of the said W.N. therein, and that his name may be excluded therefrom, and upon hearing Counsel, &c., and upon reading, &c.

It is ordered, that the name of the said W.N. be excluded from the said List of Contributories [or, the Judge doth not think fit to make any Order on the said application, except that the said W.N. do pay to R.P.H., the Official Liquidator of the said Company, his costs of this application, to be taxed by the Taxing Master in case the parties differ].

Dated the                      day of                      , 18                      .  
 \* Insert name of Judge making the Order.

No. 33. *Affidavit of Official Liquidator in support of proposal for Call.* (Rule 33.)

In the Supreme Court of Queensland.                      18 No. .  
 [Name of Judge.]

In the Matter, &c.

I, R.P.H., of &c., the Official Liquidator of the abovenamed company, make oath, and say as follows:—

I. I have, in the Schedule now produced and shown to me, and marked with the letter A, set forth a statement, showing the amount due in respect of the

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debts allowed against the said company, and the estimated amount of the costs, charges, and expenses of and incidental to the winding-up the affairs thereof, and which several amounts form in the aggregate the sum of £            or thereabouts.

2. I have also in the said Schedule set forth a statement of the assets in hand belonging to the said company, amounting to the sum of £            and no more. There are no other assets belonging to the said company, except the amounts due from certain of the contributories of the said company, and, to the best of my information and belief, it will be impossible to realize in respect of the said amounts more than the sum of £            , or thereabouts.

3. It appears by the Registrar's Certificate, dated the            day of            , 18            , that            persons have been settled on the List of Contributories of the said company, in respect of the total number of            shares.

4. For the purpose of satisfying the several debts and liabilities of the said company, and of paying the costs, charges, and expenses of and incidental to the winding-up the affairs thereof, I believe the sum of £            will be required, in addition to the amount of the assets of the said company mentioned in the said Schedule A, and the said sum of £            .

5. In order to provide the said sum of £            , it is necessary to make a call upon the several persons who have been settled on the List of Contributories as beforementioned, and having regard to the probability that some of such contributories will partly or wholly fail to pay the amount of such call, I believe that for the purpose of realizing the amount required as beforementioned, it is necessary that a call of £            per share should be made.

Sworn, &c.

No. 34. *Summons for Intended Call.* (Rule 33.)

In the Supreme Court of Queensland.            18            No.            .  
[Name of Judge.]

In the Matter, &c.

Let all parties concerned attend at the Chambers of [name of Judge], Supreme Court House,            on            day, the            day of            , 18            , at            of the clock in the            noon, on the hearing of an application on the part of the Official Liquidator of the abovenamed company, that a call to the amount of £            per share may be made on all the contributories [or, if upon any particular class, specify the same] of the said company.

Dated the            day of            , 18            .

This summons was taken out by            , of            ,

Solicitors for the said Official Liquidator.

To Mr. A.B., of, &c., a contributory }  
of the said company proposed to be }  
included in the said call

No. 35. *Advertisement of Intended Call.* (Rule 33.)

In the Supreme Court of Queensland.            18            No.            .  
[Name of Judge.]

In the Matter, &c.

By direction of His Honour [name of Judge] Notice is hereby given that the said Judge has appointed            the            day of            , 18            , at            o'clock in the            noon, at his Chambers in the Supreme Court House,            , to make a call on all the contributories of the said company [or, as the case may be], and that the Official Liquidator of the said company proposes that such call shall be for £            per share. All persons interested are entitled to attend at such day, hour, and place, to offer objections to such call.

Dated this            day of            18            .

G.H.,  
Registrar.

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

No. 36. *General Order for a Call.* (Rule 34.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

\*In Chambers.

In the Matter, &c.

Upon hearing the Official Liquidator of the above-named company, and upon reading two orders, dated the            day of            18            , and the            day of            18            , the Registrar's Certificate, dated the            day of            18            , the affidavit of the said Official Liquidator, filed            18            , and the exhibit marked A therein referred to, and the affidavit of            filed            18            .

It is ordered, that a call of            pounds per share be made on all the contributories of the said company [or, as the case may be]. And it is ordered, that each such contributory do on or before the            day of            18            , pay into the Queensland National Bank, Limited, to the account of the Official Liquidator of the            Company, the amount which will be due from him or her in respect of such call.

Dated the            day of            18            .

\* Insert name of Judge making the order.

No. 37. *Notice to be served with the General Order for a Call.* (Rule 34.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

In the Matter, &c.

The amount due from you, A.B., in respect of the call made by the above [or, within] Order, is the sum of £            , which sum is to be paid by you into the Queensland National Bank, Limited, to the account mentioned in the said order. You can pay the same in person, or through a banker or other agent; but this notice and copy order must be produced at the bank upon such payment, and the cashier of the bank will, upon receiving the same, deliver to you a certificate of the payment in, numbered            , signed by the said cashier. In order to prevent proceedings being taken against you for non-payment, you must, immediately upon such payment in, cause written notice of the payment, and of the date thereof to be given to me as the Official Liquidator of the said company, at my office, No.            street.

Dated this            day of            , 18            .

To Mr. A.B.

R.P.H., Official Liquidator.

No. 38. *Affidavit in support of Application for Order for Payment of Call due from Contributories.* (Rule 35.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

In the Matter, &c.

I, R.P.H., of &c., the Official Liquidator of the above-named company, make oath, and say as follows:—

1. None of the contributories of the said company whose names are set forth in the Schedule hereunto annexed marked A, have paid, or caused to be paid, the respective sums set opposite their respective names in the said Schedule, and which sums are the respective amounts now due from them respectively in respect of the call of £            per share, in pursuance of the order of the Judge in that behalf, dated the            day of            18            .

2. The respective amounts or sums set opposite the names of such contributories respectively in such schedule, are the true amounts due and owing by such contributories respectively in respect of the said call.

Sworn, &c.,

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A.

THE SCHEDULE ABOVE REFERRED TO.

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

NOTE.—In addition to the above Affidavit, an Affidavit of the service of the Order and Notice (Nos. 36 and 37) will be required.

No. 39. Order for Payment of Call due from a Contributory. (Rule 35.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

\*In Chambers.

In the Matter, &c.

Upon hearing the Official Liquidator of the above-named company, and upon reading the order, dated the            day of           , 18   , the affidavit of           , filed the            day of            18   , and an affidavit of the said Official Liquidator, filed the            day of            18   .

It is ordered, that C.D., of &c. [or, E.F., of &c., the legal personal representative of L.M., late of &c., deceased], one of the contributories of the said company [or if against several contributories, the several persons named in the second column of the Schedule to this Order being respectively contributories of the said company], do, on or before the            day of            18   , or within four days after service of this order, pay into the Queensland National Bank, Limited, to the account of the Official Liquidator of the            Company [or, to A.B., the Official Liquidator of the said company at his office, No.            street,            the sum of £            [if against a legal personal representative add], out of the assets of the said L.M., deceased in his hands as such legal personal representative as aforesaid to be administered in a due course of administration, if the said E.F. has in his hands so much to be administered; or, if against several contributories, the several sums of money set opposite to their respective names in the sixth column of the said Schedule hereto], such sum [or, sums] being the amount [or, amounts] due from the said C.D. [or, L.M.] [or, the said several persons respectively] in respect of the call of £            per share made by the said Order dated the            day of            18   .

Dated the            day of            18   .

\* Insert name of Judge making the order.

THE SCHEDULE REFERRED TO IN THE FOREGOING ORDER.

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

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

NOTE.—The copy for service of the above Order must be endorsed, as follows:—

“If you, the within-named C.D. [or L.M.] neglect to obey this order by the time therein limited, you will be liable to be arrested under a Writ of Attachment issued out of the Supreme Court of Queensland or by the Sheriff, and also be liable to have your estate sequestered for the purpose of compelling you to obey the same Order.”

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No. 40. Notice to be endorsed on, or served with every order directing payment of money into the Queensland National Bank, Limited. (Rule 39.)

You can make the payment directed by the within [or, above] Order at the Queensland National Bank, Limited, in person, &c. [as in the Form No. 37.]  
R.P.H., Official Liquidator.

To Mr.

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No. 41. Certificate of Payment of Money into the Queensland National Bank, Limited. (Rule 39.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

In the Matter, &c.

No.

day of 18

I hereby certify that C.D., of &c., has this day paid into the Queensland National Bank, Limited, the sum of , to be placed to the credit of the Official Liquidator of the , Company, pursuant to an Order dated the day of , 18 .

For the Queensland National Bank, Limited,

H.M.,  
Cashier.

£

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No. 42. Affidavit of Service of Order for Payment of Call. (Rule 35.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

In the Matter, &c.

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

1. I did, on the day of 18 , personally serve G.F., of , in the county of , &c., with an order made in this matter by His Honour [name of Judge], dated the day of , 18 , whereby it was ordered (set out the order in the past tense) by delivering to and leaving with the said G.F. at , a true copy of the said order, and at the same time producing and showing unto him, the said G.F., the said original order duly entered.

2. There was endorsed on the said copy, when so served, the following words, that is to say, “If you, the within-named G.F., neglect to obey this Order by the time therein limited, you will be liable to be arrested under a Writ of Attachment issued out of the Supreme Court of Queensland, or by the Sheriff, and also be liable to have your estate sequestered for the purpose of compelling you to obey the same Order”.

Sworn, &c.

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No. 43. *Affidavit of Non-payment of Money by Order directed to be paid into the Queensland National Bank, Limited.* (Rule 40.)

In the Supreme Court of Queensland. 18 . No. .  
 [Name of Judge.]

In the Matter, &c.

I, R.P.H., of &c., the Official Liquidator of the above-named company, make oath, and say as follows:—

I, G.F., the person named in an Order made in this matter by His Honour [name of Judge], dated \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, has not paid into the Queensland National Bank, Limited, to the account of the Official Liquidator of the \_\_\_\_\_ Company the whole or any part of the sum of £ \_\_\_\_\_ as by the said order directed.

(Or, in case of several parties.)

1. None of the several persons whose names and addresses are set forth in the Schedule hereunder written, and who have respectively been duly served with Orders made in this matter by His Honour [name of Judge], of the respective dates set opposite to their respective names in the said Schedule, have paid into the Queensland National Bank, Limited, to the account of the Official Liquidator of the \_\_\_\_\_ Company, the whole or any part of the several sums of money set opposite to their respective names in the said Schedule hereunder written, as by the said Orders respectively directed.

2. I am enabled to depose to such non-payment, by reason of my having this day ascertained, by inquiry at the said Bank, that such payment (or, payments) has (or, have) not been made, and seen the certificate of payment in, numbered (or, several Certificates of payment in, the numbers whereof respectively are set forth in the sixth column of the said Schedule, opposite the names of the said respective persons, being Certificates) furnished by me to the Cashier of the said Bank for delivery to the said G.F. (or, several persons respectively) upon such payment (or, payments) being made, still in the hands of the Cashier of the said Bank. No notice [or, notices] of such payment [or, payments) having been made has (or, have) been given to me by the said G.F. (or, several persons respectively).

Sworn, &c.

THE SCHEDULE ABOVE REFERRED TO.

Name.	Address.	Description.	Amount.	Date of Balance Order.	Number of Certificate.
			£ s. d.		

No. 44. *Request to place Monies at Fixed Deposit.* (Rule 43.)

In the Supreme Court of Queensland. 18 . No. .  
 [Name of Judge.]

In the Matter, &c.

To the Queensland National Bank, Limited.  
 Gentlemen,

It appearing that the sum of £ \_\_\_\_\_ cash is standing to the credit of the account of the Official Liquidator of the above-named Company, you are hereby requested to place the sum of £ \_\_\_\_\_, part thereof, at fixed deposit in the said Bank in the name of R.P.H., of &c., the Official Liquidator

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

of the said company. The said moneys at fixed deposit are not to be dealt with, except upon a direction for that purpose signed by the Official Liquidator of the said company and countersigned by the Registrar, or under an Order to be made by the said Judge.

I am, Gentlemen,  
Your most obedient Servant,  
R.P.H., Official Liquidator.

Countersigned  
G.H., Registrar.

No. 45. *Notice (or Advertisement) of Meeting of Creditors or Contributories.*  
(Rules 45, 46.)

In the Supreme Court of Queensland. 18 . No. .  
[Name of Judge.]

In the Matter, &c.

Notice is hereby given that His Honour [name of Judge] has directed a meeting of the creditors (or, contributories) of the above-named company to be summoned pursuant to the above Statute, for the purpose of ascertaining their wishes as to (state the object for which meeting called, unless notice is by advertisement, in which case say, certain matters relating to the winding-up of the said company), and that such meeting will be held on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ 18 , at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at \_\_\_\_\_, at which time and place all the creditors (or, contributories) of the said company are requested to attend. (The said Judge has appointed H.T., of &c., to act as chairman of such meeting:)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
R.P.H., Official Liquidator.

No. 46. *Appointment of Proxy to vote at Meeting of Creditors or Contributories.*  
(Rule 46.)

In the Supreme Court of Queensland. 18 . No. .  
[Name of Judge.]

In the Matter, &c.

I, W.S., of &c., being a creditor (or, contributory) of the above-named company, hereby appoint \_\_\_\_\_ of \_\_\_\_\_ as my proxy to vote for me, and on my behalf at the meeting of the creditors (or, contributories) of the said company, summoned by direction of His Honour [name of Judge] to be held on the \_\_\_\_\_ day of \_\_\_\_\_ and at any adjournment thereof.

As witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18 .  
Signed by the said W.S }  
in the presence of } W.S.  
J.M., of &c.

No. 47. *Memorandum of Appointment of a Person to act as Chairman at Meeting of Creditors or Contributories.* (Rule 47.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

His Honour [name of Judge] has appointed Mr. H.T., of &c., one of the creditors [or, contributories] of the abovenamed company, to act as chairman of a meeting of the creditors [or, contributories] of the said company, summoned by direction of the said Judge, pursuant to the above Statute, to be held on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, 18 , at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at \_\_\_\_\_, and to report the result of such meeting to the said Judge.



*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

No. 49. *Memorandum of Sanction of Judge to accepting Bill of Exchange.*  
(Rule 48.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

In the Matter, &c.

His Honour [name of Judge] has sanctioned the acceptance of this bill of exchange by the Official Liquidator on behalf of the said company.

G.H.,  
Registrar.

No. 50.—*Memorandum of Agreement of Compromise with a Contributory.*  
(Rule 49.)

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

Memorandum of Agreement entered into this , 18 ,  
between R.P.H., of &c., the Official Liquidator of the abovenamed company of  
the one part and S.B., of &c., one of the contributories of the said company,  
of the other part.

Whereas the said S.B. has been settled on the list of contributories of the  
said company as a contributory in respect of shares in the  
said company, And whereas, by an Order made by His Honour [name of Judge],  
dated the day of , 18 , a call of £ per  
share was made on all the contributories of the said company, and there is now  
due from the said S.B. to the said company the sum of £ in respect of the  
said call. And whereas the said S.B. has proposed to pay to the said Official  
Liquidator the sum of £ by way of compromise, and in satisfaction and  
discharge of the said sum of £ , and of all liability whatsoever, as a  
contributory of the said company. And whereas the said Official Liquidator,  
having investigated the affairs of the said S.B., and believing that such  
compromise will be beneficial to the said Company, hath, in exercise of the  
power for that purpose given to him by the above Statute, agreed to accept  
the same, subject to the sanction of the said Judge and to the conditions and  
agreements hereinafter contained. Now it is hereby agreed by and between the  
said parties hereto:

1st. That the said Official Liquidator shall, before the  
day of next, apply to the said Judge at Chambers to sanction this  
Agreement of Compromise.

2nd. That upon this agreement being sanctioned by the said Judge the  
said S.B. shall, within days next after such sanction, pay to the  
said Official Liquidator the said sum of £ , and when thereto required,  
shall do and execute all such acts and deeds as may be necessary for transferr-  
ing; or surrendering and releasing to the said Official Liquidator on behalf  
of the said company, or in such manner as the said Judge may direct, the said  
shares held by the said S.B. in the said company, and all claim and demand  
whatsoever which the said S.B. has, or may have, against the said company in  
respect of the said shares, or the distribution of the assets of the said company,  
or otherwise howsoever.

3rd. That the said sum of £ , and the transfer or surrender and  
release of the said shares and interest of the said S.B., as aforesaid, shall be  
accepted by the said Official Liquidator as, and be deemed and taken to give to  
the said S.B. a full and complete discharge from all calls and liabilities, claims  
and demands whatsoever, which the said company, or the Official Liquidator  
thereof now has or may hereafter have, or be entitled to against the said S.B.,  
in respect of his being or having been the holder of the said shares, or  
otherwise, as a Contributory of the said company.

4th. That in case this agreement shall not be sanctioned by the said  
Judge it shall cease and determine, and the said Official Liquidator and the  
S.B.(11) shall be remitted to their original rights with respect to each other,  
as if this agreement had not been entered into.

(11) The words "the S.B." appeared in the Rules as published in the Queensland *Government Gazette*.  
The words "the said S.B." have now been inserted in their stead by the Third Schedule of the *Ordinances*  
*Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

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5th. That in case this Agreement shall be sanctioned by the said Judge, and the said S.B. shall not in all respects perform the same on his part, the Official Liquidator shall be at liberty, with the sanction of the said Judge, and without notice to the said S.B., to enforce the performance thereof, or, with the like sanction, to give notice to the said S.B. that he abandons this agreement, whereupon the same shall cease and determine, and the said Official Liquidator shall be entitled to proceed against the said S.B. to enforce payment of the said sum of £ or so much thereof as shall then remain due and unpaid, as if this agreement had not been entered into.

R.P.H., Official Liquidator.  
S.B.

Witness to the signatures of the said R.P.H. and S.B. }  
C.D., of &c. }

No. 51. *Memorandum of Sanction of Judge to Agreement of Compromise.*  
[Rule 49.]

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

In the Matter, &c.

His Honour [name of Judge] has sanctioned this Agreement of Compromise.

G.H., Registrar.

No. 52. *Order or Memorandum of the Sanction of the Judge for certain Acts to be done by the Official Liquidator.* [Rule 50.]

In the Supreme Court of Queensland. 18 No. .  
[Name of Judge.]

\*In Chambers.

In the Matter, &c.

His Honour [name of Judge] doth hereby sanction [or, has sanctioned] the following proceedings being taken [or, acts being done] by the Official Liquidator of the above-named company, namely, [state the proceedings to be taken or acts to be done as,] the bringing and prosecuting an action in the name and on behalf of the said company, against [or, defending an action brought against the said company by] K.M., of &c., to recover a debt or sum of £ alleged to be due from [or, to] the said K.M. to [or, from] the said company, &c.

Dated this day of 18 .

G.H., Registrar.

\* Insert name of Judge making the Order

No. 53. *Appearance Book.* [Rule 61.]

18 No.

In the Matter, &c.

Appearance Book.

Date when Appearance entered.	Party's Name.	Whether Creditor or Contributory.	If he appears in Person, his Address for Service.	If he appears by a Solicitor, his Solicitor's Name.	Solicitor's Address.	Amount of Debt (or, Number of Shares).

*Rules of Court under Companies Act, 1863 (Queensland, adopted).*

No. 54. *Summons for Persons to attend to be examined.* [27 Vic., No. 4, s.112.]

In the Supreme Court of Queensland. 18 No. 1.

[Name of Judge.]

In the Matter, &c.

A.B., of &c., and E.F., of &c., are hereby severally summoned to attend at the Chambers of His Honour [name of Judge], Supreme Court House, on the day of 18, at noon to be examined on the part of the Official Liquidator [or, of W.D., of &c.], for the purpose of proceedings directed by the Judge to be taken in the above matter. [And the said A.B. is hereby required to bring with him and produce, at the time and place aforesaid, a certain indenture [describe documents] and all other books, papers, deeds, writings, and other documents in his custody or power in anywise relating to the above-named company.

Dated this day of 188 .

G.H., Registrar.

This Summons was taken out by Messrs. C. & D., of the county of , Solicitors for the Official Liquidator [or, for the said W.D.]

No. 55. *Certificate of the Company being completely wound up, and of the Official Liquidator having passed his final Account.* [Rule 65.]

In the Supreme Court of Queensland. 18 No. .

[Name of Judge.]

In the Matter, &c.

In pursuance of the directions given to me by His Honour [name of Judge], I hereby certify that R.P.H., the Official Liquidator of the above-named Company, has passed his final account as such Official Liquidator, And that the balance of £ thereby certified to be due to [or, from] the said Official Liquidator has been paid in the manner directed by the Order dated the day of 18 . And that the affairs of the said Company have been completely wound-up.

The evidence produced, &c.

Dated this day of 18 .

G.H., Registrar.

No. 56. *Order to Dissolve the Company.* [Rule 65.]

In the Supreme Court of Queensland. 18 No. .

[Name of Judge.]

\*In Chambers.

In the Matter, &c.

Upon the application of the Official Liquidator of the above-named company, and upon reading an order dated the day of , and the Registrar's certificate, dated the day of , whereby it appears that the affairs of the said company have been completely wound-up, and that the balance of £ , due from [or, to] the Official Liquidator, has been paid in manner directed by the said Order, It is Ordered that the said company be dissolved, as from this day of 18 . And that the recognizance dated the day of 18 , entered into by the said Official Liquidator, together with W.B. and T.P., his sureties, be vacated.

Dated the day of 18 .

\* Name of Judge issuing the Order.

COMPANIES—