

IN THE SUPREME COURT

OF TASMANIA

IN BANKRUPTCY

No. 24
1923

In re VICTOR LEONARD MACHEN

DECLARATION

of inability to pay.

Filed 28th May 1923
at 3.50 pm.

OKINES & OGILVIE

Collins House Collins Street Hobart
in Tasmania
Attorneys to Victor Leonard Machen.



IN THE SUPREME COURT
OF TASMANIA

IN BANKRUPTCY

I the undersigned VICTOR LEONARD MACHEN of
Number 113 Forest Road in the City of Hobart
in the State of Tasmania Tramway Conductor
do hereby declare that I reside and follow
my business or occupation of a Tramway Conductor
within the Southern Electoral Districts and
that I admit that I am unable to pay my debts.

DATED this 28th day of May 1923.

The Macher

WITNESS

*Albert G. G. G. G.
Solicitor*


Attorney to the said Victor Leonard
Machen Address:- "Collins House"
Collins Street in the City of Hobart
in the State of Tasmania.

5/7/23
11. am.

M. Propsting for
Petitioner

No appearance for
Debtor.

Debtor adjudicated
bankrupt.


A. R. Propsting

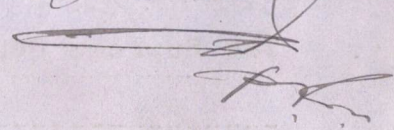
In the Supreme Court of Tasmania

In Bankruptcy

26
1923

In the Matter of a Bankruptcy Petition
against Victor L. Machen -----
----- of Hobart -----
----- in Tasmania.

BANKRUPTCY PETITION

Filed 11th June 1923
at 10.30 am.


TINNING, PROPSTING & MASTERS.

26

In the Supreme Court }
of Tasmania.



In Bankruptcy.

To the Honorable the Supreme Court of Tasmania. In Bankruptcy.

THE HUMBLE PETITION OF JOHN HARLOW STORR

of Hobart ----- in Tasmania.

SHOWETH

That Victor L. Machen -----
resides ~~and carries on business~~ within the Southern ---- Electoral Districts,
that is to say at Hobart ----- in Tasmania.

That the said Victor L. Machen -----
is indebted to your Petitioner in the sum of £98.. 9.. 5.-----
for goods sold.

That the said Victor L. Machen -----
is a ~~Trader carrying on the trade or business of a~~ Tram Conductor -----

That your Petitioner doth not, nor doth any person or persons in his
behalf, hold any security on the Bankrupt's Estate or on any part thereof for
the payment of the said sum £98.. 9.. 5.-----

That the said Victor L. Machen -----
has committed an act of Bankruptcy within six months before the presentation
of this Petition.

That the act of Bankruptcy committed by him was:—

That the Debtor has within six months filed in the prescribed
manner in the Court a Declaration admitting his inability to
pay his debts.

Your PETITIONER therefore humbly pray that on proof of the requisites in

that behalf on the hearing of this Petition the said

Victor L. Machen may be adjudicated a Bankrupt.

AND Your Petitioner shall ever pray, etc.

Signed on the ninth day of
June ----- One thousand
nine hundred and twenty-three.

John H. Gow

In the presence of

Manu Popsting

Attorney of the Supreme Court of Tasmania.

The above Petition having been presented to this Court on the eleventh
day of June One thousand nine hundred and
twenty-three----- It is ordered that the said Petition shall be heard at
the Office of the Registrar of
The Supreme Court, Hobart -----
-----on the Fifth -----day of July -----
One thousand nine hundred and twenty-three at Eleven ----- o'clock
in the fore-----noon.

And you the said Victor L. Machen ----- are
to take notice that should you intend to dispute the truth of any of the statements
contained in this Petition you must file with the Registrar of this Court a Notice
showing the grounds upon which you intend to dispute the same, and send by Post
a copy of the affidavit to the Petitioner three days before the day fixed for
the hearing.

L. J. Ramsay

Acting Registrar



No. 10.

In the Supreme Court of Tasmania.

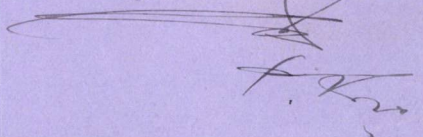
In Bankruptcy.

In the matter of a Bankruptcy Petition against

VICTOR L. MACHEN -----

of Hobart in Tasmania - Tram Conductor

Affidavit of Truth of Statements in Petition.

Filed 11th June 1923


In the Supreme Court {
of Tasmania.



In Bankruptcy.

IN THE MATTER of a Bankruptcy Petition against VICTOR L. MACHEN ----

of Hobart in Tasmania - Tram Conductor.

I, the Petitioner named in the Petition hereunto annexed, make oath and
say:—

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

Sworn at Hobart ----- in Tasmania

this 9th day of June ---- one

thousand nine hundred and twenty-three.

Before me,

a Justice of the Peace

IN THE MATTER of Bankruptcy Petition --
against VICTOR L. MACHEN.

I William H. Verrall of Hobart in Tasmania

make oath and say:-

THAT I did on the twelfth day of June 1923

serve the above mentioned VICTOR L. MACHEN with a copy of the
above mentioned Petition, duly sealed with the seal of the ---
Court by delivering the same personally to the said Victor L.
Machen.

SWORN at Hobart (in)

Tasmania this 16th

day of June One)

thousand nine hundred-)

and twenty three.)

W. H. Verrall

W. H. Verrall J. M.

In the Supreme Court of Tasmania.

In Bankruptcy.

IN THE MATTER OF VICTOR

LEONARD MASHEN.

*Filed 10/8/23
M. S. P. Res.*

Order for First Meeting and for the Attendance of the Bankrupt thereat.

In the Supreme Court }
of Tasmania.

In Bankruptcy.

IN THE MATTER of VICTOR LEONARD MASHEN

of

Hobart ----- a Bankrupt.

WHEREAS the said Victor Leonard Mashen -----

having been adjudged Bankrupt at a Court holden this day it is ordered that

the First Meeting of the Creditors of the Bankrupt shall be held at the Offices
of Messrs. Tinning, Propsting & Masters - 158, Collins Street -
Hobart, Solicitors - on the 2nd day of August 1923

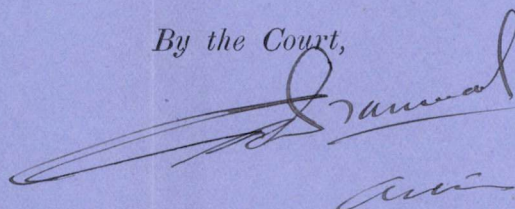
at 2.30 o'clock in the afternoon, and that the said

do personally attend such Meeting for the purpose of being examined thereat,

and to produce thereat a statement of his affairs as required by law

Dated this 1st day of August 1923.

By the Court,



Registrar.

NOTE.—This Order is necessary to bring the Bankrupt within the provisions of
Section 80 should he fail to attend.

IN THE SUPREME COURT OF TASMANIA

IN BANKRUPTCY

In the matter of the Bankruptcy Petition against Victor Leonard Machen

Upon the hearing of this Petition this day and upon proof satisfactory to the Court of the debt of the Petitioner and of the act or acts of the bankruptcy alleged to have been committed by the said Victor Leonard Machen having been given it is ordered that the said Victor Leonard Machen be and he is hereby adjudged Bankrupt.

Dated this

5th

day of

July

1923

Lammal
Acting Registrar



In the Supreme Court of Tasmania.

In Bankruptcy.

IN THE MATTER OF VICTOR

LEONARD MASHEN

Certificate declaring Registrar Trustee.

Filed 10/8/23
R. D. P. C.

TINNING, PROPSTING & MASTERS.

In the Supreme Court of
Tasmania. }

IN BANKRUPTCY.

IN THE MATTER OF VICTOR LEONARD MASHEN

of

Hobart ----- a Bankrupt.

UNTIL such time as the appointment of a Trustee by the Creditors shall have been certified by this Court, it is hereby certified and declared that the Registrar of this Court is the Trustee of the property of the said Bankrupt.

Dated this

Tenth

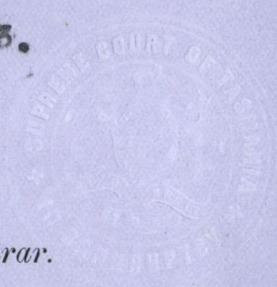
day of

August ----- 1903.

By the Court,

[Signature]

Acting Registrar.



IN THE SUPREME COURT OF TASMANIA
IN BANKRUPTCY

IN THE MATTER of VICTOR LEONARD
MACHEN of Hobart - a Bankrupt.

APPOINTMENT OF TRUSTEE AND DAY
FOR PUBLIC EXAMINATION.

26.

TINNING, PROPOSTING AND MASTERS.

IN THE SUPREME COURT OF TASMANIA

IN BANKRUPTCY

IN THE MATTER of VICTOR LEONARD MACHEN a
Bankrupt.

OWEN RICHMOND TINNING of Hobart has been appointed Trustee of the
property of the Bankrupt.

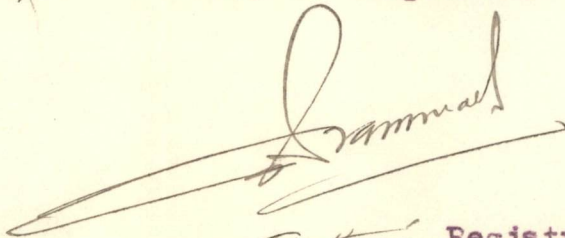
The Court has appointed the public examination of the Bankrupt to
take place at the Supreme Court - Macquarie Street - Hobart - on -
the Eighteenth day of September instant at 10.30 o'clock in the --
forenoon.

All persons having in their possession any effects of the -----
Bankrupt must deliver them to the Trustee and all debts due to the
Bankrupt must be paid to the Trustee.

Creditors who have not yet proved their debts must forward their -
proof of debt to the Trustee.

DATED this

6th day of September 1923.


Acting Registrar.

TINNING, PROPSTING, & MASTERS
Solicitors,

S. T. TINNING
W. B. PROPSTING
Commissioner of the High Court
of Australia
W. E. MASTERS, LL.B.
TELEPHONE, 297

Kalsbury Chambers, 158 Collins Street,

Hobart. 17th Sept. 1922

JUDGES' ASSOCIATE
TASMANIA.

RECEIVED _____
ANSWERED _____

The Registrar
Supreme Court
HOBART

Dear Sir,

Re V.L.Machen

Will you please adjourn sine die the public
examination of the above man set down for the 18th
instant.

Tinning Propsting & Masters
Per

Attorneys for the Creditors

Charles H. G. G. G.

Attorneys for the Bankrupt

IN THE SUPREME COURT OF TASMANIA
IN BANKRUPTCY

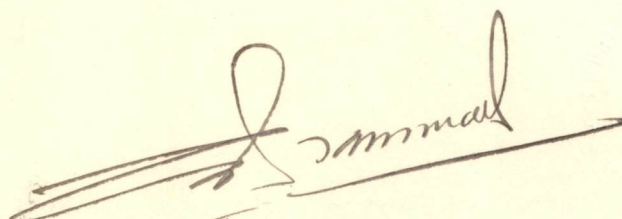
IN THE MATTER of VICTOR LEONARD
MACHEN of Hobart - a Bankrupt.

CERTIFICATE OF APPOINTMENT OF
TRUSTEE.

TINNING, PROPSTING AND MASTERS.

IN THE SUPREME COURT OF TASMANIA
IN BANKRUPTCY

This is to certify that OWEN RICHMOND TINNING of Hobart has been duly
appointed Trustee of the property of VICTOR LEONARD MACHEN of Hobart
adjudicated a Bankrupt on the Fifth day of July One thousand nine ---
hundred and twenty-three.


Registrar.

IN THE SUPREME COURT OF TASMANIA
IN BANKRUPTCY

IN THE MATTER of VICTOR LEONARD
MACHEN of Hobart - a Bankrupt.


CERTIFICATE OF APPOINTMENT OF
TRUSTEE.

*Filed 6th Sept 1953.
R.O.P. Ref.*

IN THE SUPREME COURT OF TASMANIA

IN BANKRUPTCY

This is to certify that OWEN RICHMOND TINNING of Hobart has been duly appointed Trustee of the property of VICTOR LEONARD MACHEN of Hobart adjudicated a Bankrupt on the Fifth day of July One thousand nine --- hundred and twenty-three.


Acting Registrar.

IN THE SUPREME COURT
OF TASMANIA
IN BANKRUPTCY.

IN THE MATTER of VICTOR LEONARD
MACHEN of Hobart in Tasmania
Tramway Conductor a Bankrupt

and

IN THE MATTER of an Application
of Owen Richmond Tinning for an
Order under Section 83 of "The
Bankruptcy Act 1870".

(Copy)

AFFIDAVIT of

Victor Leonard Machen.

Filed Sub et
q dms
Sept 27th 1923
C.A.W.

Okines & Ogilvie
Collins House Collins Street Hobart
Attorneys to the Bankrupt.

IN THE SUPREME COURT
OF TASMANIA
in Bankruptcy.

IN THE MATTER of VICTOR LEONARD MACHEN
of Hobart in Tasmania Tramway Conductor
a Bankrupt
and

IN THE MATTER of an application of Owen
Richmond Tinning for an Order under
Section 83 of "The Bankruptcy Act 1870".

I VICTOR LEONARD MACHEN of Hobart in Tasmania Tramway Con-
ductor and the abovenamed Bankrupt do hereby make oath and
say as follows:-

1. That I am in the employ of "The Tramway Department" of
the Corporation of the City of Hobart as and in the capacity
of a Tramway Conductor.
2. That I am a married man and have issue of my marriage
one child to wit Lola May Machen aged Two years and three
months.
3. That I residewith my wife and said child at Hobart afore-
said.
4. That my sole source of income by means whereof I support
and maintain my wife said child and self are my wages.
5. That the expenditure incurred by me from week to week in
the shelter maintenance and support of my wife child and self
is approximately as follows:-

Rent of apartments McCullum 113) Forest Road, per week.....)	£1- 0-0
Meat (average).....	14-0
Groceries "	16-0
Bread "	2-7
Milk "	3-6
Fruit and vegetables.....	7-0
Gas cooking and lighting.....	2-6
Firewood and Fuel	2-6
	<u>£8- 8-1</u>

I have made

*not repaid in Summer
months*

6. That in addition to the above expenditure for and in respect of shelter maintenance and support as aforesaid I am committed to an outlay of at least forty pounds per annum for clothing apparel and footwear of my wife said child and self and the exigencies of my employment require that I have at least four square meals per day.

Mc

7. That I pay two shillings per week for life insurance ^{One pound six} ~~twelve~~ shillings ~~and six pence~~ per annum for union dues and an average sum of at least Five pounds per annum for medical attendance also State and Federal Income Tax And in addition to above I have to pay divers small sums for and in respect of sundry items of which I am unable to furnish an account.

8. That after providing for the shelter maintenance support clothing and necessary expenditure of my household and other legal liabilities I have not any surplus available from my wages for any purpose whatsoever.

9. The facts and circumstances above deposed to are within my own knowledge.

SWORN at Hobart in the State
of Tasmania this *Twenty seventh*
day of September One thousand
nine hundred and twenty three

Victor Leonard Macdonald

Before me.....

M. Oldham

A JUSTICE OF THE PEACE.

IN THE SUPREME COURT
OF TASMANIA
IN BANKRUPTCY.

IN THE MATTER of VICTOR LEONARD
MACHEN of Hobart in Tasmania
Tramway Conductor a Bankrupt

and

IN THE MATTER of an Application
of Owen Richmond Tinning for an
Order under Section 83 of "The
Bankruptcy Act 1870".

A F F I D A V I T of
Victor Leonard Machen.

Filed 27/9/23
R. B. [Signature]

Okines & Ogilvie
Collins House Collins Street Hobart
Attorneys to the Bankrupt.

IN THE SUPREME COURT
OF TASMANIA
In Bankruptcy.



IN THE MATTER of VICTOR LEONARD MACHEN
of Hobart in Tasmania Tramway Conductor
a Bankrupt
and
IN THE MATTER of an application of Owen
Richmond Tinning for an Order under
Section 83 of "The Bankruptcy Act 1870".

I VICTOR LEONARD MACHEN of Hobart in Tasmania Tramway Conductor and the abovenamed Bankrupt do hereby make oath and say as follows:-

1. That I am in the employ of "The Tramway Department" of the Corporation of the City of Hobart as and in the capacity of a Tramway Conductor.
2. That I am a married man and have issue of my marriage one child to wit Lola May Machen aged Two years and three months.
3. That I reside with my wife and said child at Hobart aforesaid.
4. That my sole source of income by means whereof I support and maintain my wife said child and self are my wages.
5. That the expenditure incurred by me from week to week in the shelter maintenance and support of my wife child and self is approximately as follows:-

Rent of apartments McCullum 113) Forest Road, per week.....)	£1- 0-0
Meat (average).....	14-0
Groceries "	16-0
Bread "	2-7
Milk "	3-6
Fruit and vegetables.....	7-0
Gas cooking and lighting.....	2-6
Firewood and Fuel	2-6
	£3- 8-1

6. That in addition to the above expenditure for and in respect of shelter maintenance and support as aforesaid I am committed to an outlay of at least forty pounds per annum for clothing apparel and footwear of my wife said child and self and the exigencies of my employment require that I have at least four square meals per day.

7. That I pay two shillings per week for life insurance ^{One pound six} ~~twelve~~ shillings ~~and six pence~~ per annum for union dues and an average sum of at least Five pounds per annum for medical attendance also State and Federal Income Tax And in addition to above I have to pay divers small sums for and in respect of sundry items of which I am unable to furnish an account.

8. That after providing for the shelter maintenance support clothing and necessary expenditure of my household and other legal liabilities I have not any surplus available from my wages for any purpose whatsoever.

9. The facts and circumstances above deposed to are within my own knowledge.

SWORN at Hobart in the State
of Tasmania this *Twenty seventh*
day of September One thousand
nine hundred and twenty three

Victor Leonard Bachman

Before me

W. Oldham

A JUSTICE OF THE PEACE.

21/9/23

10.30 am.

Bankruptcy
re Victor Macher.

Application
under Sec. 83

} Mr. Propert, 1st Juries
} Mr. Birch for Bankrupt

Mr. Birch raised the objection that
the Registrar had no jurisdiction to
hear the application.

Overruled

Mr. Birch raised the objection that
notice to the Bankrupt was not in
accordance with Rule 178.

Overruled

Mr. Propert tendered an app't to Service
to Draining &c. in support of the app'n.

Mr. Birch objected to the admission of
this app't. on the ground that it is deficient
in particulars required by Rule 149.

Application adjourned to the
day week 28/9/22 at 10.30 am

Hearing continued

28/9/23

10.30 am

Some Counsel

1 app't Jones.

2 " Macher.

The Acting Registrar ordered the Bankrupt
to pay to the Trustees, out of his wages the sum
of £32.10.0 per year by instalments out of each pay
12/6 per week or 5/- per fortnight.

IN THE SUPREME COURT OF TASMANIA
IN BANKRUPTCY

IN THE MATTER of VICTOR LEONARD MASHEN
of Hobart - A Bankrupt.

ORDER SETTING ASIDE SALARY

TINNING, PROBSTING AND MASTERS.

IN THE SUPREME COURT OF TASMANIA

IN BANKRUPTCY

IN THE MATTER of VICTOR LEONARD MASHEN of Hobart -
A Bankrupt.

WHEREAS it having been made to appear to this Court that the Bankrupt is in the receipt of a salary of about Two hundred and thirty pounds a year as a Tram Driver in the employ of the Hobart Municipal Council --
AND WHEREAS upon the application of the Trustee of the property of the Bankrupt, and upon hearing ^{that a writ for} the Bankrupt, it appears to the Court just and reasonable that the annual sum of ^{Thirty-two} ~~Seventy-five~~ pounds ^{ten shillings} portion of the said salary, ought to be paid by the Bankrupt by fortnightly ~~-----~~ ^{of 25/- each} payments to the Trustee during the bankruptcy, and after the close of the bankruptcy to the Registrar of this Court, in order that the same may be applied in payment of the debts of the said Bankrupt, and that the first of such payments ought to be made by the Bankrupt on the ~~---~~ ^{28th 21st} day of ^{September} 1923 and be continued fortnightly - until this Court shall make order to the contrary IT IS ORDERED that the said sum shall be paid by the Bankrupt in manner aforesaid out of his said salary.

DATED this

day of

1923.

By the Court.

Registrar.

IN THE
SUPREME COURT OF TASMANIA
IN BANKRUPTCY

IN THE MATTER of VICTOR -----
LEONARD MACHEN of Hobart in -----
Tasmania Municipal Tramway -----
Employee & A Bankrupt.

DECLARATION

TINNING, PROBSTING & MASTERS.

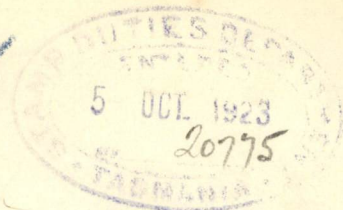
Filed 28th Sept. 1923

re

By

Wm. Hamall

IN THE SUPREME COURT OF TASMANIA
IN BANKRUPTCY



IN THE MATTER of VICTOR LEONARD MACHEN
of Hobart in the State of Tasmania ---
Municipal Tramway Employee - A Bankrupt

I JAMES WILLIAM GOULD of Hobart in Tasmania ^{Acc. Owner!} ~~Secretary~~ _{Pro.} of the Hobart
Municipal Tramways make oath and say as follows:-

1. THAT I have inspected the pay sheets of the Hobart Municipal ---
Tramways.
2. THAT Victor Leonard Machen of Hobart in Tasmania is an Employee
of the said Hobart Municipal Tramways.
3. THAT the said Victor Leonard Machen is in receipt of a wage of -
Fourteen shillings and seven pence per day or more.

AND I MAKE this solemn Declaration by virtue of Section 132 of "The
Evidence Act 1910"

SWORN at Hobart in Tasmania this }
26th day of September }
One thousand nine hundred and -- }
twenty-three: }

Before me,

A Justice of the Peace.

IN THE SUPREME COURT OF TASMANIA
IN BANKRUPTCY

*21st September 1923
at 10.30 am*

IN THE MATTER of VICTOR LEONARD MASHEN
of Hobart - a Bankrupt.

NOTICE BY TRUSTEE OF INTENTION TO
APPLY TO COURT FOR PAYMENT.

for an application

IN THE SUPREME COURT OF TASMANIA
IN BANKRUPTCY



IN THE MATTER of VICTOR LEONARD MASHEN
of Hobart - a Bankrupt.

To

Victor Leonard Mashen

TAKE NOTICE that I intend to apply to this Court on the *twenty first* day of *September* 1923 at *10.30* o'clock in the *for* -- noon, for an order under Section 83 of the said Act for the payment of a part of your salary or income to me as Trustee for the benefit of the Creditors under your bankruptcy.

DATED this *seventh* day of *September* 1923.

Quinn L. Quiring
Trustee.