



Bankruptcy

THE FAILURE OF COLONEL J. F. EVERETT, FORMERLY OF UPTON LOVELL, WILTS.

At the London Bankruptcy Court on Tuesday, the first meeting of the creditors of this debtor was held, before Mr Mackintosh, Official Receiver for Brighton. The debtor, a lieutenant-colonel in the army, and recently a woolen manufacturer, carrying on business at Upton Lovell, Wilts, and now residing at Prestonville Terrace, Brighton, petitioned the court on the 5th December, stating his liabilities at £5,137. The creditors principally reside at Trowbridge, Stroud, Warminster, Bradford, Leeds and Huddersfield. From the preliminary examination of the debtor, it appears that he stated business as a woolen manufacturer in 1877, with a capital of £12,000, and presented a petition in the Frome County Court in September, 1883, having then a deficiency of £11,000. He offered a composition of 20s. in the £, payable 11s. in cash, the balance of 9s. being secured by promissory notes payable in two years. The 11s. was paid, but he had been unable to meet the bills, which formed the whole of his present liabilities. He had no assets, but had been living since 1883, when he gave up business, with the assistance of friends. Mr Russell appeared for Messrs Willis and Willis, of Trowbridge, Mr Craven and Mr Clough (Armitage, Clough and Co.) for the Yorkshire creditors, and Mr Pontin (Chapman and Pontin, Warminster) for the debtor. The Chairman said that it was an absurdity that in a case like the present, where there was no property and only one creditor, the petition should have been filed in the Brighton County court, and that being so, he transferred the proceedings to a locale, which would be convenient to the general body of the creditors. Mr Pontin said that the question had been considered prior to the filing of the petition, as to whether the debtor could not go to the Frome court or to the Bristol court; but the difficulties could not be got over, and he could only regret the loss of time and money which had been occasioned, and not by any fault of his client. The Chairman pointed out that an adjournment could not have been avoided, inasmuch as the majority of the proxies had been given to solicitors, others had not been filled in by the creditor, &c. However, the principal thing for the creditors present to consider was the place to which it was most convenient to adjourn the meeting. Mr Clough said that he hoped the transfer would be to London, as Bristol was very inconvenient to the Yorkshire creditors. The Official Receiver said that that was for the creditors to consider. Perhaps he had better go through the proofs. Upon the proof of Messrs Willis, of Trowbridge, it was pointed out that the proxy was a general one, and was given to Mr Russell, a solicitor, whereas a solicitor could only hold a special proxy. The proof was admitted and the proxy disallowed. Several of the Yorkshire creditors had given proxies to Mr Craven and Mr Clough which had not been filled up by the creditor himself. Mr Clough pointed out that by the new rule a clerk in the employ was allowed to fill up the proxy. The Chairman said that no doubt his attention would be called to it in the proper quarter, and he would then deal with the point. Of course if proceedings were transferred to another court the creditors would take care that their proxies were in proper form, and he had no doubt but that every assistance would be given by the Official Receiver, who eventually had the case in hand. Mr Russell suggested that the convenience of all parties would be met if the proceedings were transferred to London. He should like to know whether the debtor had any offer to make. Mr Pontin stated that he was instructed by

the friends of Lieut.-Colonel Everett, who had no money of his own, to make the same offer as was made in November last. More than that, he was unable to offer. Mr Holroyd then moved and Mr Craven seconded the transfer of the proceedings from London to Brighton. That resolution was carried unanimously, as was also another empowering the Official Receiver to apply to the county court judge at one to make the transfer, the Official Receiver stating that in all probability the proceedings would be transferred in a fortnight. The proceedings then terminated.

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