

## Bankruptcy records held in Sydney

Bankruptcy is when an individual is legally declared unable to pay his or her debts. Until 1977 the responsibility for administering bankruptcy rested with two agencies within the Commonwealth Attorney-General's Department; the Registrar in Bankruptcy and the Official Receiver. Each of these agencies created large numbers of records relating to individual bankrupts and these records are now held by the various offices of the National Archives. This fact sheet describes records of New South Wales bankruptcies held by the office in Sydney.

Bankruptcy became the responsibility of the Commonwealth government in 1928 when the *Bankruptcy Act 1924* came into effect. Prior to this time, bankruptcies were administered by the state governments and most pre-1928 bankruptcy records should therefore be held by the respective state archival authorities. Material on pre-1928 cases may be held by the National Archives if they were still active at the time bankruptcy became a Commonwealth responsibility. The Sydney office of National Archives has material dating earlier than 1928 in several series of bankruptcy records.

### Types of records

Bankruptcy records that are useful in tracking individual cases are Bankrupts' administration estate files and Sequestration records.

Bankrupts' administration estate files were created by the New South Wales Official Receiver (CA 931). These files document most activities in connection with a bankrupt estate including transcripts of Bankruptcy Court hearings, the report of the Official Receiver, property statements, details of the arrangements made for selling assets and information about the claims made by creditors for amounts owing. Relevant records held by the National Archives in Sydney office are listed below.

### Record series created by the Official Receiver (CA 931)

Title or description of record	Date range	Series number
<u>Bankrupts' administration estate files</u>	1928–34	C1046
<u>Bankrupts' files</u>	1928–34	SP151/1
<u>Records of estates administered by Parsons, Anderson and Co. (Registered Trustees)</u>	1928–55	SP219/1

<u>Bankrupt Estates' Files of Papers (Bankrupts' Files)</u>	1930–64	SP902/1
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Sequestration records (ie records relating to the seizure of the bankrupt's assets) were created by the Registrar in Bankruptcy (CA 922). They usually also contain transcripts of Bankruptcy Court hearings as well as official documentation concerning the case, including affidavits, petitions from creditors and sequestration orders. These records are held in yearly bundles across several series within the Sydney office. Note that not all estates were sequestered.

### **Records created by the Registrar in Bankruptcy (CA 922)**

<b>Title or description of record</b>	<b>Date range</b>	<b>Series number</b>
<u>Sequestration orders</u>	1896–1958	SP414/1
<u>Sequestration orders</u>	1956	SP448/1
<u>Sequestration orders</u>	1957	SP491/1
<u>Sequestration orders</u>	1958	SP512/1
<u>Sequestration orders</u>	1959	SP538/1
<u>Sequestration orders</u>	1960	SP600/1
<u>Sequestration orders</u>	1961	SP661/1
<u>Sequestration orders</u>	1962	SP738/1
<u>Sequestration orders</u>	1963	SP815/1
<u>Sequestration orders</u>	1964	SP870/1
<u>Sequestration orders</u>	1965	SP929/1
<u>Sequestration orders</u>	1966	SP1038/1

### **Accessing the records**

All files relating to a particular individual are usually controlled by the same item number, regardless of the type of record or the series in which they are held. A specific case number was given to each individual's bankruptcy case and this number was usually ascribed to all records associated with that case.

The Bankruptcy Act requires all bankrupts to be listed in the Commonwealth of Australia Gazette at the time the bankruptcy is declared. From 1928 onwards, the annual index to the Gazette lists all individuals who have declared themselves bankrupt or who were undergoing bankruptcy proceedings in that year. (This list can be found in the Gazette index under the heading 'Bankruptcy Act'.) Each bankruptcy notice referred to in this section names the individual involved and provides the case number. This case number can then be used to locate relevant documentation among the National Archives' holdings. Please see *Fact sheet 22 - Commonwealth of Australia Gazette* for more information.

Alternatively, the following indexes provide general personal details and case numbers.

## Indexes to bankruptcy files

Title or description of record	Date range	Series number
<u>Insolvency/bankruptcy index</u>	1842–1940	SP1654/1
<u>Nominal index to bankruptcies</u>	1928–66	SP1528/1