

made to and dealt with by the court as follows:—

(2) It shall be made by interlocutory application in the proceeding in which judgment has been recovered.

(3) Notice of the application shall be addressed to and served on the custodian and on every other person affected thereby four clear days at least before the day fixed for the hearing of the application, unless in any case the judge or registrar gives leave for shorter service. Service shall be effected in accordance with the County Court Rules as to service of notice of an interlocutory application.

(4) The application shall be made to the judge.

*Evidence in Support of Application.*

3. It shall not be necessary in the first instance for a creditor to support the application by any affidavit or other evidence, except such evidence, if any, as may be required to show the nature and extent of the relief required by him. But the judge may in any case make such requirements or give such directions as to evidence on the part of any party as the case shall require.

*Power to Hear Cases in Private.*

4. The judge may at any stage of the proceedings on any application order that the case shall thenceforward be heard in private.

*Orders on Application. Transfer to High Court.*

5.—(1) If on the hearing of any application under these Rules the custodian makes no objection to making the payment or some part thereof, or if it shall otherwise appear clear to the judge that the payment or some part thereof ought to be made and can be made without prejudice to other persons owning debts or claims against the enemy in question, then and in either of the said cases the judge may make an order authorizing payment accordingly, but so nevertheless as not to prejudice or affect the duty of the custodian under the proviso to section five (2).

(2) In any other case than those provided for by the last preceding sub-rule, and also in any case thereby provided for where a partial payment only has been ordered, the judge of the court in which judgment has been recovered shall not order any payment or any further payment, as the case may be, but he shall, unless he is satisfied that the application should be dismissed, order the same to be transferred to the judge of the High Court by whose order the property was vested in the custodian, to be further dealt with by him.

(3) Where any application is transferred pursuant to this rule, the registrar shall transmit the record in accordance with Order XXXIII., Rule 7, of the County Court Rules.

*Dispensing with Notice. Substituted Service.*

6. Any application under these Rules may be proceeded with and heard and dealt with by the judge if thought fit in the absence of an enemy or any other party who may be or appear to be abroad, or whose whereabouts may not be known, or whose presence may otherwise be difficult to secure, and without service of any notice on any such party or any intimation to such party, other than such, if any, as

the judge shall think fit. And this sub-rule shall be in addition to and by way of extension and enlargement of the ordinary powers and practice of the court as to proceedings *ex parte* and as to substituted service.

*Preparation, Filing, &c., of Notices.*

7. A notice of an application shall be prepared by the applicant and filed with the registrar, with as many copies as there are parties to be served; Provided that any notice, with the necessary copies, may, if the registrar so thinks fit, be prepared in his office; And the registrar shall examine, complete, seal, and where necessary sign the same, and shall return the copies to the applicant for service.

*Orders on Applications.*

8. Where an order is made on an application under these Rules, the order shall be prepared and sealed by the registrar and delivered to the bailiff, who shall within twenty-four hours send the same, by post or otherwise, to the custodian and to the party against whom the order is made; but it shall not be necessary for the party in whose favour it is made to prove, previously to taking proceedings thereon, that it was posted or reached the opposite party.

*Revocation or Variation of Orders.*

9. Any order made under these Rules may, should subsequent circumstances render it just so to do, be suspended, discharged or otherwise varied or altered on interlocutory application to the judge of the court in which the order is made.

*Fees.*

10. The following fee shall be payable under Schedule B, Part I., of the Treasury Order regulating Fees in the County Courts, on proceedings under these Rules, viz.:—

On any notice of application, 2s. 6d.

The fee prescribed by this Rule shall include drawing, sealing, and issuing the order, and the fee prescribed by paragraph 12 of Schedule B, Part I., of the Fees Order shall not be taken; but this Rule shall not affect the fees payable on orders for substituted service.

The judge may remit or excuse in whole or in part any fees paid or payable under this Rule.

*Proceedings on Applications.*

11. The proceedings on any application under these Rules shall, so far as not expressly provided for by these Rules, be conducted in accordance with the ordinary practice of the court in dealing with similar matters.

*Costs.*

12.—(1) The costs of any application under these Rules shall be in the discretion of the judge.

(2) The judge may either fix the amount of such costs, or allow them on the scale applicable to an interlocutory application in the action in which the application is made; provided that Column B of the scale shall apply to all cases above twenty pounds to the exclusion of Column C.

(3) Where the amount of the subject-matter does not exceed ten pounds, there may be