

that section, the applicant shall, unless the Court otherwise directs, produce an affidavit by the proposed Liquidator proving that no such solicitation has been used by or on behalf of such proposed Liquidator."

3. These Rules may be cited as the Companies (Winding-Up) Rules, 1921.

Copies of the above Draft Rules may be obtained through any bookseller or directly from H.M. Stationery Office, at the following addresses:—Imperial House, Kingsway, London, W.C. 2, and 28, Abingdon Street, London, S.W. 1; 37, Peter Street, Manchester; 1, St. Andrews Crescent, Cardiff.

Lord Chancellor's Office,
House of Lords, S.W. 1,
4th April, 1921.

GERMAN REPARATION (RECOVERY) PROCEDURE.

SUPREME COURT.

Notice is hereby given of the following Rules:—

I, the Right Honourable Frederick Lord Birkenhead, Lord High Chancellor of Great Britain, in pursuance and execution of the powers given by Section 4 of the German Reparation (Recovery) Act, 1921, and all other powers and authorities enabling me in that behalf, make the following Rules:—

Application under s. 4 of the Act.

1. Any application for relief under Section 4 of the German Reparation (Recovery) Act, 1921, may be made either to the Chancery Division or to the King's Bench Division of the High Court and shall be made by way of originating summons.

2. Any application made to the Chancery Division by way of originating summons shall be dealt with according to the ordinary practice of that Division with regard to originating summonses.

3. Any application made to the King's Bench Division by way of originating summons shall come before a Master or a District Registrar in the first instance and shall in general be dealt with according to the practice of that Division. It may be referred to the Judge or a Divisional Court at any stage of the proceedings or during the hearing or may by leave or order of the Judge taking the Commercial List be heard by him or transferred to that list.

4. The proceedings on any application may be transferred from either Division to the other subject to the consent of the President of the Division to which the transfer is proposed to be made.

5. Any originating summons under this Rule may be in the Form or to the effect of the Form in the Schedule to these Rules, and shall provide for the entering of appearance by the defendant.

6. Where an action is commenced or other proceeding taken in respect of a contract to which Section 4 of the Act applies, the relief under that section may be claimed by way of

defence or counterclaim or by way of ordinary summons in such action or other proceeding, and any such summons shall be intitled in the matter of the Act, as well as in the action or proceeding in question, and in the King's Bench Division may be dealt with by a Master or District Registrar.

Power to Hear in Private.

7. The court or a judge may at any stage of the proceedings on an application under the Act order that the case shall thenceforward be heard in private.

Power to Revoke or Vary Orders.

8. Any order made under the Act or these Rules may, should subsequent circumstances render it just so to do, be suspended, discharged, or otherwise varied or altered on application by summons to the court or judge which made such order.

Service or Notice of Proceedings.

9. In any case where any party to any proceedings under the Act or these Rules is out of the jurisdiction service of any originating summons or a copy thereof or of any other proceeding may be ordered by a judge of the High Court and when any such party is absent or out of the jurisdiction or cannot be found or it is uncertain whether he is alive or dead or it is otherwise difficult to serve him the court or judge may proceed on such notice or intimation (if any) of the proceedings whether to any other person or by advertisement or otherwise as the court or a judge shall in its or his absolute discretion think fit. And the provisions of this Rule shall be in addition to and by way of extension and enlargement of the ordinary powers and practice of the court as to proceeding *ex parte* and as to substituted service.

Address for Service.

10. In the course of any proceedings under the Act or these Rules any party may be requested at any time by the other party, or on any attendance by himself or his solicitor before the court or a judge may be required, to furnish an address to which summonses, notices or other documents may be sent by post. And any summons, notice or document subsequently posted in a prepaid envelope directed to the party at that address (or to any address substituted by him therefor by notification in writing) shall unless otherwise ordered be deemed to have been duly served at the time when such envelope would have reached the address in the ordinary course of post. The request to furnish such an address may be sent at the same time and together with the originating summons.

Ordinary Practice of Court to be Followed.

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

Costs.

12. The costs of any application under the Act shall be in the absolute discretion of the court or judge and the court or judge may, if it or he thinks fit, fix the amount of the costs, and direct that they shall be payable forthwith.