

property may be alleged to belong shall be named as a respondent to any originating summons under Section 4, and any person or corporation holding or managing any property alleged to belong to the enemy may also be named as a respondent to the originating summons.

(5) Originating summonses under Section 4 shall be entitled in the matter of the Act and in the matter of the enemy or alleged enemy in question and may be in the form or to the effect set out in the Schedule hereto.

(6) Any powers of selling, managing, or otherwise dealing with property that may be given to the custodian by any order made under Section 4 of the Act may from time to time be revoked, suspended, varied, increased, added to, or otherwise dealt with as the Court or a Judge shall from time to time think fit on application made either under liberty reserved by the original order or otherwise.

2. On any application under Section 4 the applicant must file an affidavit or affidavits for the purpose of showing—

(a) that the enemy, whose property is proposed to be dealt with, is an enemy;

(b) the nature and extent of the property in which the enemy is alleged to be interested;

(c) any special ground on which it is expedient that the property should be vested in the custodian; and

(d) in cases where the applicant is not the custodian or a Government Department, the facts showing that the applicant is a creditor of the enemy or otherwise entitled to apply under Section 4.

3.—(1) Any subsequent application with regard to any property comprised in any originating summons under Section 4 or vested in the custodian may be made by ordinary summons entitled in the same matters as the originating summons.

(2) In cases where any party has already appeared by a solicitor any such ordinary summons may be served on that solicitor or in case of a change of solicitors on the solicitor last appearing for that party although no general appearance in the matter has been entered.

(3) Every subsequent application not made by the custodian shall be served on him unless the Court shall in any case or class of cases otherwise order.

4.—(1) Any application under Section 5 (2) of the Act for payment out of property vested in the custodian of any debt or debts shall, if made to the Court or Judge by whose order the property was vested in the custodian, be made and dealt with as follows:—

(2) The application shall be deemed a subsequent application for the purpose of the last preceding rule.

(3) The Court or Judge may on the hearing of the application direct all such accounts and inquiries as may be necessary or proper for the purpose of ascertaining the total debts and claims having priority to or ranking with the debt or debts proposed to be paid in whole or

part, and (if thought fit) the property available for the payment of such debts and claims, and may for that purpose direct the custodian or any party to issue such advertisements and require such proof by statutory declaration or otherwise as may be expedient. And the custodian may, if he think fit, carry out the duties imposed on him by the proviso to Section 5 (2) under the direction of the Court.

(4) In directing any payment or payments under Section 5 (2) the Court or Judge shall act in accordance with the ordinary rules and practice of the Chancery Division of the High Court in the administration of estates but so nevertheless that the Court shall not be bound to inquire into or take into account or to cause the custodian to inquire into or take into account debts and claims against the enemy to any greater extent than provided for by the proviso to Section 5 (2).

5.—(1) Any application under Section 5 (2) of the Act for payment out of property vested in the custodian of any debt or debts shall, if made to a Court in which judgment has been recovered against an enemy as such Court, be made and dealt with to and by that Court as follows:—

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

(3) Such summons shall be addressed to and served on the custodian in addition to any other proper party and shall be returnable and heard as the Court in question shall direct.

(4) If on the hearing of a summons under this rule it shall happen either that the custodian makes no objection to making the payment or some part thereof or if it shall otherwise appear clear to the Court 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 Court may make an order for payment accordingly but so nevertheless as not to prejudice or affect the duty of the custodian under the proviso to Section 5 (2).

(5) 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 Court in which judgment has been recovered shall not as such Court order any payment or any further payment as the case may be but may and in general shall transfer the application to be dealt with by the Court or judge by whose order the property was vested in the custodian.

6. Any application under this Act whether original subsequent or other may be proceeded with heard and dealt with by the Court or a 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 summons or notice of summons on any such party or any intimation to such party other than such if any as the Court shall think fit. And this sub-rule shall be in addition to and by way of extension and enlargement of the