

- (2.) Any person seized of any land or possessed of any chattels under an express or implied trust, by virtue of which any opposite party is entitled to any estate, right, or interest, whether in possession, remainder or reversion, or expectancy, or whether vested or contingent.
- (3.) Any partner of an opposite party.
- (4.) Any company incorporated in New Zealand, or carrying on business in New Zealand, and having an office in New Zealand in which transfers of shares in such company may be registered, in which any opposite party is the registered owners of shares.

369. The term "opposite party," for the purpose of the last preceding rule, shall before judgment mean any opposite party, and after judgment any opposite party who is by the judgment ordered to pay a sum of money

370. Such notice shall be sealed with the seal of the Court, and a duplicate thereof shall be served on the person or some officer of the company intended to be affected thereby

371. After service of such notice, no disposition by any opposite party named therein of any debt, or of any estate, right, or interest, or of any share in any partnership or company affected thereby, shall be valid as against the party issuing such notice, unless made by leave of the Court or of a Judge.

372. Any notice served under Rule 370 shall restrain the person or company served therewith from paying over any debt, interest, income, bonus, profits, or other moneys due or accruing due to the opposite party named in such notice, or from making, or from concurring in making, or permitting any conveyance, transfer, or assignment of any estate, right, title, or interest, or of any share in a partnership or company of such opposite party, except in accordance with the provisions hereinafter contained, or by leave of the Court or of a Judge.

373. If, after service of such notice on any person or company, such person or company shall pay over any moneys, or make or concur in making or permit any conveyance, transfer, or assignment, or dealing in contravention of the terms of such notice, such person or company may be ordered to pay over to the party issuing such notice the amount of the moneys so transferred, or the value of the property so dealt with, or such part thereof as shall be sufficient to satisfy any judgment the party issuing the notice may obtain, or have obtained, in the action.

374. Any person or company served with such notice, and any person alleging that he is prejudicially affected by such notice, may, at any time, move to have such notice cancelled or varied, and the Court or a Judge may on such motion cancel or vary such notice upon such terms as to giving security, and as to costs and otherwise, as may appear proper.

375. Any person or company served with notice under rule may forthwith pay into Court any sum of money then due and payable to the opposite party named in the notice, whether for debt, interest, income, profits, bonus, or on any other account, or an amount equal to the amount then claimable by the person issuing such notice under any judgment in the action, and, in default of such payment, the party issuing such notice, if he have obtained judgment in the action, may at any time thereafter by summons apply to a Judge for an order directing the person or company served with such notice to pay into Court any sum of money affected thereby, or a sufficient part thereof to satisfy the judgment; and if the liability to pay the money claimed is not disputed, or the person or corporation summoned does not appear upon summons, and no other claim appears to have been made on the person or company served with such notice for the money affected thereby, the Judge may order payment to be made, and in default thereof a writ of sale to issue against the person or company so admitting liability or not appearing.

376. If it appear that an independent claim has been set up to any moneys affected by such notice, any summons issued under the last preceding rule must be directed to and served upon the person making such claim as well as upon the person originally served with notice under Rule 370.

377. If the person or company served with such notice dispute his or their liability, or any independent claim is set up, the Court or Judge may decide the matter summarily, or may direct the parties and persons appearing at the hearing of any summons to prepare issues to try the right of the party issuing the notice to have execution against the person or company served with such notice; such issues, in case of dispute, to be settled before a Judge, and, when settled, to be set down and tried at such time and place as he may direct: Provided that the Judge may refuse to interfere when from the smallness of the amount involved the remedy would be vexatious or worthless.

378. Payment made by or execution levied upon any person or company served with notice under Rule 370 shall be a valid discharge as against the person named in any notice to the amount so paid or levied, although any order for payment, or the judgment in aid of which such order was made, be subsequently set aside or reversed.

379. In each office of the Court there shall be kept a book in which entries shall be made of all notices issued under Rule 368, and of the proceedings thereon, with the names, dates, and statements of the amount recovered and otherwise. Copies of any entries made therein may be taken by any person upon application to the proper officer.

380. Any officer appointed to execute writs of sale may, at any time after any judgment has been filed and a notice served by the party who has obtained judgment, upon the written application of the party who has obtained judgment, proceed to sell any estate, right, or interest, or share in a partnership or company mentioned in such notice in the same manner as nearly as may be as sales of land are to be conducted under the provisions of this code; and may for that purpose demand from any attorney, agent or factor, trustee, or partner of such opposite party, or from any company served with such notice, the production of such documents of title as relate to the estate, right, interest, or share intended to be sold, and are in the possession or under the control of the person or company so served as aforesaid; and any person so served refusing to produce such documents shall be liable to attachment.

381. Upon any sale made under the last preceding rule, the officer conducting such sale shall execute such conveyance, transfer, or assignment, as may be necessary for vesting the estate, right, interest, or share sold in the purchaser thereof, and for that purpose may execute any power of appoint-