

days of being served with a copy of the case on appeal, file five copies of his case (if any) in reply, in the Registrar's office, and serve one copy on the appellant.

531. Any plaintiff, or any defendant who has filed a statement of defence, may at any time apply to the Court or a Judge by motion or summons touching any collateral question which may arise in an action.

532. Any defendant may be heard in respect of any question of costs, although he has not filed a statement of defence in the action, and a defendant who is the husband or the wife of the plaintiff may be heard also on any question as to the custody of children; but a defendant who is so heard shall not be allowed to read affidavits affecting the relief claimed in the action, and any affidavits filed by such defendant shall not be read or made use of as evidence at the trial of the action.

533. The wife, being the plaintiff in an action in which she is entitled to claim alimony, may issue a summons to her husband to show cause why alimony pending action should not be allowed to her at any time after the writ of summons has been duly served on the husband, or after order made by the Judge to dispense with such service, provided the *factum* of marriage between the parties is established by affidavit previously filed.

534. The wife, being the defendant in an action in which she is entitled to claim alimony, after having filed her statement of defence, may also issue a summons to her husband calling upon him to show cause why alimony should not be allowed to her.

535. The husband, being defendant in the action, must file a statement of defence before he can appear to oppose a summons for alimony.

536. On any application for alimony the wife must prove her inability to maintain herself.

537. If on hearing the summons the husband alleges that the wife has property of her own, she may file affidavits in reply to that allegation; but the husband is not at liberty to file further affidavits without permission of the Judge, or of the Registrar in his absence.

538. The wife, on the hearing of any summons for alimony, may examine witnesses in support of her claim, notice of the intention to examine witnesses being given to the husband or to his solicitor four days previously to the summons being heard.

539. A wife who has obtained a decree absolute for a judicial separation in her favour, and has previously thereto applied for alimony, pending action on such decree being affirmed on appeal to the Court of Appeal, or after the expiration of the time for appealing against the decree, if no appeal be then pending, may apply to a Judge by summons or motion for an allowance of permanent alimony.

540. A wife may, at any time after alimony has been allowed to her, whether alimony pending action or permanent alimony, issue a summons for an increase of the alimony allowed by reason of the increased faculties of the husband, or the husband may issue a summons for diminution of the alimony allowed by reason of reduced faculties; and the procedure in such cases shall be the same as required by these rules in respect of the original summons for alimony, and the allowance thereof, so far as the same are applicable.

541. Permanent alimony shall, unless otherwise ordered, commence and be computed from the date of the decree absolute or the decision of the Court of Appeal, as the case may be.

542. Alimony pending suit, and also permanent alimony, shall be paid to the wife or to some person or persons to be nominated in writing by her and approved of by the Court, as trustee or trustees on her behalf.

543. Applications to the Court to exercise the authority given by sections 27, 37, and 38 of "The Divorce and Matrimonial Causes Act, 1867," are to be made by summons, which must, unless by leave of the Judge, be issued as soon as by the said Act such application can be made, or within one month thereafter.

544. In cases of application for maintenance under section 27, such summons may be issued as soon as a decree has been pronounced, but not before.

545. The summons must be served on the husband or the wife, as the case may be, and on the person or persons who may have any legal or beneficial interest in the property in respect of which the application is made, unless a Judge on summons shall direct any other mode of service, or dispense with service of the same on them or either of them.

546. The husband or the wife, as the case may be, and the other person or persons (if any) who are served with such summons, may file affidavits stating the facts on which it is intended to rely in opposing the summons.

547. The costs of a wife, of and incidental to any summons, shall not be allowed against the husband before the decree absolute in the action, without direction of the Judge.

548. Summonses for alimony, and summonses under Rule 543, must be served at least eight days before the time appointed for hearing the summons.

549. Before the trial or the hearing of any action, a husband or a wife who is a party to it may apply for an order with respect to the custody, maintenance, or education of, and for access to children (issue of their marriage), by motion or summons founded on affidavit.

550. It shall not be necessary for a minor who is an alleged adulterer, when made a co-defendant in a suit, to elect a guardian or to have a guardian assigned to him for the purpose of conducting his defence.

APPEALS FROM INFERIOR COURTS.

551. Cases on appeal from inferior Courts must be left with the Registrar, and the Registrar shall set down such cases for hearing at once. If an appellant do not appear in support of his appeal when the case on appeal is called, the appeal shall stand dismissed, unless the Court or a Judge shall on good cause shown reinstate such case for hearing.

552. Cases reserved for the opinion of the Court, on any criminal trial in an inferior Court, shall be forwarded to the Registrar, and the Registrar shall set down such cases for consideration at once. If, when the case is called upon, counsel appear either for the prosecution or for the prisoner, the Court shall hear such counsel. If no counsel appear the Court shall consider the case, and shall, either then or at a subsequent sitting of the Court, pronounce its opinion thereon, and such opinion shall be