

out the facts, as ascertained by him, upon which the "*nulla bona*" return is founded. If there are goods which are protected by a bill of sale, all available particulars of the bill of sale must be given in order that the plaintiff may be fully informed of the position.

*50. Receipts for Processes and Reports as to Warrants.*

The Bailiff shall, upon the receipt of any process, affix his initials and the date in the proper book as evidence of such receipt. The Bailiff shall report to the Clerk weekly in respect of each warrant issued to him, either from his own or foreign Courts. Where a return of such warrant has not been made to the Clerk, and in any case in which it appears to the Clerk that an unreasonable delay has taken place in the execution of any warrant or in the immediate accounting for any money received thereon, it shall be his duty forthwith to report the circumstance to the Magistrate.

*51. Bailiff to employ Auctioneer.*

The Bailiff shall employ an auctioneer to sell the goods and chattels seized under a warrant of distress, unless he is otherwise directed by the Magistrate. When he acts as auctioneer himself, the commission on the sale shall be paid to the Clerk in stamps, which shall be affixed to the plaint-note.

*52. Clerk to examine Bailiff's Statements, &c.*

The Clerk shall require the Bailiff to deliver to him the various statements, reports, and balance-sheets as required by these rules, accompanied by vouchers for all disbursements, and shall examine them, and in the case of any irregularity shall report the same forthwith to the Magistrate.

*53. No Officer of Court to act as Agent for Suitor.*

No Clerk, Bailiff, or other officer of the Court shall, on behalf of suitors, receive any money out of Court, or sign any receipt for such moneys, or otherwise act as agent for suitors, except as provided by the Act and rules.

*54. Interpleader Claims.*

The writing to be delivered to the Bailiff under section 134 of the Act by a landlord claiming rent may be in the Form No. 79.

Any person making a claim to or in respect of any goods taken in execution under a warrant of distress shall deliver to the Bailiff, or person in charge of such goods, a notice in the Form No. 78, containing full particulars of the goods claimed and the grounds of such claim. The Bailiff or person in charge may thereupon give notice to the execution creditor in the action in the form No. 77, and if the execution creditor then admits, in Form No. 82, claimant's title, proceedings shall be stayed.

If the Bailiff takes out interpleader summonses they shall be in the Forms Nos. 80 and 81, which may be signed by a Magistrate, a Justice of the Peace, or by the Clerk of the Court where the claim is to be heard, and shall be served on the claimant and on the execution creditor forty-eight hours at least before the time appointed for the hearing.

*55. Hearing of Interpleader Claim.*

At the hearing of the claim the case shall proceed as if the claimant were the plaintiff and the execution creditor the defendant. The order of the Court shall be entered in the minute-book, and a sealed duplicate of such entry shall be sent to the Court from which the distress warrant issued, if the hearing of the claim took place at a different Court.

*56. Solicitors may act for Parties.*

Where by the Act or these rules any act may be done by a party, such act may be done by his solicitor, provided that no solicitor or agent shall be entitled to withdraw any money paid into Court, or in the custody of the Clerk to the credit of a plaintiff or defendant, unless there is lodged with the Clerk a written order in the Form No. 57, signed by the party entitled to such money and attested by an adult witness. No fee shall be payable for lodging the order with the Clerk.

*57. Agents.*

Where it is lawful for a party to an action to employ an agent to do any act in reference to such action, and whether such employment is expressly authorized by the Act or otherwise, the agent so employed shall be authorized in writing under the hand of the party employing him, and the authority shall expressly state the particular act or acts authorized to be done by such agent. Every such authority shall be filed in the Court, and shall be deemed to continue in force until express notice to the contrary in writing signed by the principal, or notice of his death, has been delivered to the Clerk and filed in Court.

*58. Interpreters.*

If an interpreter is required to interpret the evidence of a Maori or foreign witness to the Court, such interpreter shall be procured by the party desiring to use such evidence. If a Maori or foreign defendant neglects or refuses so to procure an interpreter, the plaintiff may do so.