



# NEW ZEALAND GOVERNMENT GAZETTE.

Published by Authority.

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MONDAY, FEBRUARY 16, 1857.

[No. 4]

Colonial Secretary's Office,  
Auckland, 9th February, 1857.

**I**N pursuance of the provisions of the New Zealand Constitution Act, His Excellency the Governor directs the publication of the following Act of the General Assembly for public information.

By His Excellency's command,

E. W. STAFFORD.

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## SUPREME COURT PROCEDURE ACT, 1856.

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY QUEEN  
VICTORIA.

SESSION IV., No. 15.

### ANALYSIS.

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| <p>Title.<br/>Preamble.</p> <ol style="list-style-type: none"><li>1. General Rules in Schedule to be sole authority in all matters of Practice, Pleading, and Procedure in Civil Proceedings in Supreme Court.</li><li>2. All General Rules hitherto in force revoked,</li></ol> | <p>except Rules touching administration of estates of deceased persons.</p> <ol style="list-style-type: none"><li>3. Judges may make other Rules with consent of Governor and Executive Council to be in force till termination of following Session of General Assembly.</li><li>4. Commencement of Act.</li><li>5. Short Title.</li></ol> |
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*AN ACT for Regulating the Procedure of the Supreme Court.*

*Title.*

(Assented to 7th August, 1856.)

**W**HEREAS the Supreme Court of New Zealand hath a legal jurisdiction Preamble.  
similar to that of the Superior Courts of Law at Westminster, and an

equitable jurisdiction similar to that of the Court of Chancery, and also a jurisdiction similar to that of the Ecclesiastical Courts of England so far as relates to Testacy and Intestacy: AND WHEREAS the Rules of Practice and of Pleading in the said several Courts are very various and conflicting, and in many respects inapplicable to the circumstances of this Colony, and unsuited to the constitution of the said Court; and it is desirable for the due administration of justice in the said Court, that a uniform and simple system of Procedure should be established: AND WHEREAS by certain Commissions issued by Sir George Grey, late Governor-in-Chief of this Colony, sealed with the Public Seal of this Colony, and dated respectively the 19th day of November, 1849, and the 28th October, 1852, the Judges of the said Supreme Court were appointed to make diligent and full enquiry into the course of proceeding in actions and other civil remedies in use in the said Court from the commencement to the termination of such proceedings; and into the Process, Practice, Pleading, and other matters connected therewith; and also what parts of such Process, Practice, Pleading, and other matters might be applicable to the said Supreme Court, and what changes it might be desirable to introduce therein, having in view the union of the said several jurisdictions and the convenience and benefit of the suitors therein: AND WHEREAS the said Commissioners have reported the result of their enquiries, and have also drawn up a body of General Rules for regulating the Procedure of the said Court in all Actions and Civil Proceedings therein: AND WHEREAS it is expedient that all existing Rules and Orders of the said Court, excepting such as are hereinafter mentioned, be revoked and repealed: AND WHEREAS it is also expedient that the said body of General Rules drawn up by the said Commissioners as aforesaid, with such amendments as have been made therein by the Legislature, be established as a code of Civil Procedure for the said Court, and that provision be made for enabling the Judges of the said Court, under due restrictions, to alter the Rules for the time being in force for regulating the Pleading, Practice, and Procedure, both Civil and Criminal, of the said Court, and from time to time to make such new Rules as they may deem advisable.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand as follows:—

General Rules in Schedule to be sole authority in all matters of Practice, Pleading and Procedure in civil proceedings in Supreme Court.

1. The said General Rules of Procedure and the Schedules thereto annexed (which General Rules and Schedules are set forth in the Schedule to this Act annexed) shall henceforth be the sole authority by which all matters and questions of Practice, Pleading, and Procedure, in all Actions, Suits, and other Civil Proceedings in the said Court shall be regulated and determined, except only those matters as to which the practice of any of the Superior Courts of England is in the said Rules expressly retained.

All General Rules hitherto in force, revoked; except Rules touching administration of estates of deceased persons.

2. All the General Rules and Orders hitherto in force for regulating the Practice, Pleading, and Procedure of the said Supreme Court are hereby revoked and repealed, except the Rules touching the administration of the estates and effects of persons deceased (2nd May, 1844), and also the Rules touching official administration (17th December, 1845).

Judges may make other Rules with consent of Governor and Executive Council, to be in force until termination of following Session of General Assembly.

3. It shall be lawful for the Judges of the said Court, from time to time, by other Rules to be made for that purpose, to alter or revoke the Rules set forth in the Schedule to this Act annexed, or any of them, or any other Rules of the said Court which now are or hereafter shall be in force; and also from time to time to make such additional Rules touching the Practice, Pleading, and Procedure of the said Court in all matters, both Civil and Criminal, as the said Judges may deem advisable: Provided always, that all Rules to be made under the authority hereof shall be submitted to the Governor in Council, and upon being approved by the Governor and Executive Council, shall have the same force and effect until the termination of the Session of the General Assembly next following their approval as aforesaid, as if they had been inserted in this Act.

Commencement of Act

4. This Act shall come into operation on the 1st day of January, 1857.

Short Title.

5. This Act may be cited for all purposes as "The Supreme Court Procedure Act, 1856."