



SUPPLEMENT
 TO THE
NEW ZEALAND GAZETTE

OF
 THURSDAY, APRIL 25, 1901.

Published by Authority.

WELLINGTON, FRIDAY, APRIL 26, 1901.

Supreme Court of New Zealand.—Rules and Regulations under “The Divorce and Matrimonial Causes Act, 1867,” and the Various Acts amending the Same.

In the matter of “The Divorce and Matrimonial Causes Act, 1867,” and “The Divorce Act, 1898.”

WHEREAS it is enacted by “The Divorce and Matrimonial Causes Act, 1867,” that the Judges of the Supreme Court, or any three of them, have the power from time to time to make rules and regulations concerning the practice, pleading, and procedure under the said Act: And whereas it is also enacted by “The Divorce Act, 1898,” that the Judges of the Supreme Court, or any three of them, shall have power to fix a scale of costs for all suits and proceedings, and to make rules and regulations regarding such costs:

Now we, the undersigned, Judges of the Supreme Court, in pursuance of the powers granted to us, do hereby revoke all the rules and regulations now existing under the said recited Acts, and make the following rules and regulations in substitution therefor, the said revocation and these new rules and regulations to take effect on and after the 1st day of July, 1901.

Dated at Wellington, this 3rd day of April, 1901.

ROBERT STOUT, C.J.
 JOSHUA STRANGE WILLIAMS, J.
 J. E. DENNISTON, J.
 EDWD. T. CONOLLY, J.
 W. B. EDWARDS, J.
 THEO. COOPER, J.

RULES AND REGULATIONS.

Sittings of Court.

1. The sittings of the Supreme Court for the hearing of petitions under “The Divorce and Matrimonial Causes Act, 1867,” and all Acts amending the same, shall take place at the times fixed for the trial of civil actions, subject to any rules that a Judge of the Court may, under section 5 of “The Divorce and Matrimonial Causes Act, 1867,” make fixing the times of such sittings.

Interpretation.

2. The word “Judge” shall, unless the context show the contrary, mean a Judge acting in any judicial district within which any petition has been filed or proceedings have been taken under the Act. The word “Registrar” shall include “Deputy Registrar” of the Supreme Court. The words “The Divorce and Matrimonial Causes Act, 1867,” shall mean and include “The Divorce and Matrimonial Causes Act, 1867,” and all Acts amending the said Act.

Books to be kept.

3. Every Registrar of the Supreme Court shall keep a book to be called “The Registrar’s Minute-book under ‘The Divorce and Matrimonial Causes Act, 1867,’” wherein minutes, under the proper title of each case, of every proceeding therein, and of every appearance, every document filed, every motion or summons, and the hearing thereof, and of the order or decree thereon, and of every appointment of a hearing, and every decree or order thereon, and of every other matter and thing done in Court or at Chambers, or in the Registrar’s office, shall be entered in chronological order, with the dates thereof, as they shall occur.

Petition.

4. Proceedings before the Supreme Court under "The Divorce and Matrimonial Causes Act, 1867," shall be commenced by filing a petition. (Appendix, Form No. 1.)

Co-respondents.

5. Upon a husband filing a petition for dissolution of marriage on the ground of adultery, the alleged adulterers shall be made co-respondents in the cause, unless the Judge shall otherwise direct.

6. Application for such direction is to be made to the Judge on motion founded on affidavit.

7. If the names of the alleged adulterers, or either of them, should be unknown to the petitioner at the time of filing his petition the same must be supplied as soon as known, and application must be made forthwith to the Registrar to amend the petition by inserting such name therein; and the Registrar to whom the application is made shall give his directions as to such amendment, and such further directions as he may think fit as to service of the amended petition.

8. The term "respondent," where the same is hereinafter used, shall include all co-respondents so far as the same is applicable to them.

9. Every petitioner who files a petition shall forthwith serve a copy thereof under the seal of the Court on each respondent in the cause, accompanied by a writ of summons. (Appendix, Form No. 2.)

10. Copies of the petition and writ of summons shall be served personally, unless a Judge shall otherwise order.

11. Proof of service, or of the substituted service permitted, shall be filed in the Registrar's office.

12. The above rules, so far as they relate to the service of copies of petition and writ of summons, are to apply to the service of all other instruments requiring personal service.

13. No step shall be taken in a cause after the filing of the petition until service is proved or a statement of defence by a respondent has been filed.

14. A respondent desiring to appear in a cause shall lean an appearance in the form in the Schedule to these rules. (Appendix, Form No. 6.)

15. An appearance may be entered at any time before a proceeding has been taken in default, or afterwards, as hereinafter directed, or by leave of the Judge, or of the Registrar in his absence.

16. Every entry of an appearance shall be accompanied by an address within three miles of the Registrar's office.

17. If a party summoned wishes to raise any question as to the jurisdiction of the Court he or she must enter an appearance under protest, and within eight days file in the Registrar's office a notice of motion setting forth the grounds upon which such question is raised, and forthwith deliver a copy thereof to the petitioner. After the entry of an absolute appearance to the writ of summons a party summoned cannot raise any objection as to jurisdiction without the leave of the Court.

Interveners.

18. Application for leave to intervene in any cause must be made to the Judge by motion.

19. Every party intervening must join in the proceedings at the stage in which he finds them, unless it is otherwise ordered by the Judge.

Suits in Formâ Pauperis.

20. Any person desirous of prosecuting a suit *in formâ pauperis* is to lay a case before counsel, and obtain an opinion that he or she has reasonable grounds for proceeding.

21. No person shall be admitted to prosecute a suit *in formâ pauperis* without the order of the Judge, and, to obtain such order, the case laid before counsel, and his

opinion thereon, with an affidavit of the party or of his or her solicitor that the said case contains a full and true statement of all the material facts, to the best of his or her knowledge and belief, and an affidavit of the party applying as to his or her income or means of living, and that he or she is not worth £50 after payment of his or her just debts, save and except his or her wearing-apparel, shall be produced at the time such application is made.

22. Where a husband admitted to sue as a pauper neglects to pursue in a cause, he may be called upon by summons to show cause why he should not pay costs, though he has not been dispaupered, and why all further proceedings should not be stayed until such costs be paid.

Statement of Defence or Answer.

23. Each respondent who has entered an appearance may, within fourteen days after service of copy of petition and writ of summons on him or her if he or she resides within twenty miles of the Registrar's office, or within twenty-one days if he or she resides more than twenty but within fifty miles of such office, or within twenty-eight days if he or she resides more than fifty miles from such office, file a statement of defence or answer to the petition. (Form of Statement of Defence, Appendix, Form No. 7.)

24. Every statement of defence or answer which contains matter other than a simple denial of the facts stated in the petition shall be accompanied by an affidavit made by the respondent, verifying such additional matter so far as he or she has personal cognisance thereof, and deposing as to his or her belief in the truth of the rest of such other additional matter; and such affidavit shall be filed with the answer.

25. Each respondent shall, on the day he or she files a statement of defence, deliver a copy thereof to the petitioner, or to his or her solicitor.

If in any statement of defence charges are made against the petitioner, such charges shall be deemed to be denied unless the petitioner files a reply stating they are true.

General Rules as to Pleading.

26. Any party desiring to alter or amend any pleading must apply by summons to a Judge at Chambers for permission to do so, unless the alteration or amendment be merely verbal or in the nature of a clerical error, in which case it may be made by leave of the Judge, or the Registrar in his absence, obtained *ex parte*.

27. A Judge, or a Registrar in the Judge's absence, may at any time order the amendment of any pleading, and in ordering the amendment shall fix the time the other party shall have to reply to the pleading as amended.

28. Application may be made for further particulars of matters pleaded.

29. In all cases where personal service shall not be required, all pleadings, judgments, orders, notices, and other written communications requiring to be served upon a party to a suit shall be served as in the next four rules mentioned.

30. When the party to be served sues, files a petition, or appears or defends by solicitor, they shall be delivered to or left for such solicitor at his address for service (if any) or, in cases in which such solicitor is not required to give an address for service, at his office or place of business, before four o'clock in the afternoon.

31. When the party to be served sues, files a petition, or appears or defends in person, they shall be delivered to him or her or left for him or her at his address for service, or his or her place of residence in cases in which he or she is not required to give an address for service, with a domestic servant or any person whose business it is or who has authority from him or her to receive messages and convey the same to him or her.

32. But where such service is impracticable, the Court may, on affidavit showing the circumstances of the case and the necessity, give special directions as to service or publication in lieu thereof.

33. Service of all judgments or orders shall be made by delivering a duplicate of such judgment or of such order.

34. In any matter where the petition, answer, judgment, order, notice, or other written communication required under these rules to be served personally has to be served upon any Maori or half-caste Maori, there shall be served therewith a translation thereof into the Maori language, which translation shall be signed by a licensed Native interpreter, and shall be certified by such interpreter to be a correct translation thereof.

35. The trial of all cases shall, in the absence of an order to the contrary, be: (a) In undefended causes, before a Judge alone; (b) in defended causes, before a common jury. A Judge may, on application for that purpose, fix the trial of any cause for trial before a jury, for trial before him, or before a special jury.

36. The issues to be tried by the jury shall be fixed by the Judge before or at the trial.

37. The Registrar shall, ten days after the time for filing a defence shall have expired, enter every cause for trial; and the cause shall, unless otherwise ordered, be tried at the sittings next following such entry.

Hearing Parties without Answer, as to Costs and Custody of Children.

38. Any of the respondents in the cause, after entering an appearance, without filing an answer to the petition in the principal cause, may be heard in respect of any question as to costs; and the respondent, being the husband or wife of the petitioner, may be heard also in respect to any question as to custody of children: but a respondent who may be so heard is not at liberty to bring in affidavits touching matters in issue in the principal cause; and no such affidavits can be read or made use of as evidence in the cause.

New Trial or Hearing.

39. An application to the Judge for a new trial of issue of facts tried by a jury, or a rehearing of a cause, may be made by motion, notice of which must be filed and served within four days from the day on which the issues were tried or the cause was heard, and such motion shall be set down for hearing before the Court on the first day on which the Court shall sit in Banco after the expiration of eight days from the said day on which the issues were tried or the cause was heard.

Petition for Reversal of Decree of Judicial Separation.

40. A petition to the Court for the reversal of a decree of judicial separation must set out the grounds on which the petition relies. (Appendix, Form No. 9.)

41. Before such a petition can be filed an appearance on behalf of the party praying for a reversal of the decree of judicial separation must be entered in the cause in which the decree has been pronounced.

42. A copy of such petition shall be delivered personally to the party in the cause in whose favour the decree has been made, who may, within fourteen days, file an answer thereto in the Registrar's office, and shall, on the day on which the answer is filed, deliver a copy thereof to the other party in the cause, or to his or her solicitor.

43. All subsequent pleadings and proceedings arising from such petition and answer shall be filed and carried on in the same manner as before directed in respect of an original petition for judicial separation, and answer thereto, so far as such directions are applicable.

Intervention of the Attorney-General.

44. The Attorney-General, or, in case of a vacancy in that office, the Solicitor-General, if he shall think fit to

oppose any petition which he has by law a right to oppose, shall, within fourteen days after he has received a copy of the petition, enter an appearance and plead to the petition, and shall forthwith deliver a copy thereof to the petitioner, or to his or her solicitor.

Application to make Decree Nisi absolute.

45. The request under section 8 of "The Divorce Act, 1898," to the Registrar to issue a decree absolute may be in the Form No. 13 in the Appendix hereto.

46. Such application may, if made by the petitioner, be signed by the solicitor for the petitioner, and, if made by the respondent, be signed by the solicitor for the respondent.

Showing Cause against a Decree Nisi for Dissolution.

47. Any person wishing to show cause against making absolute a decree nisi for dissolution of a marriage shall enter an appearance in the cause in which such decree nisi has been pronounced. (Form of Appearance, Appendix No. 6.)

48. Every such person shall, at the time of entering an appearance, or within four days thereafter, file affidavits setting forth the facts upon which he relies.

49. Upon the same day on which such person files his affidavits he shall deliver a copy of the same to the party in the cause in whose favour the decree nisi has been pronounced. (Form of Appearance, Appendix No. 6.)

50. The party in the cause in whose favour the decree nisi has been pronounced may, within eight days after delivery of the affidavits, file affidavits in answer, and shall, upon the day such affidavits are filed, deliver a copy thereof to the person showing cause against the decree being made absolute.

51. The person showing cause against the decree nisi being made absolute may, within eight days, file affidavits in reply, and shall, upon the same day, deliver copies thereof to the parties supporting the decree nisi.

52. No affidavits are to be filed in rejoinder to the affidavits in reply without permission of the Judge, or the Registrar in his absence.

53. The questions raised on such affidavits shall be argued in such manner and at such time as the Judge may on application by motion direct; and, if he thinks fit to direct any controverted questions of fact to be tried by a jury, the same shall be settled and tried in the same manner and subject to the same rules as any issues tried in the Court.

54. All appeals to the Appeal Court shall be taken and made as appeals from the Supreme Court in civil actions are taken and made.

Alimony.

55. The wife, being the petitioner in a cause, may file her petition for alimony pending suit at any time after the citation 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.

56. The wife, being the respondent in a cause, after having entered an appearance, may also file her petition for alimony pending suit. (Form of Petition, Appendix No. 10.)

57. The husband shall, within eight days of the filing and delivery of a petition for alimony, file his answer thereto upon oath.

58. The husband, being respondent in the cause, must enter an appearance before he can file an answer to a petition for alimony.

59. The wife, if not satisfied with the husband's answer, may object to the same as insufficient, and apply to the Judge by summons to order him to give a further and fuller answer on the hearing of the petition for the purpose of being examined thereon.

60. In case the answer of the husband alleges that the wife has property of her own, she may (within eight days after the delivery of the answer) file a reply on oath to that allegation; but the husband is not at liberty to file a rejoinder to such a reply without permission of the Judge, or of the Registrar in his absence.

61. A copy of every petition for alimony, answer, and reply must be delivered to the opposite party, or to his or her solicitor, on the day the same is filed.

62. After the husband has filed his answer to the petition for alimony (subject to any order as to costs), or if no answer is filed at the expiration of the time allowed for filing an answer, the wife may proceed to examine witnesses in support of her petition, and apply by motion for an allotment of alimony pending suit; notice of the motion and of the intention to examine witnesses being given to the husband or to his solicitor four days previously to the motion being heard and the witnesses examined, unless the Judge shall dispense with such notice.

63. No affidavit can be read or made use of as evidence in support of or in opposition to the averments contained in a petition for alimony, or in an answer to such a petition, or in a reply, except as may be required by the Judge or by the Registrar.

64. A wife who has obtained a final decree of judicial separation in her favour, and has previously thereto filed her petition for alimony pending suit, 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 the Judge by motion for an allotment of permanent alimony, provided that she shall, eight days at least before making such application, give notice thereof to the husband or to his solicitor.

65. A wife may at any time after alimony has been allotted to her, whether alimony pending suit or permanent alimony, file her petition for an increase of the alimony allotted, by reason of the increased faculties of the husband, or the husband may file a petition for diminution of the alimony allotted, by reason of reduced faculties; and the course of proceeding in such cases shall be the same as required by these rules and regulations in respect of the original petition for alimony and the allotment thereof, so far as the same are applicable.

66. Permanent alimony shall, unless otherwise ordered, commence and be computed from the date of the final decree of the Judge, or of the Court of Appeal, as the case may be.

67. 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.

Maintenance and Settlements.

68. 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 filed in a separate petition, which must, unless by leave of the Judge, be filed as soon as by the said Act such application can be made, or within one month thereafter.

69. In cases of application for maintenance under section 27, such petition may be filed as soon as a decree *nisi* has been pronounced, but not before.

70. A copy of such petition shall be personally served on the husband or 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 the Judge, on motion or summons, shall direct any other mode of service, or dispense with service of the same on them or either of them.

71. The husband or wife (as the case may be), and the other person or persons (if any) who are served with such petition, within fourteen days after service, may file his, her, or their answer or answers on oath to the said peti-

tion; and shall on the same day deliver a copy thereof to the opposite party, or to his solicitor.

72. Any person served with the petition, not being a party to the principal cause, must enter an appearance before he or she can file an answer thereto.

73. Within fourteen days from the filing the answer the opposite party may file a reply thereto; and the same period shall be allowed for filing any further pleading by way of rejoinder.

74. Such pleadings, when completed, shall in the first instance be referred to the Judge, or the Registrar in his absence, who shall investigate the averments therein contained in the presence of the parties or their solicitors, and who for that purpose shall be at liberty to require the production of any documents referred to in such pleadings, or to call for any affidavits; and the Registrar shall report in writing to the Court the result of the investigation, and any special circumstances to be taken into consideration with reference to the prayer of the petition.

75. The report of the Registrar shall be filed in the Registrar's office by the husband or wife on whose behalf the petition has been filed, who shall give notice thereof to the other parties who have been heard; and either of the parties, within fourteen days after such notice has been given, or on the first day appointed for sittings in Court or at Chambers after the expiration of fourteen days, may be heard by the Judge on motion in objection to the Registrar's report, or may apply on motion in objection to the Registrar's report, or may apply on motion for a decree or order to confirm the same, and to carry out the prayer of the petition.

76. The costs of a wife of and arising from the said petition or answer shall not be allowed, on taxation of costs, against the husband before the final decree in the principal cause, without direction of the Judge.

Custody of and Access to Children.

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

Guardians to Minors.

78. A minor above the age of seven years may elect any one or more of his or her next-of-kin or next friend as guardian, for the purpose of proceeding on his or her behalf as petitioner, respondent, or intervener in a cause. (Form of an Instrument of Election, Appendix No. 11.)

79. The necessary instrument of election must be filed in the Registrar's office before the guardian elected can be permitted to extract a citation or to enter an appearance on behalf of the minor.

80. When a minor shall elect some person or persons other than his or her next-of-kin as guardian for the purpose of a suit, or when an infant (under age of seven years) becomes a party to a suit, application founded on affidavit is to be made to the Registrar, who will assign a guardian to the minor or infant for such suit.

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

Summonses.

82. Summonses for the attendance of witnesses may be issued as if the cause was a civil action.

83. Writs of attachment shall only be issued by the Registrar on the order of a Judge.

84. A person in custody under a writ of attachment may, for good cause shown, be discharged from custody by a Judge, or, in his absence, by a Registrar.

Change of Solicitor.

85. A party may obtain an order to change his or her solicitor upon application by summons to the Judge, or to the Registrar in his absence.

86. In case the former solicitor neglects to file his bill of costs for taxation at the time required by the order served upon him, the party may, with the sanction and by order of the Judge or Registrar, proceed in the cause by the new solicitor, without previous payment of such costs.

Applications.—Forms, Fees, Costs, &c.

87. The following matters shall be dealt with on motions: Applications—

- (1.) To dispense with making a co-respondent:
- (2.) To substitute other than personal service:
- (3.) For leave to intervene:
- (4.) Raising any question of jurisdiction:
- (5.) To direct mode of or dispensing with service of petition for maintenance:
- (6.) To object to or to confirm Registrar's report as to maintenance and variation of settlements:
- (7.) In respect to the custody, maintenance, or education of, or for access to, children:
- (8.) Showing cause against making decree nisi absolute:
- (9.) For writ of attachment:
- (10.) To discharge protection order.

All other matters shall be dealt with on summons, except those directed by these rules to be dealt with on petition.

88. In all matters not provided for in these rules the rules of procedure of the Supreme Court in civil actions shall apply, and Rule 563 of such rules shall especially apply to all these rules.

89. The costs appearing in the Schedule hereto shall be the costs allowed; but a Judge may in any cause or matter reduce or increase the amount of such costs. Due regard shall always be had to the scale of costs observed in civil actions in the Supreme Court. A Judge may at any time order that a husband do pay costs to his wife and find security for future costs.

90. The forms in the Appendix hereto shall, as far as applicable, be followed.

91. All documents used in a cause shall be legibly printed, typewritten, or written on foolscap paper, and the Registrar shall refuse to file, without an order of the Judge, any documents not so printed, typewritten, or written.

APPENDIX.

FORMS.

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| 1. Petition. | 9. Petition for Reversal of Decree. |
| 2. Summons. | 10. Petition for Alimony. |
| 3. Præcipe for same. | 11. Election of a Guardian. |
| 4. Certificate of Service. | 12. Bond for securing Wife's Costs. |
| 5. Affidavit of Service. | 13. Request to make decree nisi absolute. |
| 6. Entry of an Appearance. | |
| 7. Statement of Defence or Answer. | |
| 8. Act on Petition, Answer, and Conclusion. | |

No. 1.—Petition.

In the Supreme Court of New Zealand, District. Under "The Divorce and Matrimonial Causes Act, 1867," and the Acts amending the same.

To, a Judge of the said Court.

The day of, A.D. The petition of, of, showeth,—
1. That your petitioner was, on the day of, 19, lawfully married to, then a, at [Here state where the marriage took place].

2. That after his [or her] said marriage your petitioner lived and cohabited with his [or her] said wife [or husband] at and at, and that your petitioner and his said wife [or her husband] had issue of their said marriage three children, to wit [Here state the names and ages of the children issue of the marriage].

3. That on the day of, 19, and on other days between that day and, the said, at, in the Provincial District of, the said, committed adultery with

4. That in and during the months of January, February, and March, 19, the said frequently visited the said at, and on divers of such occasions committed adultery with the said

Your petitioner therefore humbly prays that your Honour will be pleased to decree [Here set out the relief sought], and that your petitioner may have such further and other relief in the premises as to your Honour may seem meet.

[Petitioner's signature.]

No. 2.—Writ of Summons.

In the Supreme Court of New Zealand, District. Under "The Divorce and Matrimonial Causes Act, 1867," and the Acts amending the same.

EDWARD THE SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.

To, of, in of WHEREAS, of, claiming to have been lawfully married to, has filed his [or her] petition against in our said Court, praying for, wherein alleges that you have been guilty of adultery with, [or have been guilty of cruelty towards, the said, or as the case may be]:

Now, this is to command you that within days after service hereof on you, inclusive of the day of such service, you do appear in our said Court, then and there to make answer to the said petition, a copy whereof, sealed with the seal of our said Court, is hereunto annexed. And take notice that, in default of your so doing, the said Court will proceed to hear the said charge [or charges] proved in due course of law, and to pronounce sentence therein, your absence notwithstanding. And take further notice that for the purpose aforesaid you are to attend in person or by your solicitor at the Registrar's office at, and there to enter an appearance, without which you will not be allowed to address the Court, either in person or by counsel, at any stage of the proceedings in the cause.

Dated at, the day of, 19, Registrar. (Seal) (Signed)

N.B.—This writ of summons is issued at, by [the petitioner in person, or solicitor for the petitioner]. The petitioner's address for service is [Here state address for service, which must be within three miles of the Registrar's office].

No. 3.—Præcipe for Writ of Summons.

In the Supreme Court of New Zealand, District. Under "The Divorce and Matrimonial Causes Act, 1867," and the Acts amending the same.

WRIT of summons for, of, against, of, to appear in a suit for, by reason of (Signed) (In person) [or, Solicitor for the said]

[Here insert the address required within three miles of the Registrar's office.]

No. 4.—Certificate of Service.

THIS writ of summons was duly served by the undersigned on the within-named, of, at, on the day of, 19, (Signed)

No. 5.—Affidavit of Service of Writ of Summons.

In the Supreme Court of New Zealand, District. Under "The Divorce and Matrimonial Causes Act, 1867," and the Acts amending the same.

and, Petitioner. Respondent. [or Co-respondent].

I, of, [&c.] make oath and say:—
1. That I did, on, the day of, one thousand nine hundred and, serve the above-named respondent [or co-respondent] with the writ of summons bearing date the day of, 19, issued under the seal of this Court herein, together with a copy of the petition filed herein, and bearing the seal of this Court, by delivering the same personally to the said respondent [or co-respondent] at, in the Provincial District of, in the Colony of New Zealand. [If service is effected in any other way than by personal service, here state fully the manner of service.]

2. That herunto annexed, marked respectively with the letters "A" and "B," are true copies of the writ of summons and copy petition so served by me as aforesaid.

Sworn at, &c., on the day of, 19, before me, (Signed)

No. 6.—Entry of an Appearance.

In the Supreme Court of New Zealand, District. Under "The Divorce and Matrimonial Causes Act, 1867," and the Acts amending the same.

Petitioner, against Respondent, and Co-respondent. The respondent appears in person [or The solicitor for the respondent (or the co-respondent) appears for the said respondent (or co-respondent)].

[Signature of respondent, or respondent's solicitor.]

Address [within three miles of the Registrar's office]. Entered this day of 19

No. 7.—Statement of Defence or Answer.

In the Supreme Court of New Zealand, District. Under "The Divorce and Matrimonial Causes Act, 1867," and the Acts amending the same.

The respondent, in answer to the petition filed in this cause, saith:—

- 1. That she denies that she committed adultery with , as set forth in the said petition. 2. Respondent further saith that on the day of 19 , and on other days between that day and , the said , at , in of , committed adultery with

This statement of defence [or answer] is filed by the respondent in person [or by , solicitor for the respondent]. The respondent's address for service is [Here state address for service, which must be the address set forth in the entry of appearance].

[In like manner respondent is to state connivance, condonation, or other matters relied on as a ground for dismissing the petition.]

Wherefore this respondent humbly prays that your Honour will be pleased to reject the prayer of the said petition and decree, &c., &c.

No. 8.—Petition other than for a Dissolution of Marriage or for a Judicial Separation.

In the Supreme Court of New Zealand, District. Under "The Divorce and Matrimonial Causes Act, 1867," and the Acts amending the same.

A.B. against and

The day of 19

A.B., the petitioner [or the solicitor of the petitioner], alleges that [Here state briefly the facts and circumstances upon which the petition is founded].

Wherefore the said , referring to the affidavits and proofs to be by him [or her] exhibited in verification of what he [or her] so alleged, prayed that [Here set forth the prayer of the petition]. (Signed)

ANSWER.

In the Supreme Court of New Zealand, District. Under "The Divorce and Matrimonial Causes Act, 1867," and the Acts amending the same.

On the day of 19 against and

of , the respondent [or , the solicitor or attorney on petition bearing date the day of 19 , of , admitted [or denied] that [Here set forth any allegations admitted or denied].

And he [or she] alleged that [Here state any facts or circumstances in explanation or in answer].

Wherefore the said [or] , referring to the affidavits and proof to be by him [or her] exhibited in verification of what he [or she] so alleged, prayed [Here state the prayer of the respondent]. (Signed)

CONCLUSION.

On the day of 19 against and

The petitioner [or , the solicitor or attorney for the petitioner], in reply to the allegations of , or , in his [or her] answer, bearing date , denied the same in great part to be true or relevant.

Whereupon he [or she] alleged and prayed [as before]. (Signed)

No. 9.—Petition for Reversal of Decree.

In the Supreme Court of New Zealand, District. Under "The Divorce and Matrimonial Causes Act, 1867," and the Acts amending the same.

To , Judge of the said Court.

The day of 19

THE petition of , of , showeth,—

1. That your petitioner was, on the day of , lawfully married to , then , at [Here state where the marriage took place].

2. That on the day of , by a final decree pronounced in a cause then depending in this Court, entitled against , it was decreed as follows, to wit:— [Here set out the decree.]

3. That the aforesaid decree was obtained in the absence of your petitioner, who was then residing at [State facts tending to show that the petitioner did not know of the proceedings, and, further, that had he known of them he might have offered a sufficient defence.]

[Or, That there was reasonable ground for your petitioner leaving his (or her) said wife (or husband), for that his (or her) said wife (or husband) (Here state any legal grounds justifying the petitioner's separation).]

Your petitioner therefore humbly prays that your Honour will be pleased to reverse the said decree.

(Signed)

No. 10.—Petition for Alimony.

To , Judge of the Supreme Court of New Zealand, District. Under "The Divorce and Matrimonial Causes Act, 1867," and the Acts amending the same.

against and The day of 19

THE petition of , the lawful wife of , showeth,—

1. That the said does now carry on, and has for many years past carried on, the business of , at , and from such business he derives the net annual income of £

2. That the said is now, or lately was, possessed of [or entitled to] proprietary shares in the Railway Company amounting in value to £ , and yielding a clear annual dividend of

3. That the said is possessed of certain stock-in-trade in his said business of a of the value of £

[In same manner state particulars of any other property which the husband may possess.]

Your petitioner therefore humbly prays that your Honour will be pleased to decree her such sum or sums of money by way of alimony pendente lite [or permanent alimony] as to your Honour shall seem meet.

No. 11.—Election of Guardian.

(1.) By a petitioner.

WHEREAS a suit is about to be instituted in the Supreme Court of New Zealand, under "The Divorce and Matrimonial Causes Act, 1867," and the Acts amending the same, on behalf of , against , the wife of the said , and

And whereas the said is now a minor, of the age of seven years and upwards, but under the age of twenty-one years, and therefore by law incapable of acting in his own name:

Now, I, the said , do hereby make choice and elect my natural and lawful [father] and next-of-kin to be my curator or guardian for the purpose of carrying on and prosecuting the same until a final decree shall be given and pronounced therein, or until I shall attain the age of twenty-one years; and I hereby appoint , of , my solicitor or attorney, to file or cause to be filed this my election for me in the Registrar's office of the said Court at

In witness whereof I have hereunto set my hand and seal, this day of , in the year 19 (Signed) (L.S.)

Signed, sealed, and delivered by the within-named , in the presence of [One attesting witness.]

(2.) By a respondent.

WHEREAS a writ of summons, bearing date the day of 19 , has issued under seal of the Supreme Court of New Zealand, District, under "The Divorce and Matrimonial Causes Act, 1867," and the Acts amending the same, at the instance of , claiming to have been lawfully married to ,

citing the said to appear in the said Court, and then and there to make answer to a certain petition of the said filed in the said Court:

And whereas the said is now a minor, of the age of seven years and upwards, but under the age of twenty-one years, and therefore by law incapable of acting in her own name:

Now, I, the said , do hereby make choice of and elect my natural and lawful [father] and next-of-kin to be my curator or guardian for the purpose of entering an appearance for me and in my behalf in the said Court, and for the purpose of making answer for me to the said petition, and of defending me in the said cause, and to abide for me in judgment until a final decree shall be given and pronounced herein, or until I shall attain the age of twenty-one years; and I hereby appoint, &c., &c. [as in the last form].

No. 12.—Bond for Securing Wife's Costs.

Know all men by these presents that we, , of , and , of , and , of , are held and firmly bound unto , Esq., Registrar of the Supreme Court of New Zealand, at , in the penal sum of pounds of good and lawful money of Great Britain, to be paid to the said , and for which payment to be well and truly made we bind ourselves and each of us for the whole, our heirs, executors, or administrators, firmly by these presents.

Sealed with our seal , dated the day of in the year of our Lord 19

Condition.

Whereas a certain cause is now depending in the Supreme Court of New Zealand under "The Divorce and Matrimonial Causes Act, 1867," and the Acts amending the same, between petitioner, of the one part, and respondent [and co-respondent], of the other part: And whereas the Registrar of the Supreme Court at has, by a report under his hand, made in the said cause on the day of 19, reported to the Court that pounds was a sufficient sum to be paid into the Registrar's office to cover the costs of the said respondent [or petitioner] of and incidental to the hearing of the said cause [or otherwise, as in the Registrar's report], or that a bond under the hand and seal of the said and of two sufficient sureties in the penal sum of pounds, conditioned for the payment of such costs of the said as shall be certified to be due and payable by the said, not exceeding the said sum of pounds [or otherwise, as in the report], with hours' notice of such sureties to the solicitor [or attorney] of the said, was a sufficient security to be given for the costs aforesaid: Now, the condition of this obligation is such that, if the above-bounden, his heirs, executors, or administrators, shall well and truly pay or cause to be paid to the above-named, his heirs, executors, administrators, or assigns, the full sum of of good and lawful money of Great Britain, or the lawful costs of the said, the respondent [or petitioner], of and incidental to the hearing and trial of this cause [or otherwise, as in the report], to the extent of pounds, then this obligation is to be void and of none effect, otherwise to remain in full force and virtue.

Sealed and delivered by the said and, in the presence of

(L.S.)
(L.S.)

No. 13.—Application to issue Decree Nisi Absolute.

(Title of Suit.)

(1.) By a petitioner.

I, the petitioner in the above suit, do hereby request you to issue a decree absolute herein, on the grounds:—

1. That the time limited for making the decree nisi absolute has expired.

2. That no matter in opposition to the final decree is pending.
Dated, &c.

[Or, Solicitor for the said petitioner.]
To the Registrar of the Supreme Court of New Zealand, at

(2.) By a respondent.

I, the respondent in the above suit, do hereby request you to issue a decree absolute herein, on the grounds:—

1. That the time limited for making the decree nisi absolute has expired.

2. That more than one month has elapsed since the expiration of the time so limited, and the petitioner has refused or failed to apply to make the said decree absolute.

3. That I have given three days' notice in writing to the petitioner of my intention to make this request.

4. That no matter in opposition to the final decree is pending.
Dated, &c.

[Or, Solicitor for the respondent.]
To the Registrar, &c.

SCHEDULE.

Costs.

The total costs in an ordinary suit in which the respondent does not appear and has filed no answer shall be £15, together with all disbursements for fees, expenses of service, witnesses' expenses, and for other necessary expenses. If the case is from a distance, or special applications to the Court have been necessary, or if the trial shall take a considerable time, a further sum up to £25 may be allowed.

In cases in which the respondent or co-respondent appears at the trial the following shall, in ordinary suits, in addition to disbursements as mentioned above, be the costs allowed:—

	£	s.	d.
Petitioner	30	0	0
Respondent	25	0	0
Co-respondent	20	0	0

But if the case lasts over one day, or if there are other reasons for increasing the costs, the Court may grant such an additional sum as the Court may consider fit, following the analogy of a civil action.

The costs of all interlocutory proceedings, and of all other proceedings, shall be such as the Court orders, taking the costs allowed in civil actions in the Supreme Court as a guide.

The fees payable on proceedings under the said Acts are those fixed by Order in Council published in the *New Zealand Gazette*, 1875, page 830, and which are for convenience of reference reprinted below:—

[NOTE.—For "citation" read "writ of summons."]

FEES.

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|---|--|
| 1. Citation. | 15. Taking Evidence. |
| 2. Appearance. | 16. References to the Registrars. |
| 3. Filing. | 17. Summonses. |
| 4. Protection Orders. | 18. Motions. |
| 5. Questions for Jury. | 19. Writs. |
| 6. Setting down. | 20. Appeals. |
| 7. Withdrawal. | 21. Certificates. |
| 8. Subpcena. | 22. Searches. |
| 9. Hearing or Trial. | 23. Office Copies and Extracts. |
| 10. Judge's Notes. | 24. Taxing Costs. |
| 11. Entering Decree, Verdict, or Order. | 25. Oaths. |
| 12. Orders. | 26. Proceedings not specifically provided for. |
| 13. Bill of Exceptions. | |
| 14. Commission or Requisition. | |

	1.—Citation.	£	s.	d.
On every citation	0	5	0
For settling citation, or an abstract thereof for advertisement, or other advertisement—				
If five folios of seventy-two words or under	0	3	0
If above five folios, for each additional four folios or part thereof	0	1	0

	2.—Appearance.	£	s.	d.
Entering appearance	0	3	0
Amending appearance	0	3	0

	3.—Filing.	£	s.	d.
Filing any document, except otherwise provided	0	3	0

	4.—Protection Orders.	£	s.	d.
Filing application for an order for the protection of a wife's earnings and property	0	3	0
Entering the order on such application	0	5	0
Judge's order, including seal	0	6	0

	5.—Questions for Jury.	£	s.	d.
Settling issues of fact to be tried by a jury	0	10	0
Filing parchment copy of the issues of fact as settled	0	3	0
Filing panel	0	3	0

	6.—Setting down.	£	s.	d.
Setting a cause down for hearing or trial	0	5	0

	7.—Withdrawal.	£	s.	d.
On withdrawal of a cause after same is set down for hearing or trial, to be paid by the party at whose instance it is withdrawn	0	5	0

	8.—Subpcena.	£	s.	d.
On every subpcena	0	5	0

	9.—Hearing or Trial.	£	s.	d.
On the hearing or trial of a cause—				
From the party setting down the cause for hearing or trial	1	10	0
If the hearing or trial continues more than one day, for each day—				
From the same party	1	0	0

	10.—Judge's Notes.	£	s.	d.
Producing the Judge's notes	0	5	0

	11.—Entering Decree, Verdict, or Order.	£	s.	d.
Entering sentence or final decree in a cause, to be paid by the successful party	0	10	0
Entering verdict, if five folios of seventy-two words or under	0	5	0
If exceeding five folios, for each additional folio or part of a folio	0	1	0
Entering order for the examination of a witness or witnesses	0	5	0
Entering any decree or order for alimony	0	5	0
Entering order directing how damages shall be applied	0	5	0
Entering order providing for custody, maintenance, or education of children, if five folios of seventy-two words or under	0	5	0
Entering any order made under the authority given by sections 27, 37, and 38 of "The Divorce and Matrimonial Causes Act, 1867," if five folios of seventy-two words or under	0	5	0
If either of the above orders exceed five folios, for each additional folio or part of a folio	0	1	0

	£	s.	d.
Entering any minute, order, or decree in the Court book other than minutes, orders, or decrees specified	0	3	0
Entering any order of the Registrar, the same fee as would be payable for entering a similar order made by the Judge.			
12.—Orders.			
For any order issuing under the hand of the Judge or of the Registrar, including seal	0	6	0
If a final order in the cause	0	10	0
13.—Bill of Exceptions.			
Bill of exceptions signed by the Judge	0	5	0
14.—Commission or Requisition.			
On every commission or requisition, exclusive of the seal of the Court	1	0	0
15.—Taking Evidence.			
For taking the evidence of one or more witnesses before the Registrar, and within three miles of the Registrar's office, for each day	3	3	0
If beyond that distance, for each day, in addition to travelling-expenses	5	5	0
If for part of a day only, such smaller fee as the Registrar in his discretion shall think proper.			
16.—References to the Registrar.			
On each reference to ascertain the amount to be paid or secured to a wife to cover her costs—			
For the Registrar's attendance	0	5	0
For his report thereon	0	3	0
On each reference to any other inquiry before the Registrar—			
For Registrar's attendance	1	0	0
For every hour or part of hour after the first hour, a further fee of	0	10	0
For the Registrar's report, if five folios of seventy-two words or under	0	5	0
If exceeding five folios, for every additional folio or part of a folio	0	2	0
17.—Summonses.			
On each summons	0	3	0

	£	s.	d.
18.—Motions.			
Notice of motion, petition, or application at Judge's Chambers	0	2	0
Final case for motion	0	5	0
Entering any minute or order on motion other than orders specified	0	5	0
If a final order in the cause	0	10	0
19.—Writs.			
Writ of attachment	1	0	0
Writ of sequestration	1	0	0
Writ of fieri facias	1	0	0
20.—Appeals.			
On lodging instrument of appeal	0	10	0
21.—Certificate.			
For every certificate under the hand of any Judge of the Court or of any Registrar	0	3	0
22.—Searches.			
Search in each Court book, or of any one document	0	1	0
General search in books or documents	0	3	0
23.—Office Copies and Extracts.			
For every office copy or extract of any document, exclusive of seal—			
For every three folios or part thereof	0	1	0
For the seal of the Court affixed to any document, unless otherwise provided	0	5	0
24.—Taxing Costs.			
Appointment for taxation	0	5	0
Taxation	0	5	0
Taxation in addition, for each hour or portion of an hour occupied	0	5	0
25.—Oaths.			
Swearing witness in Court, or before Judge, or to affidavit	0	2	0

ROBERT STOUT, C.J.
 JOSHUA STRANGE WILLIAMS, J.
 J. E. DENNISTON, J.
 EDWD. CONOLLY, J.
 W. B. EDWARDS, J.
 THEO. COOPER, J.