



SUPPLEMENT
TO THE
NEW ZEALAND GAZETTE
OF
THURSDAY, AUGUST 12, 1920.

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WELLINGTON, THURSDAY, AUGUST 12, 1920.

RULES FOR MAGISTRATES' COURTS.

ROBERT STOUT, Administrator of the Government.

ORDER IN COUNCIL.

At the Government House at Wellington, this 9th day of August, 1920.

Present :

HIS EXCELLENCY THE ADMINISTRATOR PRESIDING IN COUNCIL.

WHEREAS by section three of the Magistrates' Courts Act, 1908, it is enacted that the Governor-General may from time to time, by Order in Council gazetted, make rules or regulations for the several purposes therein mentioned :

And whereas it is expedient to revoke all former rules and regulations made or deemed to have been made under the said Act, and to make other provisions in lieu thereof :

Now, therefore, His Excellency the Administrator of the Government of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred by the said Act, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby revoke, as from the first day of September, one thousand nine hundred and twenty, all former rules and regulations made or deemed to have been made under the said Act, and in lieu thereof doth hereby make and prescribe the rules, regulations, forms, charges, costs, and fees set forth in the Schedule hereto, to take effect as from the said first day of September, one thousand nine hundred and twenty.

SCHEDULE.

1. Interpretation.

THESE rules may be cited as the Magistrates' Courts Rules, 1908.

The interpretation of terms in section 2 of the Magistrates' Courts Act, 1908, applies to these rules ; and the several words and expressions hereinafter mentioned or referred to shall have or include the meanings following, viz. :—

“ The Act ” means the Magistrates' Courts Act, 1908, and includes the Magistrates' Courts Amendment Act, 1909, and the Magistrates' Courts Amendment Act, 1913 :

“ Affidavit ” includes statutory declaration and affirmation ; and the word “ sworn ” includes affirmed :

“ Foreign Court ” means the Court to which process is sent for service or execution from a Home Court :

“ Home Court ” means the Court from which process is issued.

Reference in these rules to numbered forms means the forms as numbered in Appendix A hereto.

2. *Office Hours.*

The Clerk shall keep his office, at the place where the Court of which he is Clerk is held, open to the public from 10 a.m. till 1 p.m., and from 2 p.m. to 4 p.m., except on Saturday, on which day the office shall be closed to the public at noon :

Provided that when the Clerk has to attend to more offices than one, situate at different places, or when the Clerk is also a police officer, he shall keep his office or offices open on such days and hours as the Magistrate shall from time to time appoint.

A notice of the office hours shall be posted in some convenient place accessible to the public :

Provided also that any office may from time to time be closed or opened by special order of the Magistrate.

3. *Holidays.*

The following days shall be holidays in the Courts and the offices thereof, that is to say : The days from Good Friday to Easter Tuesday, both inclusive ; the days from Christmas Eve to the 3rd January, both inclusive ; the birthday of the reigning Sovereign ; the birthday of His Royal Highness the Prince of Wales ; and, in each district, the anniversary of the establishment of the province, and all other public holidays prescribed by statute. A clerk will, however, attend at 9 a.m. on every holiday to transact any urgent business, unless the Magistrate shall specially dispense with such attendance. When any of the holidays hereinbefore mentioned falls on a Sunday, the following day shall be a holiday.

Where the time for doing any act or taking any proceeding expires on a Sunday, or other day on which the offices of the Court are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the day on which the offices are next open.

4. *Plaint-book.*

The Clerk shall keep the *plaint-book* in the Form No. 1. The names, last known places of abode, and occupations of both plaintiffs and defendants shall, in all cases where they are known, be entered in full.

The Clerk shall keep an alphabetical index to the *plaint-book*, and make the necessary entries in the said index at least once in each week.

5. *Plaint-note.*

The *plaint-note* shall be in one of the Forms Nos. 7, 7A, or 7B. No entry shall be made in the *plaint-book* until the *plaint-note* has been delivered to the Clerk, with the prescribed fee affixed thereon in stamps. The number of the *plaint* and the title of the action, together with the date of hearing, the several adjournments (if any), the particulars of the judgment when given, the name of the Magistrate or Justices by whom given, and the names of the solicitors appearing (if any), shall be endorsed thereon. The name of each witness and by whom summoned shall also be entered on the *plaint-note* opposite to the stamp denoting the fee for the *subpcena*.

The Clerk shall keep the *plaint-note*, together with all processes, notices, orders, and other documents relating to the action, in a separate bundle, properly secured and endorsed. All *plaint-notes* shall be filed in numerical order of each year.

6. *Statement of Claim.*

The full and explicit statement in writing of the particulars of plaintiff's claim, which he is to deliver to the Clerk, shall be headed "Statement of Claim," and forms similar to those in Appendix B hereto may be used. For goods sold and delivered, particulars of which have been already delivered in writing, it shall be a sufficient compliance with section 65 of the Act if that statement is in the form set out in the Schedule to the Magistrates' Courts Amendment Act, 1909, or in such similar form as is appropriate to the case. Where the *plaint* is entered by a solicitor his name and address shall appear at the foot of the statement of claim.

7. *When Summons to be issued.*

All summonses shall, if possible, be issued on the day upon which they are applied for, and forwarded or handed to the proper officer or person for service not later than the day after application.

8. *Notice of Intention to defend an Action ; Leave to defend an Action ; Notice of Special Defence.*

The notice of intention to defend an action required to be filed in accordance with section 3 of the Magistrates' Courts Amendment Act, 1909, shall be in the Form No. 124. It shall be the duty of every Clerk to obtain a sufficient number of this form, and to issue it to a defendant in an action when applied to either personally

or in writing. A defendant, having failed to file notice of his intention to defend an action, shall not be allowed to do so except by leave of the Court, upon special grounds which shall be stated in the application in the Form No. 125.

Notice of the intended application shall be filed with the Clerk on or before the day appointed for the hearing of the action, and a copy thereof served on the plaintiff in the Form No. 126.

If leave is granted to defend the action the order may be in the Form No. 127, and if dismissed the order may be in the Form No. 128, or to the like effect.

Where a defendant desires to set up a defence of infancy, coverture, the Statute of Limitations, or a discharge in bankruptcy he shall give notice, in the Form No. 36, to the plaintiff at least twenty-four hours before the time appointed for the hearing.

9. *Record of Foreign Processes.*

Whenever a summons is required to be sent to a foreign Court for service, the Clerk shall enter in the plaint-book, in the columns for the purpose, the date and the name of the foreign Court to which it is sent.

Whenever any warrant is required to be sent to a foreign Court for execution, the Clerk shall enter in the warrant-book (Form No. 3) the date and the name of the foreign Court to which it is sent.

The Clerk shall keep a book in the Form No. 4, in which he shall enter all processes received from foreign Courts for service or execution.

10. *Civil Record-book.*

The Clerk shall, previous to every sitting of the Court, enter in the civil record-book in the Form No. 2, in their numerical order, every case the hearing of which is fixed for or stands adjourned to that day. A memorandum of the decision of the Court shall be entered in the civil record-book opposite each case, and the Magistrate or Justices hearing each case shall subscribe his or their signature or signatures thereto.

11. *Minute-book.*

The Clerk shall keep a book to be known as the "Minute-book," in which shall be entered minutes of proceedings and orders of an interlocutory nature, of applications to the Magistrate, under the Infants Act, 1908, the Local Elections and Polls Act, 1908, or any other Act for the time being in force, and of all miscellaneous matters. The applications, motions, summonses, or other documents shall be numbered in every year according to the order in which they are entered and the page of the minute-book (e.g., M.B. No. 21/1920.
Folio 3). The minute-book shall be demy size, ruled faint blue, and shall be paged and indexed in the Form No. 129.

Where the proceeding or matter of which minute is made relates to an action which commenced with entering a plaint under the Act, such minute shall be headed with the plaint number, and a memorandum shall be made on or attached to the plaint-note of the proceeding or matter, and showing the page of the book where minute of such proceeding or matter is entered.

Where an order is made or proceeding taken under any special Act, the said order or proceeding shall be indexed under heading of such Act.

Every minute or order entered in the minute-book shall be signed by the Magistrate or Justices before whom the proceeding is taken, or by whom the order is made.

12. *Warrant-book.*

The Clerk shall keep a book in the Form No. 3, in which he shall enter the particulars as therein provided of all warrants under civil process issued to the Bailiff of his Court, or forwarded to any foreign Court for execution, and in which he shall enter the amounts respectively received on such warrants.

13. *Search-book.*

The Clerk shall keep a book in the Form No. 5, to be called the "Search-book." Every application for a search shall be entered therein, and signed by the applicant, who may upon payment of the prescribed fee make the necessary search. The stamp denoting the fee for such search shall be affixed in the search-book and cancelled by the Clerk.

14. *Issue of Summons where more than One Defendant.*

Where a summons is issued, and there is more than one defendant, it shall be sufficient to issue one Court copy for the purpose of affidavit of service containing the names of all the defendants, except where the defendants reside in different places, in which case a Court copy for purpose of affidavit shall be sent to each place. If there is more than one defendant, the names of all the defendants shall be included in each summons.

15. *Summons to be served and returned without Delay.*

The Bailiff or other person who serves any summons shall forthwith make an affidavit showing the true place, time, and mode of service, and return the Court-copy

summons with such affidavit to the Clerk from whom he has received it; and such copy, if issued from a foreign Court, shall be forwarded without delay to such Court, to be there filed. If, on the day appointed for a sitting of the Court, any summonses issued for such sitting are unserved, the Bailiff shall report in writing (Form No. 11) to the Clerk in each case the reason of such non-service.

16. Clerk of Foreign Court may correct Mileage or Residence of Defendant.

Whenever any process is sent to the Clerk of a foreign Court to be dealt with in accordance with the provisions of the Act, on which the amount charged for mileage is incorrect, or in which the defendant's residence is incorrectly stated, the Clerk of the foreign Court to whom such process is sent may make all necessary alterations in such process, and where such process is a summons the same may be served on the defendant wherever he may be found.

17. Form of Summons.

The summons to be issued to each defendant under section 67 of the Act shall be in the Form No. 16. It shall have endorsed thereon a notice to the defendant in the Form No. 18. Where the defendant is a Native, a translation in the Form No. 16 (Maori) shall be attached. The summons to be issued under paragraph (b) of section 68 of the Act shall be in the Form No. 17. A summons issued under section 77 of the Act shall be in the said Form No. 16, and shall bear on the face of it the words "Issued by leave of the Court." The copy or copies for service of every summons shall be marked "Duplicate." On the copy of every summons to be filed in Court there shall be endorsed an affidavit of service in the Form No. 19.

18. Authority to dispense with Personal Service.

The authority to dispense with personal service provided for in section 75 of the Act shall be in the Form No. 23, or to the like effect, and the affidavit showing grounds shall be in the Form No. 22, or to the like effect. Where personal service is dispensed with, a sealed duplicate of the order for substituted service shall be served with the summons.

19. Service in Particular Cases.

The following regulations are made for service in the particular cases referred to in subsection (8) of section 75 of the Act:—

(a.) Where husband and wife are defendants to an action, personal service on the husband shall be deemed good service on the wife, except where,—

- (1.) The action affects the separate estate of the wife;
- (2.) The husband and wife have been judicially separated by decree, or have entered into a deed of separation;
- (3.) The wife has obtained a protection or other similar order under any Act for the time being in force affecting married women.

The Court, however, at any stage in the action, may order that the wife shall be separately served.

(b.) Where an infant is a defendant, personal service on his or her father or guardian, or, if none, then upon the person with whom the infant resides, or under whose care he or she is, shall, unless the Court otherwise orders, be deemed good service on the infant: Provided that the Court may order what service made or to be made upon an infant shall be deemed good service.

(c.) Where a lunatic is a defendant, service on the committee of the lunatic, if one has been appointed, or on the person with whom such defendant resides, or under whose care he or she is, shall, unless the Court otherwise orders, be deemed good service on the lunatic.

(d.) Where a defendant is living or serving on board any ship or vessel, it shall be sufficient service to deliver the duplicate summons to the person on board who apparently has at the time of such service charge of such ship or vessel.

(e.) Where a defendant is a prisoner, it shall be sufficient service to deliver the duplicate summons to the gaoler or any officer apparently in charge at the prison in which he is confined, who shall deal therewith in accordance with the prison regulations.

(f.) Where a defendant is working in a mine or other works underground, it shall be sufficient service to deliver the duplicate summons at such mine or works to the engine-man, banks-man, or any person apparently in charge of the mine or works.

(g.) Where a defendant is employed and dwells in any lunatic asylum, or in any prison, industrial school, or other similar place, it shall be sufficient service to deliver the duplicate to the keeper, or to any person apparently in charge of such place.

(h.) Unless otherwise provided by statute or charter, service may be effected on—

- (1.) Corporations, by delivering a copy of the summons to the Mayor, President, Chairman, Town Clerk, Secretary, or Treasurer of such Corporation, or any one performing the duties incidental to any of those offices.

- (2.) Incorporated companies, by delivering a copy of the summons to the president chairman, managing director, manager, or secretary of such company, or to any one performing the duties incidental to any of those offices, or to any one purporting to have charge of the business of the company at its registered office or principal place of business in New Zealand.
- (i.) Where a defendant is beyond the limits of New Zealand, if he has an attorney or agent authorized to transact his affairs generally, and to defend actions on his behalf, the summons may, by leave of the Court, be served on such attorney or agent, subject to such terms as the Court thinks fit to impose.
- (j.) In all cases not provided for by the Act or these rules, service may be effected in such manner, and subject to such conditions, as the Court directs by writing endorsed on the summons.
- (k.) In any case a solicitor duly authorized may accept service on behalf of the defendant, and the solicitor shall in any such case endorse on the Court copy of the summons a certificate that he accepts service, and shall sign and date such certificate.

20. Clerk may enlarge Time of Hearing.

Whenever a summons has not been served in time for the sitting of the Court, the Clerk may, on the application of the plaintiff, enlarge the time of hearing to some convenient day being a day appointed for the Court to sit. This he shall do by striking out the original date of hearing, inserting the new date, and placing his initials in the margin opposite the alteration, or he may issue a new summons bearing the same date as the original one.

21. Adjournment by Consent.

Where a summons has been served, the parties or their solicitors, or their agents authorized in writing, may, by signing and filing with the Clerk a consent in the Form No. 39, or to the like effect, and paying the prescribed adjournment fee, adjourn the hearing to some subsequent day, being a day appointed for the sitting of the Court, and the adjournment shall be entered up in the civil record-book, and signed by the Magistrate or Clerk. No fee shall be payable for filing the consent to adjournment with the Clerk.

22. Summons to Witness.

The summons to a witness may be in either of the Forms Nos. 40 or 41, and, if such witness is a Native, shall be accompanied by a translation in the corresponding Maori forms in Appendix A hereto. The summons shall be served personally, and it shall be sufficient if it is served a reasonable time before the time appointed for the sitting of the Court, having regard to the distance the witness will have to travel. The service may be proved on oath at the hearing, or by an affidavit in the Form No. 42, sworn in accordance with section 39 of the Act. The affidavit may include a statement that a certain sum of money as expenses was tendered or paid to the person named in the summons. Where application is made to the Court, or the Court proposes of its own motion, at the hearing of any action, to impose a penalty on any witness for disobedience, in accordance with section 82 of the Act, if such witness is present the Court may call upon him to show cause forthwith, or may appoint a convenient time for the said witness to show cause, why he should not be punished; if the witness is not present, he shall be first served with an interlocutory summons in the Form No. 110, appointing a time and place for his attendance to show cause. If at the time and place so appointed he fails to appear, or appearing does not satisfy the Court in that behalf, the Court may make an order in the Form No. 111, to be followed, if necessary, by committal in the Form No. 112. Any interlocutory summons may be signed by the Clerk.

23. Confession, Judgment by Consent, Judgment by Default, and Payment into Court.

A written confession of claim or consent to judgment by the defendant shall be in such of the Forms Nos. 26, 26M, 27, 28, and 29 as may be appropriate. Notice may be given in Form No. 24 where the confession is for the whole amount claimed, and unconditional; in other cases a duplicate of any confession may be served on the plaintiff by way of notice.

Whenever, after a summons has been served on him, a defendant attends at the office of the Clerk to confess the cause of action, and wishes to attach a condition to such confession in accordance with section 100 of the Act, the Clerk may, at his request, sign a notice to the plaintiff in Form No. 30, which may be served on the plaintiff, with a duplicate of the confession signed by the defendant attached. If the plaintiff then signs thereon his consent to the condition, and his signature is witnessed by a Magistrate, Clerk of Court, Justice of the Peace, or solicitor not engaged in the action, and the confession so signed and witnessed is returned to the Clerk by post or otherwise, then judgment may be at once entered up and signed by the Clerk of the Court without further attendance of the parties. No fee shall be payable for lodging the written confession or consent to judgment with the Clerk.

If the relief claimed by the plaintiff is payment of a liquidated demand in money, and the defendant does not file notice that he intends to defend the action within

the time limited in section 3 of the Magistrates' Courts Amendment Act, 1909, the plaintiff may upon the written application in the Form No. 133 to the Court, on the day appointed for the hearing of the action, apply to have judgment entered by default for any sum not exceeding the sum claimed in his statement of claim, and the sum to which he is entitled for costs up to the date of hearing. Upon the plaintiff appearing on the date of hearing, and lodging Form No. 133, and paying the prescribed fee for entering judgment by default, the Court shall enter up judgment, and it will not be necessary for the plaintiff to wait until the judgment is so entered. The case need not be called out in Court. No fee shall be payable for lodging Form No. 133 with the Clerk.

NOTE.—The following are instances of claims for a liquidated demand in money on which a plaintiff may proceed under the last paragraph, namely: Claims on simple contract debts, or on bills of exchange, promissory notes, cheques, or on bond or contract under seal for payment of a liquidated amount of money, or on statute where the sum sought to be recovered is a fixed sum of money, or in the nature of a debt, or on a guarantee, whether under seal or not, when the claim on the guarantee against the principal is in respect of such debt, or liquidated demand, bill, cheque, or note.

In paying money into Court the defendant shall sign in duplicate the notice hereof in such one of the Forms Nos. 31 or 32 as may be appropriate. The Clerk shall thereupon note the fact of such payment and attach the original notice to the plaint-note, and the duplicate shall be served on the plaintiff. If the plaintiff gives notice the day before the hearing of the acceptance of part of a claim so paid into Court, in the Form No. 25, the action shall cease. If the plaintiff does not accept, in satisfaction of the cause of action in respect of which the payment into Court has been made, the sum so paid in, but proceeds with the action in respect of such cause of action or any part thereof, the money shall remain in Court and be subject to the order of the Court, and shall not be paid out of Court except in pursuance of a direction of the Magistrate or Justices.

24. Production of Documents.

Notice to admit or produce documents may be according to the Forms Nos. 44 to 47, with such variations as circumstances may require. An affidavit by the party, his solicitor, or the clerk of either, of the service of any notice to admit or to produce shall in all cases be sufficient *prima facie* evidence of the service of the notice and of the time when it was served. Application may be made to the Magistrate at any convenient time in Chambers for an order under section 83 of the Act. Such order may be in the Form No. 43.

25. Discontinuance.

The memorandum or notice of discontinuance provided for in section 106 of the Act shall be in one of the Forms Nos. 37 or 38, and shall be signed by or on behalf of the party or parties to the action.

On any such notice being filed, signed on behalf of both parties to the action, a discontinuance shall be entered up and signed by the Clerk of the Court forthwith; but if such notice is signed on behalf of the plaintiff only, discontinuance shall not be entered until the day appointed for the hearing, and costs may then be awarded by the Court on the application of the defendant. If no application is made for costs on the day of hearing the defendant shall be deemed to have abandoned his claim to them.

26. Striking-out of Action, and Reinstatement; Costs thereupon.

If at the time and place of hearing, or at any continuation or adjournment of the Court or action, neither party appears, the action shall be struck out.

The action may be reinstated—

- (a.) When neither party has appeared, on the application of the plaintiff made on the same day without notice of reinstatement to the defendant, or within seven days on notice:
- (b.) When the defendant has appeared on the application of the plaintiff, within seven days with notice of reinstatement to the defendant.

When the Court orders such action to be reinstated on any subsequent day or after the defendant has appeared, the notice to the defendant may be in the Form No. 54, or in such other form as the Court orders, and such notice, unless the Court otherwise orders, shall be served five clear days at least before the day to which the hearing is adjourned.

This rule shall apply, *mutatis mutandis*, to applications for the examination of witnesses in accordance with section 87 of the Act. If any such application is struck out by the Court for examination on non-appearance of parties, the Clerk shall forward forthwith to the Court for hearing a certificate in the Form No. 52. If at the time appointed the party applying to take evidence fails to appear at the Court for examination, but the opposite party appears, then the opposite party shall be entitled to such reasonable costs as the Court may order; and the Clerk shall forward to the Court for hearing a certificate of the allowance of such costs in the Form No. 53.

27. Application for Rehearing.

An application under section 150 of the Act for a rehearing of an action or interlocutory proceeding shall be in writing, in the Form No. 59. Such application shall set out the grounds upon which the applicant relies and shall be verified by affidavit. If both parties concur therein, the Clerk shall at once fix the time for the rehearing, being the first practicable sitting of the Court, or such other time as may be agreed on by the parties; but if both parties do not concur, the Clerk shall fix a time for the hearing of the application, and notice shall be served on the opposite party, in the Form No. 60, two clear days before the time so fixed. Upon hearing the parties the Court may make such order, either dismissing the applications or granting the rehearing, and fixing the time for the same, upon such terms as may seem just and reasonable, and the order shall be entered in the minute-book.

28. Notice of Grant of a New Hearing to be given.

Where a new hearing is granted under section 96 of the Act, a notice in the Form No. 55, or to the like effect, shall be served on or sent to the plaintiff by the defendant, and, if more than one, to each plaintiff, two clear days at least before the time appointed for the new hearing, unless the Court otherwise orders.

29. Satisfaction of Judgment.

The Clerk shall enter on the plaint-note in each action, as well as in the civil record-book, the satisfaction of the judgment therein; and where the judgment debt is payable by instalments he shall attach to the plaint-note a sheet in Form No. 56, and shall enter thereon each payment as made by the judgment debtor. Where the judgment debtor in any action applies for satisfaction to be entered, but the full amount of the judgment and costs has not been paid into the Court, the Clerk shall not enter such satisfaction until a memorandum of consent, in the Form No. 123, has been filed, signed by the judgment creditor, and witnessed by any Clerk, Justice of the Peace, or solicitor.

30. Proceedings by Infants.

Where an infant desires to commence an action (other than an action under section 45 of the Act), or is a claimant in an interpleader proceeding, he shall procure the attendance of a next friend at the office of the Clerk at the time of entering the plaint, or delivering the particulars of the goods and chattels claimed. No plaint shall be entered or statement of claim received until the next friend has undertaken, according to the Form No. 76, to be responsible for costs. The action or interpleader proceeding shall proceed in the name of the infant by such next friend, and the undertaking shall be filed by the Clerk; and the Court may at the hearing admit the person so undertaking to act as next friend, or make such order in reference thereto as it may think fit.

31. Guardian ad litem.

An order for the appointment of a guardian *ad litem* to an infant defendant may be made at any convenient time by the Magistrate in Chambers, and such order shall be entered in the minute-book. No such order shall be made in the absence of the said guardian unless he shall have signed a consent in Form No. 75.

32. Joinder and Striking-out of Parties.

Applications under section 57 of the Act may be made to the Magistrate in Chambers at any convenient time, or at the hearing of an action. No person shall be added as a plaintiff without his own consent; and every person whose name is added as a defendant, if not present, shall be entitled to notice in the Form No. 62, which shall be served two clear days before the time at which the hearing is to be proceeded with, or at such longer interval as the Court or Magistrate may order.

33. Change of Parties.

When any application is made to the Court for an order substituting or adding a plaintiff or defendant, notice of such application shall be given to the opposite party, and a copy filed with the Clerk. Such notice shall be in the Form No. 63, and shall set out the facts on which the applicant relies, and shall name the time when the applicant intends to apply to the Court, and shall be served two clear days before such day of hearing of the application. On the day named in the notice, or on any subsequent day, the Court may make such order in the matter as it thinks fit, a memorandum of which shall be made on the plaint-note and in the minute-book, and all subsequent proceedings shall be carried on under the altered title.

34. Change of Venue.

When an application is made to change the venue, notice of such application shall be in Form No. 64, and shall be served on the plaintiff or defendant, as the case may be, and a copy filed with the Clerk two clear days before the day on which the application is to be made. The application may be made to the Court, or to the Magistrate

in Chambers, on any convenient day to be fixed by the Clerk. An order changing the venue shall be in the Form No. 65, and shall be entered in the minute-book, and endorsed on the plaint-note.

35. Attachment of Debts; Examination of Defendant at Hearing.

Where a plaintiff is desirous that the defendant, if judgment is given against him, shall be orally examined forthwith after the judgment has been given as to what debts are due, owing, or accruing to him, the plaintiff shall, before the action is called on, lodge with the Clerk a notice in the Form No. 66; and the Court, after judgment is given, may order the immediate examination of the defendant, and he may then be examined as to any debts due, owing, or accruing to him; and if any such sub-debtor is present in Court he may be required forthwith, if he admits the debt, to show cause why he should not be ordered to pay into Court, for the benefit of the judgment creditor, such debt, or so much thereof as will satisfy the judgment, and such order shall be entered in the minute-book, and may be enforced in manner provided by the Act.

36. Examination of Judgment Debtor and Sub-debtor.

A plaintiff who has not lodged the notice provided for in Rule 35, and who has obtained a judgment, or a defendant who has obtained a judgment against a plaintiff, may at any time thereafter apply, *ex parte*, to the Magistrate of the Court where the judgment was given, in Chambers, for an order or orders for the examination of the judgment debtor and of the sub-debtor. Such orders may be in the Forms Nos. 67 and 69, or to the like effect; and service of an attachment order (No. 69) shall be sufficient summons to the sub-debtor to attend the examination, provided that no sub-debtor shall be required to attend for examination at any Court or place more than twenty miles from the place where he resides or carries on business. A sub-debtor attending for examination shall be entitled to his expenses, according to the prescribed scale for witnesses.

37. Plaint against Sub-debtor.

The sub-debtor may give notice of payment into Court, or that he disputes the debt, in the Form No. 71.

Where an order is made that the judgment creditor may sue the sub-debtor, the judgment creditor shall commence the action in accordance with sections 65 and 66 of the Act, provided that the words "cause of action," in subsection (1) of section 66, shall mean the cause of action as between the judgment debtor and the sub-debtor. If the sub-debtor neither pays in, disputes the debt, or appears, the order may be made absolute (Form No. 70). Execution against a sub-debtor shall be in the Form No. 95.

38. Writ of Arrest.

A writ of arrest shall be in the Form No. 84, and shall be addressed to the Bailiff of the Court, or to some police constable to be named in the writ. Such Bailiff or police constable shall, on executing the same, deliver to the defendant a notice signed by the Magistrate or Justices issuing the writ in the Form No. 85. If the defendant gives bail for his attendance at the hearing, it may be by bond in the Form No. 86.

Where a writ of arrest is applied for and the defendant resides at a distance from the Court of issue, the applicant shall deposit such a sum as the Magistrate or Justices may think reasonable to cover the costs and expenses of arrest; such costs and expenses shall be costs in the action.

In default of bail being given by the defendant for his appearance at the Magistrate's Court House to answer the demand of the plaintiff, the Court may commit the defendant to prison until the hearing of the action. Such warrant of remand may be in the Form No. 131.

The consent for summary hearing may be in the Form No. 87.

39. Arbitration.

The Magistrate may at any time after the plaint is entered, with the consent of parties, in the Form No. 72, make an order of reference in the Form No. 73; and on entering up judgment thereunder the same fees shall be paid as would have been paid if judgment were entered by confession; but where any reference is ordered to the Clerk or other officer of the Court the same hearing fee shall be paid as if the action had been tried.

The costs of the arbitration shall be entered up in the judgment as the Court may direct.

40. Recovery of Tenements.

Where a plaint is entered for the recovery of possession of a tenement, either with or without a claim for rent, mesne profits, or damages, the plaint-note shall be in the Form 7A. The summons mentioned in sections 169 and 172 of the Act shall be in the Form No. 100, and that under section 170 of the Act in the Form No. 101.

41. *Deserted Premises.*

The request to be made by the landlord of deserted premises under section 171 of the Act may be made in Chambers in Form No. 103. The action shall be entered in the plaint-book, and the written request filed in lieu of the ordinary plaint-note. The warrant to view shall be in the Form No. 104, the notice to be affixed to the premises in the Form No. 105, and the final warrant for possession in the Form No. 106.

42. *Warrants of Possession and Confession in Tenement Cases.*

The warrant for giving possession of a tenement shall be such one of the forms Nos. 102 or 106 as may be applicable in each case.

The defendant in a tenement action may sign a confession in the Form No. 27, and thereupon (*mutatis mutandis*) the same proceedings shall follow as on a confession of claim in an ordinary action.

43. *Appeal on Matter of Fact.*

The appellant shall within fourteen days, or such further time as may be agreed on by the parties or fixed by the Magistrate, after the latest day in which he could have properly given notice of appeal, deliver to the Clerk the case on appeal engrossed in triplicate.

The case shall consist of copies of the statement of claim, the Magistrate's notes of evidence, his decision, and the notice of appeal. The Clerk shall procure one copy to be signed by the Magistrate, and sealed with the seal of the Court. Each of the other copies shall be made by the Clerk into a true copy of the original signed by the Magistrate, and he shall file one copy and forward the other to the respondent.

The Clerk shall transmit or deliver the case on appeal to the Registrar of the Supreme Court at the place where the appeal is to be held, and such Registrar shall, within seven days after receipt thereof, enter the same for hearing at the next practicable sitting of the Supreme Court.

44. *Security.*

In all cases where security is to be given, it may be by bond to the opposite party with one or two sureties to be approved by the Court, or by a deposit of money. The sureties to a bond shall severally make an affidavit in the Form No. 88 of their sufficiency, unless the opposite party dispenses with such affidavit. The bond shall be deposited with the Clerk. No Clerk, Bailiff, or other officer of the Court, or solicitor acting in the action, shall in any case become surety. If security is given by deposit of money, the party giving such security shall deposit with the Clerk a sum equal in amount to the sum for which he would be required to give security by bond, together with a memorandum to be approved of by such Clerk, and to be signed by such party, his solicitor or agent, setting forth the conditions on which the money is deposited, and the Clerk shall give to the party paying a written acknowledgment of such payment; and the Magistrate may, on the same evidence as would be required to enforce or avoid a security by bond, order such sum so deposited to be paid out to such party or parties as he thinks fit.

45. *Certificate of Judgment.*

Whenever the Clerk is required, for any purpose, to give a certificate of any judgment or order recorded in the civil record-book of a Magistrate's Court, or of any abolished Court, such certificate may be in the Form No. 121, and shall be signed by the said Clerk and sealed with the seal of the Court of which he is Clerk. Whenever the Clerk is required to give a certificate of any order or proceeding recorded in the minute-book of a Magistrate's Court, a true copy shall be made of the minute of such order or proceeding, and the Clerk shall append a certificate signed by him that it is a true copy, and seal the same with the seal of the Court.

Whenever the Clerk issues a certificate of any judgment or order under this rule, he shall make an entry in the civil record-book, or in the minute-book opposite the case and in the fold of the plaint-note in the action, stating the section of the Act or rule under which the certificate is issued, and sign thereto his name and the date.

46. *Issue of Warrants.*

Before the issue of any warrant, the person desiring to have the warrant issued shall lodge with the Clerk of the Court an application in the Form No. 90, or to the like effect, signed by the plaintiff, his solicitor, or some person duly authorized by him in writing in that behalf. The certificate to be signed by the Clerk under section 112 of the Act shall be in the form in the margin of the respective warrants of distress, and such of the Forms Nos. 91, 91M, 93, 94, or 95 shall be used as may be appropriate in each case. A warrant of distress under section 35 of the Act may be in the Form No. 92. In actions under section 46 of the Act, the warrant of distress shall direct levy *de bonis propriis*, or *de bonis testatoris*, or in the alternative, as the Court may order. The Clerk shall prepare and attach to every warrant issued, where any money is payable, a receipt in the Form No. 130. When any money is paid to the Bailiff on such warrant he shall sign and hand the receipt to the defendant or to the person paying such money. If the receipt has not been used by the Bailiff he shall return it to the Clerk issuing it endorsed with a short statement of what was done under the warrant (*e.g.*, "Nulla bona"; "Defendant left the district" or "Cannot be found"; "Withdrawn at request of plaintiff"), and signed by him, and the date. The Clerk shall attach the receipt-form to the butt in the receipt-book.

47. Bailiff to furnish Statements of Property seized.

The Bailiff shall deliver to the Clerk immediately after seizure thereof a written statement of all cheques, bills of exchange, promissory notes, bonds, or other securities for money which have been seized or taken by him on a warrant of distress. He shall also when returning a warrant after execution deliver therewith a full statement in writing, signed by himself, of all goods and chattels seized and taken by him under the said warrant in the Form No. 132, and, if the said goods and chattels have been sold, setting forth opposite each article the price realized at the sale thereof, together with a general balance-sheet in respect to the proceeds of and expenses on such warrant, in the Form No. 122. Where after diligent search the Bailiff is unable to find any goods on which to levy, he shall endorse on the warrant his return of *nulla bona* in the Form No. 97, and sign the same.

48. 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.

49. 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.

50. 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.

51. 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.

52. Interpleader Claims.

The writing to be delivered to the Bailiff under section 125 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.

53. 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.

54. 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.

55. 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.

56. 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.

Where the Act requires particulars, summonses, or other processes to be translated into Maori before service or execution, the plaintiff may employ an authorized interpreter to translate the same, who shall certify to the correctness of such translation, and the cost of such translation shall be added to the costs at the foot of the summons or warrant, as the case may be, and be recoverable as costs. For either interpreting in Court or translating documents the interpreter may be allowed fees not exceeding the fees authorized to be paid to Maori interpreters by the scale in Appendix C hereto. All such fees may, if the Court so orders, be costs in the action; provided that where the Clerk is competent he may translate documents or interpret in Court without charge.

57. Appraisers.

Where any person is appointed by a Magistrate to act as appraiser under either section 122 or section 127 of the Act, the appointment shall be in writing, and shall fix the remuneration to be paid to such person for such appraisal, the amount of which shall be costs in the action if the Court so orders.

58. Trust Money Accounts.

The account of moneys paid into or out of Court, which is to be kept by the Clerk under section 13 of the Act, shall be kept in the manner prescribed by the Treasury Regulations for the time being in force, and the law trust cash-book of the Clerk shall be in the form prescribed by the said regulations.

59. Non-compliance with Rules.

Non-compliance with any of these rules shall not render any proceedings void, but such proceedings may be amended or otherwise dealt with, in such manner and upon such terms as the Court thinks fit, under section 93 of the Act.

60. Rules for Conduct of Business.

Every Magistrate shall from time to time make such rules as he thinks proper for regulating the conduct of business in the Court over which he presides, and in the office of such Court, provided that such rules shall not be repugnant or contrary to the Act or these rules

61. Order and Conduct of Hearing.

The Court shall decide at the hearing of each action which party shall have the right to begin or to reply, and as to the order and number of addresses by counsel; but unless the Court otherwise directs at the hearing, and in default of any general rule for the purpose being made by the Magistrate, the following shall be the order of proceeding when both parties appear: The defendant shall be asked by the Clerk if the case is defended. If undefended, judgment shall be entered up by consent, subject to such terms as may be imposed by the Court under section 92. If defended, the plaintiff (or his counsel) shall state his case, and adduce evidence in support of it. The defendant (or his counsel) shall then state his case and adduce evidence, and also sum up the evidence; after which the plaintiff may reply on the whole case. If the defendant does not at the close of the plaintiff's case state his intention to adduce evidence the plaintiff shall sum up his evidence, and the defendant shall reply generally. Where a case not merely answering the case of the plaintiff is set up by the defendant and evidence is adduced in support thereof, the plaintiff may adduce rebutting evidence, and shall postpone his general reply until he has called such rebutting evidence and the defendant has replied on his new evidence.

62. Cases not provided for.

If any case arises for which no form of procedure has been provided by the Act or these rules, the Court shall dispose of such case as nearly as may be in accordance with the provisions of the Act or the rules affecting any similar case, and if there is no such provision, then in such manner as the Court deems best calculated to promote the ends of justice.

63. Where no Forms in Appendix.

All proceedings and documents shall be in form similar to forms in Appendix A and Appendix B hereto, where the same are applicable; and in cases where no forms are provided, parties shall frame the proceedings or documents, using as guides those contained in Appendix A or Appendix B.

64. Allowances to Witnesses and Solicitors' Fees.

The expenses to be allowed to witnesses in accordance with section 81 of the Act, and the fees to which solicitors are entitled by virtue of section 162 of the Act, shall be in accordance with the scales of witnesses' expenses and of solicitors' fees respectively in Appendix C hereto.

65. Fees of Court.

The fees to be taken in respect of proceedings under the Act shall be those in Appendix D hereto, and the Clerk shall require all fees to be prepaid (as directed by section 166 of the Act) in stamps only, and shall affix and cancel the stamps in accordance with the regulations for the time being in force under the Stamp Duties Act, 1908, as to the payment of fees in stamps and the cancellation of the same.

APPENDIX A.

No. 1.

PLAINT-BOOK.

MAGISTRATE'S COURT AT

Sec. 65; Rule 4.

Date of Entry of Plaint.	No. of Plaint.	Plaintiff.	Residence.	Occupation.	Defendant.	Residence.	Occupation.	Cause of Action.	Amount sued for.	Date of Hearing.	Initials of Bailiff.	Date of Receipt by Bailiff.	Name of Foreign Court to which Sum- mons sent.	Date on which sent.	Date of Return from Foreign Court.
									£ s. d.						

No. 2.

CIVIL RECORD-BOOK.

RECORD OF PROCEEDINGS IN CIVIL CASES IN THE MAGISTRATE'S COURT AT

Rule 10.

Date.	No. of Plaint.	Plaintiff.	Defendant.	Amount of Claim.	Judgment.				
					For Whom.	Amount.	Court Costs.	Witnesses' Expenses.	Solicitors' Fees.
191 .				£ s. d.		£ s. p.			

Stipendiary Magistrate.

No. 3.

WARRANT-BOOK.

RECORD OF WARRANTS ISSUED OUT OF THE MAGISTRATE'S COURT AT

Rules 9 and 12.

No. of Plaint.	Date of Issue.	Plaintiff.	Defendant.	Nature of Warrant.	Amount.	Initials of Bailiff, and Date.	Name of Foreign Court to which War- rant sent.	Date issued for.	Result.	Date of Return.	Amount received.
					£ s. d.						£ s. p.

17

No. 4.

FOREIGN PROCESS RECEIPT-BOOK.

RECORD OF DOCUMENTS RECEIVED FROM OTHER COURTS BY THE CLERK OF THE MAGISTRATE'S COURT AT Rule 9.

Received from	Date of Receipt	Plaintiff.	Defendant.	Nature of Document.	Amount.	Date issued for.	Initials of Bailiff and Date of Receipt.	Date of Receipt from Bailiff.	How dealt with.	Date of Return to Foreign Court.
					£ s. d.					

No. 5.

SEARCH-BOOK, MAGISTRATE'S COURT AT

Rule 13.

Plaint No. I HEREBY apply for a search [or for a general search] in the case of

(One-shilling stamp, or three-shilling stamp.)

Signature of Applicant: _____

Searched: _____

Initials of Clerk. _____

No. 6.

GENERAL FORM FOR HEADING OF PRINTED FORMS.

New Zealand. }
 "The Magistrates' Courts Act, 1908." } [Title of Form.] Plaintiff No.
 Sec. , Rule . }

In the Magistrate's Court, held at , plaintiff,
 Between , defendant.
 and

No. 7.

New Zealand. }
 "The Magistrates' Courts Act, 1908." } PLAINT-NOTE. Plaintiff No. Sec. 65; Rule 5.
 In the Magistrate's Court, held at , plaintiff,
 Between , defendant.
 and

THE plaintiff claims to recover from the defendant the sum of , and requests that a summons may be issued forthwith.

Dated at , this day of , 19 Plaintiff.

Amount of Stamps affixed.	Nature of Fee.	Date of Issue.

NOTE.—For indorsement see Form 8.

18

No. 7A.

Secs. 65, 169, 170, and 172; Rules 5, 40. New Zealand. "The Magistrates' Courts Act, 1908." In the Magistrate's Court, held at . . . Between . . . and . . . , plaintiff, . . . , defendant. The plaintiff claims to recover from the defendant possession of a certain tenement situate at [Here describe the tenement], and the plaintiff also claims to recover the sum of . . . pounds shillings and . . . pence for rent [or mesne profits or damages], and requests that a summons may be issued forthwith. Dated at . . . , this . . . day of . . . , 19 . . . Plaintiff.

PLAINT NOTE.

Plaint No. . .

Amount of Stamps affixed.	Nature of Fee.	Date of Issue.

NOTE.—For indorsement see Form 8.

No. 7B.

Secs. 65 and 23 (e); Rule 5. New Zealand. "The Magistrate's Courts Act, 1908." In the Magistrate's Court, held at . . . Between . . . and . . . , plaintiff, . . . , defendant. THE plaintiff claims to recover from the defendant possession of a certain chattel, namely, one [or certain chattels described in the statement attached], value . . . pounds shillings and . . . pence, and the plaintiff also claims to recover the sum of . . . pounds shillings and . . . pence for damages, and requests that a summons may be issued forthwith. Dated at . . . , this . . . day of . . . , 19 . . . Plaintiff.

PLAINT-NOTE.

Plaint No. . .

Amount of Stamps affixed.	Nature of Fee.	Date of Issue.

NOTE.—For indorsement see Form 8.

No. 8.

[Indorsement to be printed on back of Plaintiff-note, Forms 7, 7a, and 7b.]

Plaint No. . . 19 . . . { Plaintiff. In the Magistrate's Court at . . . £ Date of hearing : . . . Defendant. Adjournments (if any) : . . . 19 . . .

PARTICULARS OF JUDGMENT.

NOTES.

Judgment for plaintiff [defendant]				
For .. .. .	..	..	..	£ : :
Costs .. .. .	..	..	..	: : :
Witnesses' expenses .. .. .	..	..	..	: : :
Solicitor's fee .. .. .	..	..	..	: : :
				£ : :

Name of Magistrate hearing case : . . . , Stipendiary Magistrate. Mr. . . . for plaintiff. Mr. . . . for defendant.

19

No. 9.

New Zealand.
 "The Magistrates' Courts Act, 1908." } LETTER TO BE SENT WITH SUMMONS TO FOREIGN COURT. Sec. 78 ; Rule 9.
 In the Magistrate's Court, held at Plaintiff No.
 Between , plaintiff,
 and , defendant.
 To the Clerk of the Magistrate's Court at
 I HEREBY request that you will cause the accompanying summons [or summonses] [or subpoenas to witnesses] to be served forthwith, and that you will return the original [or originals] of the same to me properly indorsed showing the fact and mode of service. The defendant [or person to be served] is said to reside at [Here insert full address as given by party].
 Dated at , this day of , 19
 Clerk of the Court.

No. 10.

New Zealand.
 "The Magistrates' Courts Act, 1908." } LETTER TO BE SENT WITH WARRANT TO FOREIGN COURT. Rule 9.
 In the Magistrate's Court, held at Plaintiff No.
 Between , plaintiff,
 and , defendant.
 To the Clerk of the Magistrate's Court at
 I HEREBY request that you will hand the accompanying warrant to the Bailiff of your Court for execution, and that you will notify me in due course of the result.
 The solicitors for the , Mr. , of , have undertaken to satisfy your Bailiff's claim for fees on demand.
 Dated at , this day of , 19
 Clerk of the Court.

No. 11.

New Zealand.
 "The Magistrates' Courts Act, 1908." } BAILIFF'S NOTICE OF NON-SERVICE OF SUMMONS. Sec. 78 ; Rule 15.
 In the Magistrate's Court, held at Plaintiff No.
 Between , plaintiff,
 and , defendant.
 THE summons in this action has not been served for the following reason :—
 Dated at , this day of , 19
 To the Clerk of the Magistrate's Court at Bailiff.

No. 12.

New Zealand.
 "The Magistrates' Courts Act, 1908." } GENERAL FORM OF AFFIDAVIT. Sec. 39.
 In the Magistrate's Court, held at Plaintiff No.
 Between , plaintiff,
 and , defendant.
 I, , of , [Calling or profession], make oath and say as follows : [Proceed in numbered paragraphs].
 Sworn at , this day of , 19 , before me—
 Justice of the Peace [or Clerk of Court, or Solicitor].

No. 13.

New Zealand.
 "The Magistrates' Courts Act, 1908." } GENERAL FORM OF AFFIRMATION. Sec. 39 ; Rule 1.
 In the Magistrate's Court, held at Plaintiff No.
 Between , plaintiff,
 and , defendant.
 I, , of , [Profession or calling], do solemnly and sincerely affirm [Proceed in numbered paragraphs].
 Affirmed at , this day of , 19 , before me—
 Justice of the Peace [or Clerk of Court, or Solicitor].

20

No. 14.

Sec. 66. New Zealand. }
 "The Magistrates' Courts } CONSENT OF DEFENDANT FOR ISSUE OF SUMMONS IN
 Act, 1908." } PARTICULAR COURT. Plaintiff No. ...
 In the Magistrate's Court, held at
 Between , plaintiff.
 and , defendant.
 I, , residing at , the defendant in this action, hereby consent that the Clerk at
 shall issue the summons herein returnable for hearing at that place on the day of , 19
 Dated at , this day of , 19 Defendant [or Solicitor for defendant].

No. 15.

Secs. 23 and 24. New Zealand. }
 "The Magistrates' Courts } AGREEMENT TO GIVE JURISDICTION TO COURT. Plaintiff No. ...
 Act, 1908." }
 In the Magistrate's Court, held at
 Between , plaintiff,
 and , defendant.
 UNDER the provisions of section 23 [or 24] of "The Magistrates' Courts Act, 1908," we hereby agree
 that the Magistrate's Court held at shall have power to try an action to be brought by the
 plaintiff against the defendant for the sum of* pounds shillings and pence
 for [debt or damages].
 Dated at , this day of , 19 Plaintiff [or Solicitor for plaintiff].
 Defendant [or Solicitor for defendant].
 Witness to signatures :
 * NOTE.—The amount must not exceed £200 if the Court has the ordinary jurisdiction, or £500 if the
 extended jurisdiction.

No. 16.

Sec. 67; Rule 17. New Zealand. }
 "The Magistrates' Courts } SUMMONS TO DEFENDANT. Plaintiff No. ...
 Act, 1908." } (Court Copy.)
 In the Magistrate's Court, held at
 Between , plaintiff,
 and , defendant.
 You are hereby summoned to attend at the Magistrate's Court to be held at on day,
 the day of , 19 , at the hour of o'clock in the forenoon, to answer the
 demand of the plaintiff for the sum of pounds shillings and pence, particulars
 whereof are hereunto annexed.
 Herein fail not, or the case will be heard and determined in your absence.
 Debt or claim £ : :
 Cost of summons : :
 Extra mileage : :
 Subpoenas : :
 Solicitor's fee for entering plaint : : Given under my hand and the seal of the
 Court at aforesaid, this
 day of , 19 Clerk of Court.
 Total £ : :
 To the Defendant.
 Hours of attendance at the office of the Clerk on , from till , except
 on ; when the office will be closed at . [See notice indorsed.]
 NOTE.—Your attention is directed to paragraph No. 4 of instructions indorsed on the back hereof.
 [Indorsements Nos. 18 and 19.]

No. 16 (Maori).

Secs. 4, 67; Rule 17. New Zealand. }
 "The Magistrates' Courts } HAMENE KI TE KAI-KARO.
 Act, 1908." }
 I roto i te Kooti a te Kai-whakawa Tuturu ka noho ki
 I waenganui i a , kai-tono,
 raua ko , kai-karo.
 He Hamene atu tenei ki a koe kia haere mai koe ki te Kooti a te Kai-whakawa Tuturu ka noho ki
 a te te o nga ra o , 19 , a te o nga haora i te ki te whaka-
 hoki kupu mo te tono a mo nga moni pauna hereni pene, kua oti nei
 te tapiri ki tenei nga ritenga o aua moni.
 Kua koe e turi, ki te pera koe ka whakawakia ka whakataua tenei take i a koe e ngaro ana.
 He mea tuku atu i raro i toku ringa me te hijiri o te Kooti i taua i tenei o nga ra
 o . 19

21

Nga moni £ : :
 Utu o te hamene : :
 Utu maero : :
 Hamene tuara : :
 Utu ki te roia : :

Huihui katoa £ : :

Karaka o te Kooti.

Ki te Kai-karo.

Ko nga haora e puare ana te tari o te Karaka o te Kooti.
 Ka timata i te o nga haora o te ata tae noa ki te o nga haora o te awatea. Engari
 i nga ka katia te tari i te o nga haora o te awatea.
 Tirohia te panuitanga kei tua.

No. 17.

New Zealand.
 "The Magistrates' Courts
 Act, 1908."

SHORT-SERVICE SUMMONS TO DEFENDANT.

Plaint No. .

Sec. 68 ; Rule 17.

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

To , of , [and calling].

WHEREAS the undersigned Stipendiary Magistrate [or Clerk of the Court] issuing this summons is satisfied that you are about to remove to more than fifty miles distance from the Magistrate's Court-house at :

You are hereby summoned to attend at the Magistrate's Court to be held at on day, the day of , 19 , at the hour of o'clock in the noon, to answer the demand of [Christian and surname in full, and calling] for the sum of pounds shillings and pence, particulars whereof are hereunto annexed.

Herein fail not, or the case will be heard and determined in your absence.

Permission is hereby given to serve this summons at any time before the holding of the above-named Court as aforesaid.

Debt or claim	£	:	:	
Cost of summons		:	:	
Extra mileage		:	:	
Affidavit		:	:	
Subpoenas		:	:	
Solicitor's fee for entering plaint		:	:	
				Given under my hand and the seal of the Court,
				at , aforesaid, this day of
				, 19
Total	£	:	:	Stipendiary Magistrate [or Clerk of the Court].

Hours of attendance at the office of the Clerk on , from till , except on , when the office will be closed at

[Indorsement No. 19.]

No. 18.

NOTICE.

[To be indorsed on the summons and the duplicate summons, Form 16.]

To the Defendant.

1. If you pay to the Clerk of the Court the debt and costs as stated in the summons, and give notice to the plaintiff or his solicitor forty-eight hours at least before the time appointed for the hearing, the action will be stayed; but you may pay the same at any time before the hearing, subject to the payment of further costs.

2. If you wish to confess the plaintiff's claim or any part of it, you should sign and deliver your confession to the Clerk and serve a copy on the plaintiff before twelve o'clock noon of the day preceding the day of hearing. A confession must be signed in the presence of a Stipendiary Magistrate, a Clerk of Court, a Justice of the Peace, or a solicitor of the Supreme Court.

3. You and the plaintiff may agree as to the amount due and mode of payment, and may at any time before the hearing sign a statement of such agreement in the presence of a Stipendiary Magistrate, a Clerk of Court, a Justice of the Peace, or a solicitor of the Supreme Court. On such statement being filed with the Clerk he will enter up judgment accordingly.

4. If you desire to defend this action you must, within five clear days after the service of the summons upon you, file in the Court a notice, signed by you or on your behalf, stating that you intend to defend the action. Form of "Notice to defend" can be obtained at any Magistrate's Court. No fee is payable for filing the notice.

5. If you rely on a set-off or counterclaim by way of defence, you must file a copy with the Clerk of the Court and serve a copy on the plaintiff or his solicitor two clear days before the time appointed for the hearing.

6. No plea of infancy, coverture, Statute of Limitations, or discharge in bankruptcy will be allowed unless notice thereof has been filed in the Court five clear days after the service of the summons upon you.

7. This summons was sued out by , of Street, solicitor for the plaintiff.

8. Summonses for witnesses and for the production of documents will be issued on application at the office of the Clerk.

No. 18 (Maori).

[*Me tuhi ki tua o te hamene a ki tua hoki o te kape o te hamene, Ahua 16.*]

Ki te Kai-karo.

1. MEHEMEA ka utua e koe ki te Karaka o te Kooti te nama "me nga utu mo te Kooti e whakaaturia nei i roto i te hamene, a ka whakaatu i to peratanga ki te kai-ono ki toa roia ranei, engari kaua e iti iho i te wha tekau ma waru haora i mua o te wa i whakaritea mo te whakawakanga, hei reira ka whakamutua tenei keehi; otira ka ahei noa atu koe ki te utu i aua moni i mua o te whakawakanga, engari ka utu hoki i etahi atu moni ma te Kooti.
2. Mehemea e hiahia koe ki te whakaase i te tono a te kai-ono i tetahi wahi ranei o taua tono, me haina e koe to whakaetanga ka hoatu ai ki te Karaka a me tuku atu hoki tetahi kape ki te kai-ono i mua o te tekau ma rua o nga haora i te awatea o te ra o mua atu o te ra o te whakawakanga. Ko te whakaetanga me haina ki te aroaro o te Kai-whakawa Tuturu, o te Karaka o te Kooti, o tetahi Kai-whakawa Tei Pi, o tetahi Roia ranei o te Hupirimi Kooti.
3. Ka ahei korua ko te kai-ono ki te whakariterite i te moni hei utu mau a i te huarahi hoki e utua ai, a i ta korua wa i pai ai i mua o te whakawakanga, ka ahei noa atu korua ki te haina i o korua ingoa ki tetahi pukapuka whakaatu i te tikanga o ta korua whakariteritenga i te aroaro o te Kai-whakawa Tuturu, o te Karaka o te Kooti, o tetahi Kai-whakawa Tei Pi, o tetahi Roia ranei o te Hupirimi Kooti.
4. Mehemea ka hiahia koe ki te karo i tenei whakawa, hei reira, i roto i nga ra e rima o muri tonu iho o te hoatutanga o te hamene ki a koe, me whakatakoto e koe ki te Kooti tetahi pukapuka, he mea haina nau ma tetahi tangata ranei mo te taha ki a koe, hei whakaatu ka tu koe ki te karo i taua whakawa. Ko te ahua o te pukapuka "Whakaatu ka karohia" ka taea te tiki atu i nga Kooti katoa o nga Kai-whakawa Tuturu. Kaore kau he utu mo te whakatakotoranga i taua pukapuka whakaatu.
5. Mehemea e whakamauru ana koe ki tetahi take, kereeme tawari ranei, hei karo i a koe, me takoto i a koe tetahi kape o taua mea ki te Karaka o te Kooti a me hoatu hoki he kape o taua mea ki te kai-ono ki toa roia ranei kia rua nga tino ra i mua o te wa i whakaritea mo te whakawa.
6. Kaore te tamarikitanga, te marenatanga ranei, te Ture Arai Nama ranei, te putanga ranei i te peeke-raputanga, o whakaetia hei take karo ki te kore e takoto tetahi pukapuka whakaatu i taua take ki te Kooti i roto i nga tino ra e rima i muri tonu i te hoatutanga o te hamene ki a koe.
7. Ko tenei hamene i tonoa kia whakaputaina e , o Tiriti, roia mo te kai-ono.
8. Ko nga hamene mo nga kai-korero mo nga pukapuka ranei kia whakaaturia ka whakaputaina ina tonoa ki te Karaka o te Kooti.

No. 19.

AFFIDAVIT OF SERVICE OF SUMMONS.

Sees. 39 (1) and 75, s.s. 5 (d); Rule 17.

I, [Name, residence, and occupation], do swear that I served the within-named with a summons, a true copy of which is within written, marked "A," together with a copy of the statement of claim hereunto annexed, marked "B," by delivering the same to him personally [If summons served otherwise than personally, state precisely mode of service] at , on , the day of , 19 .

Signature of Deponent.

Sworn at , this day of , 19 , before me—
 Stipendiary Magistrate
 [or Justice of the Peace for New Zealand,
 or Clerk of the Court, or Solicitor of
 Supreme Court].

No. 20.

GENERAL FORM FOR AFFIDAVIT OF SERVICE OF DOCUMENT.

Sees. 39 (1) and 75, s.s. 5 (d).

I, of [Profession or calling], do swear that I duly served with a , a true copy of which is attached hereto, marked "A" [or indorsed hereon], by delivering the same to him personally [or by leaving the same at his usual place of abode with some inmate thereof appearing to be above the age of fourteen years] [or by leaving the same at the office of , solicitor for the said] at , on , the day of , 19 .

Sworn at , this day of , 19 , before me—
 Justice of the Peace
 [or Clerk of the Court, or Solicitor
 not engaged in action].

No. 21.

Memorandum to be printed at Foot of every Summons, Warrant, or other Process of the Court.

Hours of attendance at the office of the Clerk on , from till , except on , when the office will be closed at .

[NOTE.—This memorandum to be placed on the following forms: 16, 17, 30, 34, 54, 55, 62, 80, 81, 91, 92, 93, 94, 95, 96, 98, 100, 101, 102, 105, 106, 110, 111, 113, 116, 117.]

23

No. 22.

New Zealand. }
 "The Magistrates' Courts } AFFIDAVIT IN SUPPORT OF APPLICATION FOR SUBSTITUTED
 Act, 1908." } SERVICE Plaintiff No. . Secs. 39 (1) and 75;
 Rule 18.
 In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

I, , of , [Calling], make oath and say I have made reasonable efforts to serve the summons issued against , the defendant, at the suit of , in that I have [State the facts, showing that the deponent has made inquiry at the defendant's place of abode more than once; that he could not be found; that there is just cause to believe he has absconded, or is keeping out of the way. Then state the deponent's means of knowledge of the facts deposed to].
 Sworn at , this day of , 19 , before me—
 Stipendiary Magistrate
 [or Justice of the Peace, or Clerk of the Court, or Solicitor not engaged in the action].

No. 23.

New Zealand. }
 "The Magistrates' Courts } ORDER FOR SUBSTITUTED SERVICE. Plaintiff No. . Sec. 75; Rule 18.
 Act, 1908." }
 In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

UPON reading an affidavit of , of , sworn the day of , 19 , it is ordered that service on the above-named defendant [A. B.] of the summons in this action may be effected by leaving the duplicate thereof, together with the statement of claim and a duplicate of this order, at the defendant's usual place of abode with some inmate thereof appearing to be above the age of fourteen years, provided that such service shall be effected at least fourteen days before the day appointed for the hearing.
 Given under my hand and the seal of the Court, at , this day of , 19 .
 Stipendiary Magistrate
 [or Justice of the Peace, or Clerk of the Court].

No. 24.

New Zealand. }
 "The Magistrates' Courts } NOTICE OF CONFESSION OF JUDGMENT (WHOLE AMOUNT). Plaintiff No. . Sec. 100; Rule 23.
 Act, 1908." }
 In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

TAKE notice that the defendant has confessed judgment for the amount sued for in this action, together with your costs herein.
 Defendant [or Solicitor for defendant].
 Dated at , this day of 19 .
 To the Plaintiff.

No. 25.

New Zealand. }
 "The Magistrates' Courts } NOTICE OF ACCEPTANCE OF MONEYS PAID IN. Plaintiff No. . Sec. 105; Rule 23.
 Act, 1908." }
 In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

TAKE notice that I accept the amount paid into Court as full satisfaction of my claim.
 Plaintiff [or Solicitor for plaintiff].
 Dated at , this day of , 19 .
 To the Defendant, and to the Clerk of the Court.

24

No. 26.

New Zealand. }
 Sec. 100; Rule 23. "The Magistrates' Courts }
 Act, 1908." } CONFESSIO*N* OF CLAIM. Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

I, THE defendant, do hereby confess that the sum of £ , the amount claimed [or the sum of £ , being part of the amount claimed (as set out in the statement hereto attached)], is due to the plaintiff from me, and I will pay the same in the manner following, that is to say:—
 Dated at , this day of , 19 . Defendant [or Solicitor for the defendant].

Signed in the presence of—
 Stipendiary Magistrate
 [or Clerk of Court, or Solicitor, or Justice of the Peace].

I, THE plaintiff, do hereby consent to the above condition, and apply for judgment to be entered accordingly.
 Plaintiff [or Solicitor for the plaintiff].

Signed in the presence of—
 Stipendiary Magistrate
 [or Clerk of Court, or Solicitor, or Justice of the Peace].

No. 26 (Maori).

New Zealand. }
 Sec. 100; Rule 23. "The Magistrates' Courts }
 Act, 1908." } WHAKAAETANGA I TE TONO. Tono Nama .

I roto i te Kooti o te Kai-whakawa Tuturu i tu ki .
 I waenganui i a , Kai-ono,
 raua ko , Kai-karo.

Ko ahau, ko te Kai-karo, tenei kua whakaae ko te moni £ , te moni e tonoa ana [ranei, te moni £ , ara tetahi wahi o te moni e tonoa ana (kua ata tuhituhia nei ki te pukapuka kua apitiria nei ki tenei)], e tika ana kia utua e ahau ki te Kai-ono, a ka utua e ahau i runga i nga tikanga e whai ake nei, ara:—
 I tuhia ki , i tenei te o nga ra o , 19 .
 Te Kai-karo [ranei Roia mo te Kai-karo].

I hainatia ki te aroarō o—
 Kai-whakawa Tuturu,
 [ranei, Karaka o te Kooti, Roia, Kai-whakawa Tei Pi].

Ko ahau, ko te Kai-ono, tenei kua whakaae ki te tikanga i runga nei, a me te tonō atu hoki kia tuhia peratia te whakataunga.
 Kai-ono [ranei, Roia mo te Kai-ono].

I hainatia ki te aroarō o—
 Kai-whakawa Tuturu
 [ranei, Karaka o te Kooti, Roia, Kai-whakawa Tei Pi].

No. 27.

New Zealand. }
 Secs. 100, 103; }
 Rules 23, 42. "The Magistrates' Courts }
 Act, 1908." } CONFESSIO*N* IN PROCEEDING FOR RECOVERY OF TENEMENT. Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

I, THE above-named defendant, hereby confess and admit the plaintiff's right to immediate possession of the tenement mentioned in the statement attached to the plaint-note, and I will give up possession of the same on or before the day of , 19 .
 I further confess that the sum of £ , the amount claimed [or the sum of £ , being part of the amount claimed (as set forth in the particulars hereto attached)], is due to him from me for rent [mesne profits or damages], and I will pay the same in the manner following, that is so say: [or I have paid into Court £ by way of damages, or in satisfaction of plaintiff's claim for rent].
 Dated at , this day of , 19 . Defendant [or Solicitor for the defendant].

Signed in the presence of—
 Stipendiary Magistrate
 [or Clerk of Court, or Solicitor, or Justice of the Peace].

I, THE plaintiff, do hereby consent to the above terms and conditions, and apply for judgment to be entered accordingly.
 Plaintiff [or Solicitor for the plaintiff].

Signed in the presence of—
 Stipendiary Magistrate
 [or Clerk of Court, or Solicitor, or Justice of the Peace].

25

No. 28.

New Zealand. }
 "The Magistrates' Courts } NOTICE OF OFFER TO DELIVER CHATTEL PROPERTY. Secs. 100, 103, and
 Act, 1908." } Plaintiff No. 104; Rule 23.
 In the Magistrate's Court, held at .

Between , plaintiff,
 and , defendant.
 I, THE above-named defendant, hereby acknowledge the plaintiff's right to possession of, and offer to deliver to the plaintiff, the chattels claimed by him, viz. [or as enumerated in the following statement]:—

I have paid into Court the sum of £ as compensation for the detention thereof, and £ for plaintiff's costs [or I hereby confess judgment for the sum of £ as compensation for the detention thereof, and I will pay the same on the day of , 19 (or by instalments of)].

Dated at , this day of , 19 Defendant [or Solicitor for the defendant].

Signed in the presence of—
 Stipendiary Magistrate
 [or Clerk of Court, or Solicitor, or Justice of the Peace].

I, THE plaintiff, do hereby consent to the above terms and conditions, and apply for judgment to be entered accordingly.

Plaintiff [or Solicitor for the plaintiff].

Signed in the presence of—
 Stipendiary Magistrate
 [or Clerk of Court, or Solicitor, or Justice of the Peace].

No. 29.

New Zealand. }
 "The Magistrates' Courts } CONSENT TO JUDGMENT. Sec. 101; Rule 23.
 Act, 1908." } Plaintiff No. .
 In the Magistrate's Court, held at .

Between , plaintiff,
 and , defendant.
 WE, the plaintiff and defendant, do hereby agree that the amount of the debt or demand due from the defendant to the plaintiff is pounds shillings and pence, and that the same, with the sum of pounds shillings and pence for costs, shall be paid to the Clerk of the Court, at his office, in the manner following, viz. :—

Dated at , this day of , 19

Signed by the above-named plaintiff [or plaintiff's solicitor]

in the presence of

Signed by the above-named defendant [or defendant's solicitor]

in the presence of

[To be witnessed by any Magistrate, Clerk of the Court, Justice, or solicitor not engaged in the action.]

No. 30.

New Zealand. }
 "The Magistrates' Courts } NOTICE OF CONFESSION (WITH CONDITION ATTACHED). Sec. 100; Rule 23.
 Act, 1908." } Plaintiff No. .
 In the Magistrate's Court, held at .

Between , plaintiff,
 and , defendant.
 TAKE notice that the defendant has this day lodged with me his written confession of the cause of action herein, a copy of which is attached hereto. If you consent to the annexed condition, and sign the confession before a Justice of the Peace, or a solicitor not engaged in the action, and return the same to me by post or otherwise, judgment will be entered forthwith without your attendance.

Dated at , this day of , 19 Clerk of Court.

To the Plaintiff.

Hours of attendance at the office of the Clerk on , from till , except on , when the office will be closed at .

No. 31.

New Zealand. }
 "The Magistrates' Courts } NOTICE OF PAYMENT INTO COURT OF WHOLE CLAIM. Secs. 103 and 104;
 Act, 1908." } Plaintiff No. Rule 23.
 In the Magistrate's Court, held at .

Between , plaintiff,
 and , defendant.

TAKE notice that the defendant has paid into Court the sum of pounds shillings and pence, being the full amount of your demand in this action, together with your costs herein, amounting to pounds shillings and pence.

Dated at , this day of , 19

To the Plaintiff, and to the Clerk of the Court.

26

No. 32.

Secs. 103 and 104 ;
Rule 23. } New Zealand.
"The Magistrates' Courts
Act, 1908." } NOTICE OF PAYMENT INTO COURT OF PART OF CLAIM. Plaintiff No. .

In the Magistrate's Court, held at .

Between . , plaintiff,
and . , defendant.

TAKE notice that the above-named defendant [or . , one of the defendants] has paid into Court the sum of £ . in satisfaction of so much of the plaintiff's claim as relates to [Insert particulars].

Dated at . , this . day of . , 19 . Defendant [or Solicitor for the defendant].

To the Plaintiff, and to the Clerk of the Court.

No. 33.

Sec. 6. } New Zealand.
"The Magistrates' Courts
Act, 1908." } MEMORANDUM APPOINTING COURT-DAY.

I HEREBY appoint . , the . day of . , 19 . , to be a day on which the Magistrate's Court shall sit at .

Dated at . , this . day of . , 19 . Stipendiary Magistrate.

To the Clerk of the Magistrate's Court at .

No. 34.

Sec. 69. } New Zealand.
"The Magistrates' Courts
Act, 1908." } NOTICE OF DAY FIXED FOR HEARING (UNDER SECTION 69,
OR OTHERWISE) Plaintiff No. .

In the Magistrate's Court held at .

Between . , plaintiff,
and . , defendant.

TAKE notice that the above action is set down for hearing at the Magistrate's Court to be held at .

on . , the . day of . , 19 .

Dated at . , this . day of . , 19 .

Clerk of the Court.

To the Plaintiff [or the Defendant].

Hours of attendance at the office of the Clerk on . , from . till . , except on . , when the office will be closed at .

No. 35.

Sec. 70. } New Zealand.
"The Magistrates' Courts
Act, 1908." } NOTICE OF SET-OFF OR COUNTERCLAIM. Plaintiff No. .

In the Magistrate's Court, held at .

Between . , plaintiff,
and . , defendant.

TAKE notice that the defendant intends, at the hearing of this action, to claim a set-off or set up a counterclaim, particulars whereof are attached hereto.

Dated at . , this . day of . , 19 .

To the Plaintiff, and the Clerk of the Court. Defendant [or Solicitor for the defendant].

No. 36.

Sec. 5, Amdt. Act,
1909; Rule 8. } New Zealand.
"The Magistrates' Courts
Amendment Act, 1909." } NOTICE OF SPECIAL DEFENCE. Plaintiff No. .

In the Magistrate's Court, held at .

Between . , plaintiff,
and . , defendant.

I, THE above-named defendant, hereby give notice that I intend to defend this action, and rely on the following ground of defence: [Insert; Infancy, Coverture, Statute of Limitations, Discharge in Bankruptcy, with particulars of such claim].

Dated at . , this . day of . , 19 .

To the Plaintiff, and the Clerk of the Court. Defendant [or Solicitor for the defendant].

27

No. 37.

New Zealand. }
 "The Magistrates' Courts } MEMORANDUM OR NOTICE OF DISCONTINUANCE OF ACTION. Sec. 106 ; Rule 25.
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

TAKE notice that I shall not proceed further in this action.

Dated at , this day of , 19 . Plaintiff [or Solicitor for the plaintiff].

To the Defendant, and the Clerk of the Court.

I HEREBY consent to this action being discontinued by the plaintiff.

Dated at , this day of , 19 . Defendant [or Solicitor for the defendant].

No. 38.

New Zealand. }
 "The Magistrates' Courts } MEMORANDUM OR NOTICE OF DISCONTINUANCE (IN PART). Sec. 106 ; Rule 25.
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

TAKE notice that, in respect to that part of my cause of action set out in the statement hereto attached, I discontinue my claim.

Dated at , this day of , 19 . Plaintiff [or Solicitor for the plaintiff].

To the Defendant, and the Clerk of the Court.

No. 39.

New Zealand. }
 "The Magistrates' Courts } ADJOURNMENT BY CONSENT OF PARTIES. Sec. 94 ; Rule 21.
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

WE hereby request that the hearing of this action may be adjourned to , the day of , 19 .

Plaintiff [or Solicitor for the plaintiff].
 Defendant [or Solicitor for the defendant].

Adjournment fee :

No. 40.

New Zealand. }
 "The Magistrates' Courts } SUMMONS TO WITNESS TO PRODUCE. Sec. 80 ; Rule 22.
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court held at .
 Between , plaintiff,
 and , defendant.

To [Name in full, description, and residence of witness].
 You are hereby commanded to attend at the Magistrate's Court at on , the day of , 19 , at the hour of o'clock in the , to give evidence on behalf of the plaintiff [or defendant], and then and there to have and produce [State any particular documents required], and all other books, papers, writings, and other documents relating to the said action which may be in your custody, possession, or power. Herein fail not at your peril.

Given under my hand and the seal of the Court, at , this day of , 19 .
 Clerk of the Court [or Justice of the Peace].

[Indorsement No. 42.]

No. 40 (Maori).

New Zealand. }
 "The Magistrates' Courts } SUMMONS TO A MAORI WITNESS TO PRODUCE. Secs. 4 and 80 ;
 Act, 1908." } Plaintiff No. . Rule 22.

I roto i te Kooti a te Kai-whakawa Tuturu ka tu ki .
 I waenganui i a , kai-tono,
 raua ko , kai-karo.

Ki a o
 HE kupu atu tenei ki a koe kia haere mai koe ki te Kooti a te Kai-whakawa Tuturu i , a te
 , te o nga ra o , 19 , a te o nga haora i te , ki te whakaatu

korero mai mo te taha ki a a hei roira koe whakakite mai ai i me era atu pukapuka, tuhituhinga, aha ranei, e whai tikanga ana ano mo taua whakawa, kei a koe e tiaki ana, e puritia ana ranei e koe.

Kei turi koe i runga i tenei kupu kei he koe.

He mea tuku atu i raro i toku ringa me te hiiri o te Kooti i , i tenei o nga ra o , 19 .

Karaka o te Kooti [or Kai-whakawa Tei Pi].

No. 41.

Sec. 80; Rule 22. New Zealand. "The Magistrates' Courts Act, 1908." SUMMONS TO WITNESS TO APPEAR. Plaintiff No. .

In the Magistrate's Court, held at . Between , plaintiff, and , defendant.

To [Name in full, description, and residence of witness]. You are hereby commanded to attend at the Magistrate's Court at on the day of , 19 , at the hour of o'clock in the , to give evidence on behalf of the plaintiff [or defendant]. Herein fail not at your peril.

Given under my hand and the seal of the Court, at , this day of , 191 . Clerk of the Court [or Justice of the Peace].

[Indorsement No. 42.]

No. 41 (Maori).

Secs. 4 and 80; Rule 22. New Zealand. "The Magistrates' Courts Act, 1908." SUMMONS TO A MAORI WITNESS TO APPEAR. Plaintiff No. .

I roto i te Kooti a te Kai-whakawa Tuturu ka tu ki . I waenganui i a , kai-tono, raua ko , kai-karo.

Ki a o He kupu atu tenei ki a koe kia haere mai koe ki te Kooti a te Kai-whakawa Tuturu i , a te o nga ra o , 19 , a te o nga haora i te ki te whakaatu korero mai mo te taha ki a

Kei turi koe i runga i tenei kupu kei he koe. He mea tuku atu i raro i toku ringa me te hiiri o te Kooti i , i tenei o nga ra o , 19 .

Karaka o te Kooti [or Kai-whakawa Tei Pi].

No. 42.

Sec. 75, s.s. 5 (d); Rule 22. AFFIDAVIT OF SERVICE OF WITNESS-SUMMONS.

I, [Name, residence, and occupation], do swear that I served the within-named with a summons, a true copy of which is within written, by delivering the same to him personally, on day, the day of , 19 , at . [If expenses tendered or paid, say so.]

Sworn at , this day of , 191 , before me— Clerk of Court [or Justice of the Peace, or Solicitor].

No. 42 (Maori).

Sec. 75, s.s. 5 (d); Rule 22. Niu Tireni. "Ture Kooti Kai-whakawa, 1908." AFFIDAVIT OF SERVICE (MAORI). (To be used when summons to witness is served by a Maori party.)

KUPU WHAKAOATI MO TE TANGATA NANA I HOATU TE HAMENE KI TE TANGATA ME TUHI TENEI KI WAHO O TE HAMENE.

I roto i te Kooti a te Kai-whakawa Tuturu ka tu ki . I waenganui i a , e mau nei tona ingoa i roto nei ko te ahua tonu o taua hamene koia tenei e mau ki tua nei, he mea hoatu tonu e ahau ki a ia i , i te o nga ra o , 19 .

He mea whakaoti ki , i tenei o nga ra o , 19 , ki te aroaro o Kai-whakawa [Karaka o te Kooti ranei, Roia ranei].

29

No. 43.

New Zealand. }
 "The Magistrates' Courts } ORDER TO PRODUCE DOCUMENTS FOR INSPECTION. Sec. 83; Rule 24.
 Act, 1908." }
 In the Magistrate's Court, held at Plaintiff No.
 Between, plaintiff.
 and, defendant.
 UPON hearing, it is ordered that the produce at the hearing of this action [or at all
 reasonable times produce to, at] the following documents—viz., [Describe docu-
 ments required]—and that the be at liberty to inspect and peruse the documents so produced,
 and to take copies and abstracts thereof and extracts therefrom at expense.
 Given under my hand and the seal of the Court, at, this day of, 19
 Stipendiary Magistrate.

No. 44.

New Zealand. }
 "The Magistrates' Courts } NOTICE TO PRODUCE DOCUMENTS FOR INSPECTION. Sec. 84; Rule 24.
 Act, 1908." }
 In the Magistrate's Court, held at Plaintiff No.
 Between, plaintiff.
 and, defendant.
 TAKE notice that the requires you to produce for his inspection the following documents:
 [Describe documents required].
 Dated at, this day of, 19
 To the Plaintiff [or Defendant, or his Solicitor].

No. 45.

New Zealand. }
 "The Magistrates' Courts } NOTICE TO INSPECT DOCUMENTS. Sec. 84; Rule 24.
 Act, 1908." }
 In the Magistrate's Court, held at Plaintiff No.
 Between, plaintiff.
 and, defendant.
 TAKE notice that you can inspect the documents mentioned in your notice [or the following documents
 mentioned in your notice], at, on next, the instant, between the hours of
 and [or that the objects to give you inspection of the documents mentioned
 in your notice of the day of, 19, on the ground (State the ground)].
 Dated at, this day of, 19
 To the Plaintiff [or Defendant, or his Solicitor].

No. 46.

New Zealand. }
 "The Magistrates' Courts } NOTICE TO PRODUCE (GENERAL FORM). Sec. 84; Rule 24.
 Act, 1908." }
 In the Magistrate's Court, held at Plaintiff No.
 Between, plaintiff.
 and, defendant.
 TAKE notice that you are hereby required to produce and show to the Court, on the trial of the above
 action, all books, papers, letters, copies of letters, and other writings and documents in your custody,
 possession, or power containing any entry, memorandum, or minute relating to the matters in ques-
 tion in this action, and particularly [Specify documents required].
 Dated at, this day of, 19
 To the Plaintiff [or Defendant, or his Solicitor].

No. 47.

New Zealand. }
 "The Magistrates' Courts } NOTICE TO ADMIT AND INSPECT. Sec. 84; Rule 24
 Act, 1908." }
 In the Magistrate's Court, held at Plaintiff No.
 Between, plaintiff.
 and, defendant.
 TAKE notice that the plaintiff [or defendant] in this action proposes to adduce in evidence the several
 documents hereunder specified, and that the same may be inspected by the defendant [or plaintiff],
 his solicitor or agent, at, on, the day of, 19, between the
 hours of 11 a.m. and 4 p.m., and the defendant [or plaintiff] is hereby required, within forty-eight hours
 from the last-mentioned hour, to admit, saving all just exceptions to the admissibility of all such
 documents as evidence in this action, that such of the said documents as are specified to be originals
 were respectively written, signed, or executed as they purport respectively to have been, that such
 as are specified as copies are true copies, and that such documents as are stated to have been served,
 sent, or delivered were so served, sent, or delivered respectively.
 Dated at, this day of, 19
 To the Defendant [or Plaintiff, or his Solicitor]. Plaintiff
 [or Defendant, or Solicitor for].

30

No. 48.

Sec. 86.

New Zealand. } NOTICE OF DESIRE TO TAKE EVIDENCE OF WITNESS RESIDING
 "The Magistrates' Courts } TWENTY MILES FROM COURT FOR HEARING. Plaintiff No. . . .
 Act, 1908." }

In the Magistrate's Court, held at , being the Court for hearing.
 Between , plaintiff,
 and , defendant.

Amount sued for, £ .

TAKE notice that I, the above-named defendant [or plaintiff], desire to use, at the hearing of this action, the evidence of myself, at present residing at , and of , at present residing at and of , at present residing at , each residence being more than twenty miles from the Courthouse where the hearing of the action is appointed to be held, at the hearing of the said action, and I desire you to appoint a time and place for such examination.

Dated at , this day of , 19 .
 To the Clerk of the Magistrate's Court for Examination, held at .

IN pursuance of section 87 of "The Magistrates' Courts Act, 1908," I hereby appoint the day of , 19 , at the hour of o'clock in the noon, as the time, and the Magistrate's Courthouse at as the Court for Examination, for taking the examination required by the above notice.

Dated at , this day of , 19 .
 Clerk of Court for Examination.

No. 48A.

Sec. 86.

New Zealand. } NOTICE OF DESIRE TO TAKE EVIDENCE OF WITNESS ABOUT TO GO
 "The Magistrates' Courts } TWENTY MILES FROM COURT FOR HEARING. Plaintiff No. . . .
 Act, 1908." }

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

Amount sued for, £ .

TAKE notice that I, the above-named defendant [or plaintiff], desire to use, at the hearing of this action, the evidence of [myself and of], who is [are all and each of us (them)] about to go and remain until after the hearing of the action a distance of more than twenty miles from the Court for hearing, at the hearing of the said action, and I desire you to appoint a time and place for such examination.

Dated at , this day of , 19 .
 To the Clerk of the Magistrate's Court for Examination, held at .

IN pursuance of section 87 of "The Magistrates' Courts Act, 1908," I hereby appoint the day of , 191 , at the hour of o'clock in the noon, as the time, and the Magistrate's Courthouse at as the Court for Examination, for taking the examination required by the above notice.

Dated at , this day of , 19 .
 Clerk of Court for Examination.

No. 49.

Sec. 37.

New Zealand. } NOTICE OF TIME AND PLACE FOR EXAMINATION. Plaintiff No. . . .
 The Magistrates' Courts } Act, 1908." }

In the Magistrate's Court, held at , being the Court for hearing.
 Between , plaintiff,
 and , defendant.

To the above-named .

TAKE notice that, in pursuance of section 87 of "The Magistrates' Courts Act, 1908," the day of , 19 , at o'clock in the forenoon, has been appointed as the time, and the Magistrate's Court at as the Court for Examination, for taking the examination of as witnesses on behalf of the above-named , and that you may appear at the time and place aforesaid, by yourself or your solicitor (or with the permission of the Court there by your agent), and cross-examine the person or persons there examined.

Dated at , this day of , 19 .
 Clerk of the Court for hearing.

[Indorsement No. 20.]

31

No. 50.

New Zealand. } EVIDENCE OF WITNESSES EXAMINED UNDER SECTIONS 86 Secs. 86 to 90.
 "The Magistrates' Courts } TO 90 OF THE ACT.
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at , being the Court for hearing.

Between , plaintiff,
 and , defendant.

EVIDENCE of witnesses taken at the Magistrate's Court at (being the Court for Examination)
 on the day of , 19 .

Before , Stipendiary Magistrate,
 [or , Justice of the Peace,
 and , Justice of the Peace].

Mr. appears for plaintiff.
 Mr. appears for defendant.

THIS deponent, , on his oath, says:

NOTE.—Each page to be signed by witness and the Stipendiary Magistrate, or Justices of the Peace.

No. 51.

(Sequel to No. 50.)

Sec. 83.

THE foregoing depositions of , written on sheets of paper, numbered consecutively from one to , and now by me [or us] fixed together and signed by me [or us], were taken and sworn before me [or us] under the provisions of sections 86 to 90 of "The Magistrates' Courts Act, 1908," at , on this day of , 19 .

, Stipendiary Magistrate,
 , Justice of the Peace.
 , Justice of the Peace.

No. 52.

New Zealand. } CERTIFICATE OF NON-APPEARANCE. Sec. 88 ; Rule 26.
 "The Magistrates' Courts } Plaintiff No. .
 Act, 1908." }

To the Magistrate's Court, held at , being the Court for hearing.

Between , plaintiff,
 and , defendant.

It is hereby certified that the application of the plaintiff [or defendant] to take the evidence of was called in Court this day, but neither of the parties appearing the application was struck out [or the only appearing, the application was struck out, with costs, as in the certificate annexed hereto].

Dated at . this day of , 19 .

Clerk of the Court for Examination.

No. 53.

New Zealand. } CERTIFICATE OF COSTS UNDER SECTION 89. Sec. 89 ; Rule 26.
 "The Magistrates' Courts } Plaintiff No. .
 Act, 1908." }

To the Magistrate's Court, held at , being the Court for hearing.

Between , plaintiff,
 and , defendant.

It is hereby certified that the following are the costs allowed to the , on the examination of witnesses at , this day of , 19 .

Stipendiary Magistrate
 [or Justices of the Peace] of the Court for Examination.

Plaintiff's costs, viz.,—		Defendant's costs, viz.,—
Court fees £ : :		Court fees £ : :
Solicitor's fee : : :		Solicitor's fee : : :
Witness : : :		Witness : : :
Witness : : :		Witness : : :
Witness : : :		Witness : : :
Total £ : :		Total £ : :

No. 54.

Sec. 95; Rule 26. } New Zealand.
 "The Magistrates' Courts }
 Act, 1908." } NOTICE OF REINSTATEMENT. Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

TAKE notice this action was this day [or on the day of , 19] struck out on account of the non-appearance of the plaintiff, but the Court has ordered the action to be reinstated, and to be heard at the Magistrate's Court at on the day of , 19 .

Dated at , this day of , 19 . Clerk of the Court.

To the Defendant.
 Hours of attendance at the office of the Clerk on , from till , except on , when the office will be closed at .

No. 55.

Sec. 96; Rule 28. } New Zealand.
 "The Magistrates' Courts }
 Act, 1908." } NOTICE OF NEW HEARING UNDER SECTION 96. Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

TAKE notice that on the day of , 19 , judgment herein was given for the plaintiff, that on cause shown the Court has set aside the judgment, and that a new hearing of the action will be had at the Magistrate's Court, on the day of , 19 .

Dated at , this day of , 19 . Clerk of the Court.

To the Plaintiff
 Hours of attendance at the office of the Clerk on , from till , except on , when the office will be closed at .

No. 56.

Sec. 92; Rule 29. } New Zealand.
 "The Magistrates' Courts }
 Act, 1908." } RECORD OF PAYMENT BY INSTALMENTS. Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

DATE of order for payment by instalments :
 By whom made :
 Order :

Date when Instalment due.	Date of Payment.	By whom paid.	Amount.	Remarks.

No. 57.

Rule 53. } New Zealand.
 "The Magistrates' Courts }
 Act, 1908." } ORDER FOR WITHDRAWAL OF MONEYS. Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

I, the in this action, hereby authorise Mr. , of , to receive out of Court all moneys which now are or may become payable to me in this action.

Dated at , this day of , 19 . Plaintiff [or Defendant].

Witness to Signature :

33

No. 58.

New Zealand. }
 "The Magistrates' Courts } ORDER TO SUSPEND ORDER OR JUDGMENT. Sec. 115.
 Act, 1908." }
 In the Magistrate's Court, held at Plaintiff No.

Between, plaintiff.
 and, defendant.

It is ordered that the judgment [or order, or that the execution under the judgment or order] of this Court in this action, bearing date the . . . day of . . ., 19 . . ., be suspended until the day of . . ., 19 . . ., on the following conditions [if any] :—

Given under my hand and the seal of the Court, at . . ., this . . . day of . . ., 19 . . .
 Stipendiary Magistrate.

No. 59.

New Zealand. }
 "The Magistrates' Courts } APPLICATION FOR A REHEARING. Secs. 107 and 150 ;
 Act, 1908." } Plaintiff No. Rule 27.

In the Magistrate's Court, held at
 Between, plaintiff,
 and, defendant.

Judgment for . . ., plaintiff [or defendant], for the amount of . . ., given on the . . . day of . . ., 19 . . .

I, . . ., being the plaintiff [or defendant] in this action, hereby apply to have a rehearing of the said action [or the order made on the . . . day of . . ., 19 . . .] on the following grounds :
 [Here state grounds for application].

Dated at . . ., this . . . day of . . ., 19 . . .
 To the Clerk of the Court. (Signed.)

No. 60.

New Zealand. }
 "The Magistrates' Courts } NOTICE OF APPLICATION FOR A REHEARING. Sec. 150 ; Rule 27.
 Act, 1908." } Plaintiff No.

In the Magistrate's Court, held at
 Between, plaintiff,
 and, defendant.

TAKE notice that the . . . has applied for a rehearing of this action [or the order made on the . . . day of . . ., 19 . . .] on the following grounds : [Stating them]; and his application will be heard before the Stipendiary Magistrate at . . . on . . ., the . . . day of . . ., 19 . . ., at the hour of . . . in the . . . noon.

Dated at . . ., this . . . day of . . ., 19 . . .
 To the Plaintiff [or Defendant]. Clerk of the Court.

No. 61.

New Zealand. }
 "The Magistrates' Courts } ORDER FOR A REHEARING. Secs. 107 and 150 ;
 Act, 1908." } Plaintiff No. Rule 27.

In the Magistrate's Court, held at
 Between, plaintiff,
 and, defendant.

It is ordered that the judgment [or order] in this action and all subsequent proceedings be set aside, and a rehearing had between the parties on [Set out the terms and conditions, if any].

Given under my hand [or our hands] and the seal of the Court, at . . ., this . . . day of . . ., 19 . . .
 Stipendiary Magistrate [or Justices of the Peace].

No. 62.

New Zealand. }
 "The Magistrates' Courts } NOTICE TO DEFENDANT WHOSE NAME HAS BEEN ADDED. Sec. 57 ; Rule 32.
 Act, 1908." } Plaintiff No.

In the Magistrate's Court, held at
 Between, plaintiff,
 and, defendant.

TAKE notice that by order of the Court, dated the . . . day of . . ., 19 . . ., a copy of which order is herewith annexed, together with a copy of the summons and statement of claim in the action, you were ordered to be added as one of the defendants.

34

And further take notice that the hearing has been adjourned to the day of , 19
 at o'clock in the noon; and if you do not then attend at the Courthouse,
 such order will be made and proceedings taken as the Court thinks fit.
 Given under my hand and the seal of the Court, at , this day of , 19
 Clerk of the Court.

To
 Hours of attendance at the office of the Clerk on , from till , except
 on , when the office will be closed at

[Indorsement No. 18.]

No. 63.

Sec. 61; Rule 33. New Zealand. }
 "The Magistrates' Courts } NOTICE OF APPLICATION FOR AN ORDER FOR CHANGE OF PARTIES.
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

TAKE notice that, at the sitting of the Court on the day of , 19 , I shall apply to
 the Court [State order asked for, and grounds of application].
 Dated at , this day of , 19 .
 Plaintiff [or Solicitor for plaintiff].
 Defendant [or Solicitor for defendant].

To the Clerk of the Court, and the Plaintiff [or the Defendant].

No. 64.

Sec. 74; Rule 34. New Zealand. }
 "The Magistrates' Courts } NOTICE OF APPLICATION FOR CHANGE OF VENUE.
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

I HEREBY give you notice that, on the day of , 19 , I shall apply to the Court to
 change the venue of this action to the Court held at , on the following grounds: [State the
 grounds].
 Dated at , this day of , 19 .
 [or Solicitor for the]
 To the , and to the Clerk of the Court at .

No. 65.

Sec. 74; Rule 34. ORDER FOR CHANGE OF VENUE UNDER SECTION 74.
 [To be indorsed on the plaint-note.]

It is ordered that the venue in the within action be changed, and the action be sent for hearing to
 the Magistrate's Court held at ; and that the costs of this order be .
 Dated at (L.S.) this day of , 19 .
 By the Court. Stipendiary Magistrate.

No. 66.

Sec. 130; Rule 35. New Zealand. }
 "The Magistrates' Courts } NOTICE OF DESIRE TO EXAMINE DEFENDANT AS TO DEBTS
 Act, 1908." } DUE TO HIM. Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

I, THE above-named plaintiff, am desirous, should I succeed in obtaining a judgment against the
 defendant, of having him examined forthwith, after I have obtained such judgment, as to whether
 or not debts are owing or accruing to him.
 I request that a witness-summons may be issued to the defendant, and also to .
 Dated at , this day of , 19 . Plaintiff.
 To the Clerk of the Court.

35

No. 67.

New Zealand. }
 "The Magistrates' Courts } ORDER FOR EXAMINATION OF JUDGMENT DEBTOR. Secs. 130 to 133 ;
 Act, 1908." } Plaintiff No. Rules 35, 36.

In the Magistrate's Court, held at

Between , plaintiff, now the judgment creditor,
 and , defendant, now the judgment debtor.

UPON hearing , for the plaintiff [and upon reading the affidavit of , filed the day of , 19], it is ordered that the judgment debtor appear before , at on , the day of , 19 , at the hour of o'clock in the noon, for the purpose of being examined as to what debts are owing or accruing to him, and that the said judgment debtor do then and there produce [*State documents required to be produced*].

Given under my hand and the seal of the Court, at , this day of , 19 .
 (L.S.) By the Court.

Stipendiary Magistrate.

No. 68.

New Zealand. }
 "The Magistrates' Courts } AFFIDAVIT TO SUPPORT ATTACHMENT ORDER, OR FOR LEAVE TO Sec. 132 ; Rule 36
 Act, 1908." } SUMMON SUB-DEBTOR. Plaintiff No.

In the Magistrate's Court, held at

Between , judgment creditor,
 and , judgment debtor,
 and , sub-debtor.

I, , of , the above-named judgment creditor [*or solicitor for the above-named judgment creditor*], make oath and say,—

1. That on the day of , 19 , in the Magistrate's Court held at , the above-named judgment creditor obtained a judgment in this action against the above-named judgment debtor for the sum of £ , and £ for costs.
2. That the said judgment [*or the sum of £ , part of the said judgment*] is still unsatisfied.
3. That I verily believe that the above-named sub-debtor is [*or sub-debtors are*] indebted to the said judgment debtor in the sum of £ or thereabouts [*or in the sums following*].

Sworn at , this day of , 19 .
 Before me ,
 Clerk of the Court [*or Justice of the Peace, or Solicitor*].

No. 69.

New Zealand. }
 "The Magistrates' Courts } ATTACHMENT ORDER (INTERLOCUTORY). Secs. 132, 133 ;
 Act, 1908." } Plaintiff No. Rule 36.

In the Magistrate's Court, held at

Between , judgment creditor,
 and , judgment debtor,
 and , sub-debtor.

Upon reading the affidavit of , filed hereon on the day of , 19 , and upon application by the judgment creditor,—

It is ordered that all debts owing or accruing from the above-named sub-debtor to the judgment debtor be attached to answer the judgment debt herein; and it is further ordered that the said sub-debtor appear before the Magistrate in Chambers [*or before]* at , at o'clock in the noon of the day of , 19 , to show cause why he should not pay to the judgment creditor the debt due from him to the judgment debtor, or so much thereof as may be sufficient to satisfy the judgment debt and costs; and it is further ordered that the costs of the application and this order be

Dated at , this day of , 19 .
 (L.S.)

Amount of judgment	.. £	:	:
Costs	.. £	:	:
Total	.. £	:	:

Stipendiary Magistrate.

No. 70.

New Zealand. }
 "The Magistrates' Courts } ATTACHMENT ORDER ABSOLUTE. Sec. 135 ; Rule 37.
 Act, 1908." } Plaintiff No.

In the Magistrate's Court, held at

Between , judgment creditor,
 and , judgment debtor,
 and , sub-debtor.

Upon reading the attachment order made herein on the day of , 19 , and upon application by the judgment creditor, and the sub-debtor not having paid into Court the

amount due from him to the judgment debtor, or an amount equal to the judgment debt, and not disputing the debt due or claimed to be due, and not having appeared upon summons,—

It is ordered that the above-named sub-debtor pay forthwith to the judgment creditor the debt due from him to the said judgment debtor, or so much thereof as may satisfy the judgment debt, and that in default thereof execution may issue for the same.

And it is further ordered that the costs of this order be

Dated at , this day of , 19 .
(L.S.)
Amount of judgment .. £ : :
Costs .. £ : :
Total .. £ : :

Stipendiary Magistrate.

No. 71.

Sec. 135; Rule 37. New Zealand. } SUB-DEBTOR'S NOTICE OF PAYMENT OR DISPUTE.
"The Magistrates' Courts }
Act, 1908." } Plaintiff No.

In the Magistrate's Court, held at .
Between , judgment creditor,
and , judgment debtor,
and , sub-debtor.

TAKE notice that I dispute [or do not dispute] the debt claimed to be due from me to the judgment debtor, and that I have paid into Court the sum of £ , amount due from me to the judgment debtor [or an amount equal to the judgment debt].

Dated at , this day of , 19 .
Sub-debtor [or Solicitor for sub-debtor].

Witness to signature :
Justice of the Peace [or Clerk of Court, or Solicitor].

No. 72.

Sec. 143; Rule 39. New Zealand. } CONSENT TO ARBITRATION.
"The Magistrates' Courts }
Act, 1908." } Plaintiff No.

In the Magistrate's Court, held at .
Between , plaintiff,
and , defendant.

WE hereby agree that this action, with other matters within the jurisdiction of this Court in dispute between us [Here specify them], shall, if this Court so orders, be referred to the arbitration of and , as arbitrators, and of , as umpire [or the arbitrators to choose their own umpire; or to the arbitration of such arbitrator as the Court may appoint].

Dated at , this day of , 19 .
Plaintiff [or Solicitor for the plaintiff].
Defendant [or Solicitor for the defendant].

No. 73.

Sec. 143; Rule 39. New Zealand. } ORDER OF REFERENCE.
"The Magistrates' Courts }
Act, 1908." } Plaintiff No.

In the Magistrate's Court, held at .
Between , plaintiff,
and , defendant.

By the consent of the plaintiff and defendant, it is ordered that this action, and other matters within the jurisdiction of this Court in dispute between the said parties—that is to say, [Here specify them]—be referred to , of , and to , of , as arbitrators, and to of , as umpire [or the said arbitrators to choose their own umpire], whose award, to be made or given on or before the day of , 19 [Not more than one month from date], shall be entered as the judgment in this action. And in case either of the said parties neglects or refuses to attend any appointment to be made by the said arbitrators for proceeding under this order after two days' notice thereof in writing has been given to him, by serving the same personally or by leaving it at his last or usual place of abode, the said arbitrators shall be at liberty to proceed ex parte on the matters of the said reference, and their [or his] certificate shall be as valid as if both the said parties had attended before them [or him]; and it is further ordered that the costs of this reference shall be paid by , to abide the event of the action.

Dated at (L.S.) , this day of , 19 .
By the Court.

Stipendiary Magistrate.

37

No. 74.

New Zealand. } AFFIDAVIT WHEN PLAINTIFF *in forma pauperis*. Sec. 166.
"The Magistrates' Courts }
Act, 1908."

In the Magistrate's Court, held at .

Between
and

Plaint No. .
, plaintiff,
, defendant.

I, , of , make oath and say: (1) That I, , the above-named plaintiff, have a meritorious cause of action; (2) I am unable by reason of poverty to pay the prescribed fees of Court.

Plaintiff.

Sworn at , this day of , 19 .
Before me
Justice of the Peace [or Clerk of Court, or Solicitor].

No. 75.

New Zealand. } CONSENT TO ACT BY GUARDIAN *ad litem*. Sec. 44; Rule 31.
"The Magistrates' Courts }
Act, 1908."

In the Magistrate's Court, held at .

Between
and

Plaint No. .
, plaintiff,
, defendant.

I, , of , [Calling], consent to be appointed and to act as guardian *ad litem* to the defendant in this action, who is an infant [and to be responsible for costs (if so ordered by Court)].
(Signed.)

Dated at , this day of , 19 .
Witness to signature:
Clerk of Court [or Justice of the Peace, or Solicitor].

No. 76.

New Zealand. } UNDERTAKING BY NEXT FRIEND OF INFANT TO BE RESPONSIBLE FOR COSTS. Sec. 44; Rule 30.
"The Magistrates' Courts }
Act, 1908."

In the Magistrate's Court, held at .

Between
and

Plaint No. .
, plaintiff,
, defendant.

I, THE undersigned, , of , [Occupation], being the next friend of , an infant, the plaintiff [or the claimant in an interpleader proceeding] in this action, hereby undertake to be responsible for the costs of the defendant [or plaintiff] in the manner following, viz.: If the said plaintiff fails to pay to the defendant [or plaintiff] when and in such manner as the Court orders, all such costs of such action as the Court directs him to pay to the said defendant [or plaintiff], I will forthwith, after notice of such default, pay the same to the Clerk of the Court.

Dated at , this day of , 19 .
Next friend of plaintiff [or claimant].
Witness to signature:
, Clerk of the Court.

No. 77.

New Zealand. } BAILIFF'S NOTICE OF CLAIM TO GOODS TAKEN IN EXECUTION. Sec. 128; Rule 51.
"The Magistrates' Courts }
Act, 1908."

In the Magistrate's Court, held at .

Between
and

Plaint No. .
, plaintiff,
, defendant.

TAKE notice that , of , [and calling], has claimed the goods [or certain goods enumerated in the list attached hereto] taken in execution by me under the warrant of distress issued in this action. If you admit the title of the said to the said goods, give notice thereof to me by return of post or otherwise, with a view of saving further costs.

Dated at , this day of , 19 .
Bailiff of the Court.
To the Execution Creditor.

38

No. 78.

Sec. 128 ; Rule 51. } New Zealand. "The Magistrates' Courts Act, 1908." INTERPLEADER CLAIM. Plaintiff No.

In the Magistrate's Court, held at .
Between , plaintiff,
and , defendant.

TAKE notice that I, , of , [and calling], claim certain goods and chattels [or moneys] as specified in the Schedule hereto attached, taken in execution under process issuing out of the Magistrate's Court at in this action, and that the grounds of my claim are [Here state grounds].

Dated at , this day of , 19 . Claimant [or Solicitor for the claimant].

To the Bailiff of the Court.

[Schedule.]

No. 79.

Sec. 125 ; Rule 51. } New Zealand. "The Magistrates' Courts Act, 1908." PARTICULARS OF CLAIM FOR RENT. Plaintiff No.

In the Magistrate's Court, held at .
Between , plaintiff,
and , defendant.

TAKE notice that , the execution debtor, is my tenant of a certain house and premises situate at , that the goods and chattels taken in execution under process issuing out of this Court in this action were in and upon the said house and premises, and that there was at the date of the said execution due to me from the said the sum of pounds shillings and pence for rent of the said house and premises, and that the said sum of £ is still due and owing from the said to me, and that I claim payment of sum f £ out of the proceeds of the execution.

Dated at , this day of , 19 . (Signed) Name :

To the Execution Creditor, and the Bailiff of the Court. Address :
Description :

[NOTE.—A landlord is entitled to claim eight weeks' rent when the tenement is let by the week ; the rent of two terms of payment when it is let for any other term less than a year ; and the rent of one year in any other case.]

No. 80.

Sec. 128 ; Rule 51. } New Zealand. "The Magistrates' Courts Act, 1908." INTERPLEADER SUMMONS TO EXECUTION CREDITOR. Plaintiff No.

In the Magistrate's Court, held at .
Between , plaintiff,
and , defendant.

WHEREAS , of , has made a claim to certain goods and chattels [or moneys] taken in execution under process issued out of the Magistrate's Court at , at your instance [or certain rent alleged to be due to him], you are therefore hereby summoned to appear at the Magistrate's Court to be held at on the day of , 19 , at the hour of in the forenoon, when the said claim will be adjudicated upon, and such order made thereon as to the Court seems just.

Given under my hand and the seal of the Court, at , this day of , 19 .
Stipendiary Magistrate

To the Execution Creditor. [or Justice of the Peace, or Clerk of the Court].
Hours of attendance at the office of the Clerk on , from till , except on , when the office will be closed at

No. 81.

Sec. 128 ; Rule 51. } New Zealand. "The Magistrates' Courts Act, 1908." INTERPLEADER SUMMONS TO A CLAIMANT. Plaintiff No.

In the Magistrate's Court, held at .
Between , plaintiff,
and , defendant.

You are hereby summoned to appear at the Magistrate's Court to be held at on the day of , 19 , at the hour of in the forenoon, to support a claim made by

39

you to certain goods or chattels [or moneys, &c.] taken in execution under process issued in this cause at the instance of , the execution creditor, and in default of your then establishing such claim the said goods and chattels will be sold [or the said moneys paid over] according to the exigency of the said process.

Given under my hand and the seal of the Court, at , this day of , 19 .
 To Stipendiary Magistrate
 [or Justice of the Peace, or Clerk of the Court].
 Hours of attendance at the office of the Clerk on , from till , except on
 , when the office will be closed at .

No. 82.

New Zealand. } NOTICE BY EXECUTION CREDITOR OF ADMISSION OF TITLE Rule 51
 "The Magistrates' Courts } OF CLAIMANT.
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

TAKE notice that I admit the title of to the goods [or to the following goods (when part only is admitted)] seized by you under the distress warrant issued under the judgment in this action, and that I desire proceedings to be stayed in respect thereof.

Dated at , this day of , 19 . Execution Creditor.

To the Bailiff of the Court.

RECEIVED by me, this day of , 19 Bailiff.

No. 83.

New Zealand. } AGREEMENT NOT TO APPEAL. Sec. 153.
 "The Magistrates' Courts }
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

WE, the above-named plaintiff and defendant, do hereby agree that the judgment of the Magistrate's Court in this cause shall be final

Witness our hands, this day of , 19 .
 Plaintiff [or Solicitor or Agent for plaintiff].
 Defendant [or Solicitor or Agent for defendant].

No. 84.

New Zealand. } WRIT OF ARREST. Secs. 140 and 142 ;
 "The Magistrates' Courts } Rule 38.
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

To , Bailiff of the Magistrate's Court at [or To , Police Constable at].

WHEREAS it has been made to appear to the satisfaction of me, the undersigned Stipendiary Magistrate having jurisdiction to the amount of the plaintiff's claim, by the affidavit of , the plaintiff in the above action, that he, the above-named plaintiff, has a good cause of action against the above-named defendant for the sum of pounds shillings and pence, for which a summons has been issued out of this Court [or the Magistrate's Court held at], and that there is probable cause for believing he, the said defendant, is about to leave New Zealand and to evade the payment of the said sum of £ :

Now, therefore, I do hereby command you, by virtue of powers given to me by section one hundred and forty of "The Magistrates' Courts Act, 1908," that, unless the said defendant deposits with you, or with the Clerk to the Court, the said sum of £ , together with costs, £ , to be paid, applied, and disposed of according to the judgment of the Court in this action, you do immediately bring him, the said defendant, before me, the said Stipendiary Magistrate at , to be further dealt with according to law.

And I do further command you to certify to me without delay what you shall do under this warrant.

Given under my hand and the seal of the Court, at , this day of , 19 .
 Stipendiary Magistrate.

40

No. 85.

Secs. 140 and 142 ; Rule 38. } New Zealand. }
 "The Magistrates' Courts } NOTICE TO DEFENDANT ARRESTED UNDER WRIT. }
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

TAKE notice that if you deposit with the officer executing the writ of arrest issued by me this day, or with the Clerk of the Court at , the sum of pounds shillings and pence, being the amount claimed, and £ for costs, you will be discharged from custody, and the said sum will be paid, applied, and disposed of according to the final judgment of the Court.

Dated at , this day of , 19 .
 To the Defendant. Stipendiary Magistrate.

No. 86.

Sec. 140 ; Rule 38. } New Zealand. }
 "The Magistrates' Courts } BAIL-BOND TO BE GIVEN BY DEFENDANT UNDER SECTION 140. }
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

Know all men by these presents that we, , of , and , of , and , of , are jointly and severally held and firmly bound to , of , in the sum of pounds, to be paid to the said , for which payment to be made we bind ourselves and each and every of us, jointly and severally, firmly by these presents.

Sealed with our seals, and dated at , this day }
 of , one thousand nine hundred and }

WHEREAS on , the day of last past, the above-named entered a plaint against the above-bounden , in the Magistrate's Court held at , to recover the sum of pounds shillings and pence, and pounds shillings and pence for costs : And whereas it has been made to appear to the satisfaction of the undersigned Stipendiary Magistrate, by the affidavit of , that there is probable cause for believing that the above-bounden was about to leave New Zealand and to evade payment of such sum : And whereas a writ of arrest was issued, and the above-bounden has been arrested, but desires to be released on bail : Now the condition of this obligation is such that if the above-bounden shall appear at the Magistrate's Courthouse at on , the day of , 19 , at o'clock in the noon, to answer the demand of the said and shall not depart until the judgment of the Court is given, then this obligation shall be void, otherwise shall remain in full force.

Signed, sealed, and delivered by the above-bounden and in the presence of
 I APPROVE of this bond. Stipendiary Magistrate.

No. 87.

Sec. 140 ; Rule 38. } New Zealand. }
 "The Magistrates' Courts } CONSENT FOR SUMMARY HEARING. }
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

I, THE above-named defendant, against whom a writ of arrest has been issued under section 140 of "The Magistrates' Courts Act, 1908," do hereby consent that the plaintiff's claim may be summarily heard and finally adjudicated on forthwith [or at the hour of in the noon of the day of , 19 .

Dated at , this day of , 19 . Defendant.

Signed in the presence of—
 Justice of the Peace [or Clerk of Court, or Solicitor].

No. 88.

Rule 43. } New Zealand. }
 "The Magistrates' Courts } AFFIDAVIT OF JUSTIFICATION. }
 Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
 Between , plaintiff,
 and , defendant.

I, , of , one of the proposed sureties for the plaintiff [or defendant], make oath and say that I possess property to the amount of pounds over and above what will pay my just debts and every other sum for which I am now surety.

Sworn at , this day of , 19 , before me.
 Justice of the Peace [or Clerk of Court, or Solicitor].

41

No. 89.

New Zealand. }
"The Magistrates' Courts }
Act, 1908."

NOTICE TO BAILIFF OF APPEAL.

Sec. 160.

In the Magistrate's Court, held at
Between
and

Plaint No. .
, plaintiff,
, defendant.

TAKE notice that the having given notice of appeal to the Supreme Court, and the appellant having given the required security, proceedings on the execution are now stayed.
Dated at , this day of , 19 .

Clerk of the Court.

To the Bailiff of the Court.

No. 90.

New Zealand. }
"The Magistrates' Courts }
Act, 1908."

REQUEST FOR WARRANT OF DISTRESS (OR COMMITMENT)
ON A JUDGMENT OR ORDER.

Secs. 112, 186, and
189; Rule 45.

To the Stipendiary Magistrate at
Between
and

Plaint No. .
, plaintiff,
, defendant,

Warrant issued accordingly,
this day of
191 .
Clerk of the Court.

I REQUEST that a warrant of may be issued against , of , for the sum of pounds shillings and pence sterling (£), being the unpaid portion (as per subjoined statement) of the sum (viz., £) and costs which he was on the day of , 19 , adjudged to pay me in the Magistrate's Court at

Amount of judgment .. £	:	:
Costs	:	:
<hr/>		
£	:	:

Amount paid in part satisfaction of above judgment £	:	:
Balance still unpaid, for which distress or commitment is requested ..	:	:
<hr/>		
£	:	:

Given under hand at , this day of , 19 , at o'clock in the noon.

Plaintiff [or Solicitor for the plaintiff].

Witness to signature :

No. 91.

New Zealand. }
"The Magistrate's Courts }
Act, 1908."

DISTRESS WARRANT.

Sec. 112; Rule 45.

In the Magistrate's Court, held at
Between
and

Plaint No. .
, plaintiff,
, defendant.

I certify that the amount of £
remains unsatisfied on this judgment.
Clerk of Court.

To , Bailiff of the Magistrate's Court [or To].
WHEREAS , of , in New Zealand, , was on the day of , 19 , duly adjudged [or ordered] by the Magistrate's Court sitting at to pay the sum of pounds shillings and pence, claimed by one , of , for debt [or damages], together with the sum of pounds shillings and pence for costs and expenses allowed by the said Court, making together the sum of pounds shillings and pence, to the Clerk of the said Court on the day of [or by instalments of for every days]: And whereas default has been made in payment according to the said judgment [or order]:

This is therefore to command you forthwith to levy the sum of £ , and the further expenses incurred therein, by distress and sale of the goods and chattels of and belonging to the said , except the wearing-apparel and bedding of him or his family, and the tools and implements of his trade (if any), to the value in all of twenty-five pounds; and also to seize and take away any money, cheques, bills of exchange, promissory notes, bonds, or other securities for money of the said , or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same. And you are hereby commanded to pay what you shall so levy forthwith to the Clerk of this Court, and to make return of what you shall do by virtue of this warrant immediately upon the execution thereof.

Given ~~under~~ hand and the seal of the Court, at , this day of , 19 .

Stipendiary Magistrate
[or Justice of the Peace].

Amount adjudged to be paid	.. £	:	:
Costs of previous executions	..	:	:
Warrant	..	:	:
Mileage	..	:	:
<hr/>			
Total	.. £	:	:

The Bailiff is entitled to demand and levy one shilling per mile, reckoned one way only, for every mile beyond two from the Courthouse to the place where seizure is made, and the cost of keeping possession of goods seized, which is not to exceed ten shillings per day, commencing after the first hour.

NOTICE.—If the amount to be levied is paid to the Bailiff within one hour after entry, he is not to receive any further sum than the amount directed to be levied as stated above, with mileage. The goods and chattels are not to be sold until after the end of five days next following the day on which they were taken, unless they are of a perishable nature, or at the request of the defendant.

Application was made to the Stipendiary Magistrate for this warrant at _____ minutes past the hour of _____ in the _____ noon of the _____ day of _____, 19____.

Hours of attendance at the office of the Clerk on _____, from _____ till _____, except on _____, when the office will be closed at _____.

[Indorsement No. 97.]

No. 91 (Maori).

Secs. 4 and 112; Rule 45.

New Zealand.
"The Magistrates' Courts Act, 1908."

WARATI MURU.

Nama o te Tono

I roto i te Kooti a te Kai-whakawa Tuturu, i tu ki
I waenganui i a
raua ko

, kai-tono,
, kai-karo.

Ki a _____, Karere o te Kooti a te Kai-whakawa Tuturu [ranei Ki a _____].

NOTEMEA ko _____, o _____, kei roto i Niu Tireni, _____, no te _____ o nga ra o _____, 19____, i ata whakataua [i otatia ranei] e te Kooti a te Kai-whakawa Tuturu i tu ki _____, kia utu i te moni pauna hereni me te _____ kapa, i tonoa e _____, o _____, mo tetahi nama [mate ranei], hui atu ki tetahi moni e _____ pauna hereni me te _____ kapa hei utu i nga raruraru me era atu moni i pau i whakaaetia nei o taua Kooti, hui katoa aua moni _____ pauna hereni me te _____ kapa, a me utu ki te Karaka o taua Kooti i te _____ o nga ra o _____ [me wehewehe ranei nga utunga kia _____ i ia _____ ra]: A notemea kihai aua moni i utua i runga i ta taua whakatau [ota ranei] i ki ai:

Na reira he whakahau atu tenei ki a koe kia kohia e koe i naianei tonu nga moni e £ _____, me era atu moni i pau i te whakahaerenga o tenei hamene, ara me muru e koe ka hokohoko atu i nga taonga me nga taputapu a taua _____, haunga ia nga kakahu me nga kakahu moenga o ratou ko tona whanau, me ana mea mahi i ana mahi (mehemea he pera ana) me waiho era ki a ia, engari kua e nuku atu te wariu i te rua tekau ma rima pauna o ana mea e whakatōea ki a ia; me tango hoki me hari atu e koe nga moni, tiaki, poromihi noti, me era atu pukapuka puna moni, mehemea he pera, a taua _____, tetahi wahi ranei o aua mea e rahi ana hei whakaae i tenei warati muru, me nga moni i pau i tona whakahaerenga me tona whakatutukitanga. A tenei koe ka whakahaua me hoatu e koe nga moni e kohia e koe i reira tonu ki te Karaka o te Kooti, me te whakastu-a-tuhituhi mai i muri tonu iho o tona whakatutukitanga i nga mea i oti i a koe te mahi i runga i te mana o tenei warati.

He mea tuku i raro i toku ringa me te hiiri o te Kooti, i _____, i tenei te _____ o nga ra o _____, 19____.

Kai-whakawa Tuturu
[ranei, Kai-whakawa Tei Pi].

Ko nga moni i whakataua kia utua	.. £	:	:
Utu mo nga warati o mua atu	..	:	:
Utu mo tenei warati	..	:	:
Utu maero	..	:	:
<hr/>			
Hui katoa	.. £	:	:

E tika ana te Karere kia tono a kia kōhi i te moni kotahi hereni mo ia maero, o tona haeretanga atu anake, i ko atu i te rua maero te tawhiti i te Whare Kooti, tae noa ki te wahi ki reira murua ai nga taonga, me tetahi atu moni hoki hei utu i tana takitanga i nga taonga i murua, engari kua e nui atu i te tekau hereni i te ra, timata atu i te pauna o te haora tuatahi.

WEHAKAATURANGA.—Mehemea ka utua atu ki te Karere te moni hei kōhi mana i roto i te haora tuatahi o tona urunga ki te whare, kua e tangohia e ia kia nui atu i nga moni e whakahaua ana kia kohia e te warati, engari me apiti atu te utu maero. Kua nga taonga me nga taputapu e hokona kia pau ra ano nga ra e rima o muri atu i te ra i murua ai, haunga ia mehemea he taonga tera e pirau, he mea tonu ranei na te kai-karo kia hokona atu.

I puta te tono ki te Kai-whakawa Tuturu mo tenei warati kia whakaputaina i te _____ o nga meneti te paahitanga i te _____ o nga haora _____ i te awatea o te _____ o nga ra o _____, 19____.

Ko nga haora e tuwhera ai te tari o te Karaka i nga _____, kei te _____ o nga haora tae noa ki te _____ o nga haora, haunga i nga _____, ka kati te tari i te _____ o nga haora.

No. 92.

New Zealand. "The Magistrates' Courts Act, 1908." DISTRESS WARRANT UNDER SECTION 35 OF THE ACT. Sec. 35; Rule 45. Plaintiff No. Defendant.

In the Magistrate's Court, held at Between and To, Bailiff of the Magistrate's Court [or To]. WHEREAS a certificate under the seal of the Supreme Court of New Zealand has been filed in this Court, setting forth that the plaintiff, on the day of 19, obtained a judgment against the defendant for [or an order to pay to the plaintiff] the sum of pounds shillings and pence, and the sum of pounds shillings and pence for costs, and there is now due to the plaintiff for interest on such judgment the sum of pounds shillings and pence, making together the sum of pounds shillings and pence:

This is therefore to command you forthwith to levy the sum of pounds, and the further expenses incurred therein, by distress and sale of the goods and chattels of and belonging to the said, except the wearing-apparel and bedding of him or his family, and the tools and implements of his trade (if any), to the value in all of twenty-five pounds; and also to seize and take any money, cheques, bills of exchange, promissory notes, bonds, or securities for money of the said, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same. And you are hereby commanded to pay what you shall so levy forthwith to the Clerk of this Court, and to make return of what you shall do by virtue of this warrant immediately on the execution thereof.

Given under my hand and the seal of the Court, at, this day of 19, Stipendiary Magistrate.

Table with 4 columns: Description, £, s, d. Rows include Amount adjudged to be paid, Interest, Warrant, Costs of previous executions, Mileage, and Total.

The Bailiff is entitled to demand and levy one shilling per mile, reckoned one way only, for every mile beyond two from the Courthouse to the place where seizure is made, and the cost of keeping possession of goods seized, which is not to exceed ten shillings per day, commencing after the first hour. NOTICE.—If the amount to be levied is paid to the Bailiff within one hour after entry, he is not to receive any further sum than the amount directed to be levied as stated above, with mileage. The goods and chattels are not to be sold until after the end of five days next following the day on which they were taken, unless they are of a perishable nature, or at the request of the defendant.

Application was made to the Stipendiary Magistrate for this warrant at minutes past the hour of in the noon of the day of 19, Clerk of Court.

Hours of attendance at the office of the Clerk on, from till, except on, when the office will be closed at

[Indorsement No. 97].

No. 93.

New Zealand. "The Magistrates' Courts Act, 1908." DISTRESS WARRANT AGAINST THE GOODS OF A MARRIED WOMAN. Sec. 112; Rule 45. Plaintiff No. Defendant.

In the Magistrate's Court, held at Between and To, Bailiff of the Magistrate's Court [or To].

WHEREAS, of, in New Zealand, wife of, was on the day of 19, duly adjudged [or ordered] by the Magistrate's Court sitting at to pay the sum of pounds shillings and pence, claimed by one, of, for debt [or damages], together with the sum of pounds shillings and pence for costs and expenses allowed by the said Court, making together the sum of pounds shillings and pence, to the Clerk of this Court forthwith on the day of, or by instalments of for every days: And, further, it was ordered that the execution upon the judgment be limited to the separate property of the said not subject to any restriction against anticipation, unless by reason of section 25 of "The Married Women's Property Act, 1908," such property should be liable to execution notwithstanding such restriction: And whereas default has been made in payment according to the said order: This is therefore to command you forthwith to levy the sum of £, and the further expenses incurred herein, by distress and sale of the goods and chattels of and belonging to the said or her separate estate, except the wearing-apparel and bedding of her or her family, and the tools and implements of her trade (if any), to the value in all of twenty-five pounds; and also to seize and take away any money, cheques, bills of exchange, promissory notes, bonds, or other securities for money of the said, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same. And you are hereby commanded to pay what you shall so levy forthwith to the Clerk of this Court, and to make return of what you shall do by virtue of this warrant immediately on the execution thereof.

Given under my hand and the seal of the Court, at, this day of 19, Stipendiary Magistrate [or Justice of the Peace].

I certify that the amount of £ remains unsatisfied on this judgment. Clerk of Court.

Amount adjudged to be paid	.. £	:	:
Costs of previous execution	..	:	:
Warrant	..	:	:
Mileage	..	:	:
<hr/>			
Total	.. £	:	:
<hr/>			

The Bailiff is entitled to demand and levy one shilling per mile, reckoned one way only, for every mile beyond two from the Courthouse to the place where seizure is made, and the cost of keeping possession of goods seized, which is not to exceed ten shillings per day, commencing after the first hour.

NOTICE.—If the amount to be levied is paid to the Bailiff within one hour after entry, he is not to receive any further sum than the amount directed to be levied as stated above, with mileage. The goods and chattels are not to be sold until after the end of five days next following the day on which they were taken, unless they are of a perishable nature, or at the request of the defendant.

Application was made to the Stipendiary Magistrate for this warrant at _____ minutes past the hour of _____ in the _____ noon of the _____ day of _____, 19____, Clerk of the Court.

Hours of attendance at the office of the Clerk on _____, from _____ till _____, except on _____, when the office will be closed at _____.

[Indorsement No. 97.]

No. 94.

Sec. 122; Rule 45.

New Zealand.
"The Magistrates' Courts
Act, 1908."

DISTRESS WARRANT FOR THE VALUE OF SPECIFIC GOODS,
DAMAGES, AND COSTS.

Plaint No. _____

In the Magistrate's Court, held at _____
Between _____
and _____

_____, plaintiff,
_____, defendant.

To _____, Bailiff of the Magistrate's Court [or To _____].

WHEREAS _____, of _____, the defendant, was on the _____ day of _____, 19____, duly adjudged [or ordered] by the Magistrate's Court sitting at _____ to return to the plaintiff certain specific goods and chattels wrongfully detained by the defendant—namely, [Name the goods detained], being of the value of £ _____; and also to pay £ _____ damages for the detention of the said goods and chattels, and £ _____ for costs allowed by the said Court, making together the sum of £ _____;

And whereas the said goods and chattels have [not] been returned as ordered by the Court; And whereas default has been made in payment of the said damages and costs: This is therefore to command you forthwith to levy the sum of £ _____, and the further expenses incurred herein, by distress and sale of the goods and chattels of and belonging to the said _____, except the wearing-apparel and bedding of him or his family, and the tools and implements of his trade (if any), to the value in all of twenty-five pounds; and also to seize and take any money, cheques, bills of exchange, promissory notes, bonds, or other securities for money of the said _____, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same. And you are hereby commanded to pay what you shall so levy forthwith to the Clerk of this Court, and to make return of what you shall do by virtue of this warrant immediately on the execution thereof.

Given under my hand and the seal of the Court, at _____, this _____ day of _____, 19____.

Stipendiary Magistrate.

Amount adjudged to be paid	.. £	:	:
Costs of previous executions	..	:	:
Warrant	..	:	:
Executing same	..	:	:
<hr/>			
Total	.. £	:	:
<hr/>			

The Bailiff is entitled to demand and levy one shilling per mile, reckoned one way only, for every mile beyond two from the Courthouse to the place where seizure is made, and the cost of keeping possession of the goods seized, which is not to exceed ten shillings per day, commencing after the first hour.

NOTICE.—If the amount to be levied is paid to the Bailiff within one hour after entry, he is not to receive any further sum than the amount directed to be levied as stated above, with mileage. The goods and chattels are not to be sold until after the end of five days next following the day on which they were taken, unless they are of a perishable nature, or at the request of the defendant.

Application was made to the Stipendiary Magistrate for this warrant at _____ minutes past the hour of _____ in the _____ noon of the _____ day of _____, 19____, Clerk of the Court.

Hours of attendance at the office of the Clerk on _____, from _____ till _____, except on _____, when the office will be closed at _____.

[Indorsement No. 97.]

I certify that the damages and costs adjudged have not been paid into Court. Clerk of Court.

No. 95.

New Zealand.
"The Magistrates' Courts
Act, 1908."

DISTRESS WARRANT AGAINST THE GOODS OF A SUB-DEBTOR.
Plaint No. .

Sec. 135; Rule 37.

In the Magistrate's Court, held at

Between , judgment creditor,
and , judgment debtor,
and , sub-debtor.
To , Bailiff of the Magistrate's Court [or To].

I certify that the amount of £
remains
due and unsatisfied on this judgment.

Clerk of Court.

WHEREAS on the day of , 19 , the judgment creditor obtained a judgment [or order] against the judgment debtor for the sum of pounds shillings and pence, and pounds shillings and pence for costs, making together the sum of pounds shillings and pence: And whereas it was on the day of , 19 , ordered by the Court that all debts owing or accruing from to the judgment debtor be attached to answer the judgment debt: And whereas the said has not paid into Court the amount due by him to the judgment debtor, or an amount equal to the judgment debt, and has not disputed the debt claimed to be due from him to the judgment debtor, and, further, has failed to appear on summons:

This is therefore to command you forthwith to levy the sum of £ , and the further expenses incurred herein, by distress and sale of the goods and chattels of and belonging to the said , except the wearing-apparel and bedding of him or his family, and the tools and implements of his trade (if any), to the value in all of twenty-five pounds; and also to seize and take away any money, cheques, bills of exchange, promissory notes, bonds, or securities for money of the said , or such part or so much thereof as may be sufficient to satisfy this execution, and the cost of making and executing the same. And you are hereby commanded to pay what you shall so levy forthwith to the Clerk of this Court, and to make return of what you shall do by virtue of this warrant immediately on the execution thereof.

Given under my hand and the seal of the Court, at , this day of , 19 .
Stipendiary Magistrate.

Amount adjudged to be paid	.. £	:	:
Warrant	..	:	:
Costs of previous executions	..	:	:
Mileage	..	:	:
Total £	:	:

The Bailiff is entitled to demand and levy one shilling per mile, reckoned one way only, for every mile beyond two from the Courthouse to the place where seizure is made, and the cost of keeping possession of goods seized, which is not to exceed ten shillings per day, commencing after the first hour.

NOTICE.—If the amount to be levied is paid to the Bailiff within one hour after entry, he is not to receive any further sum than the amount directed to be levied as stated above, with mileage. The goods and chattels are not to be sold until after the end of five days next following the day on which they were taken, unless they are of a perishable nature, or at the request of the defendant.

Application was made to the Stipendiary Magistrate for this warrant at minutes past the hour of in the noon of the day of , 19 .
Clerk of the Court.

Hours of attendance at the office of the Clerk on , from till , except on , when the office will be closed at

[Indorsement No. 97.]

No. 96.

New Zealand.
"The Magistrates' Courts
Act, 1908."

WARRANT TO BAILIFF TO SEIZE SPECIFIC GOODS.

Plaint No. .

Sec. 122.

In the Magistrate's Court, held at

Between , plaintiff,
and , defendant.
To , Bailiff of the Magistrate's Court [or To].

WHEREAS , of , the defendant, was on the day of , 19 , duly adjudged or ordered by the Magistrate's Court sitting at to return to , of [Here enumerate goods ordered to be returned], wrongfully detained by the said : And whereas the said goods have not been returned according to the said order: This is therefore to command you to demand of the said and seize the said goods, if they can be found by you, and to deliver them to the said , and to make return of what you shall do by virtue of this warrant immediately on the execution thereof.

Given under my hand and the seal of the Court, at , this day of , 19 .
Stipendiary Magistrate.

Hours of attendance at the office of the Clerk on , from till , except on , when the office will be closed at

46

No. 97.

Rule 46.

RETURN TO DISTRESS WARRANT WHERE NO EFFECTS.

Magistrate's Court, }
held at . . .)

I, , of , do hereby certify unto the Magistrate's Court sitting at that by virtue of this warrant I have made diligent search for the goods and chattels of the within-named , and that I can find no sufficient goods and chattels of the said whereon to levy the sums within mentioned.

Dated at , this day of , 19.

[To be indorsed on Nos. 91, 92, 93, 94, and 95.]

No. 98.

Sec. 122.

New Zealand. }
"The Magistrates' Courts } ORDER TO RETURN SPECIFIC GOODS, AND IMPRISONMENT IN DEFAULT.
Act, 1908." } Plaintiff No.

In the Magistrate's Court, held at

Between
and, plaintiff,
, defendant.

WHEREAS , of , the defendant, was on the day of , 19 , duly adjudged or ordered by the Magistrate's Court sitting at to return to the plaintiff certain specific goods wrongfully detained by the said defendant—that is to say, [Here specify them]: And whereas the said goods have not been returned according to the said judgment: And whereas a warrant was on the day of issued to the Bailiff of the Court commanding him to seize the said goods, and deliver them to the plaintiff: And whereas the Bailiff has now certified to the Court that he has demanded the said goods, but has been unable to find, obtain possession of, or seize the same: Now, therefore, it is ordered that the said goods be returned by the defendant to the plaintiff forthwith; and, if the defendant refuses or neglects to return the goods for twenty-four hours after service on him of a sealed copy of this order, that he be imprisoned in the prison at for the space of , unless he shall in the meantime cause the goods so detained to be returned to the plaintiff.

Dated at , this day of , 19

(L.S.)

Stipendiary Magistrate.

Hours of attendance at the office of the Clerk on , from till , except
or , when the office will be closed at

No. 99.

Sec. 122.

New Zealand. }
"The Magistrates' Courts } WARRANT OF COMMITTAL FOR REFUSAL TO RETURN SPECIFIC GOODS.
Act, 1908." } Plaintiff No.

In the Magistrate's Court, held at

Between
and, plaintiff,
, defendant.

To , Bailiff of the Magistrate's Court, , and to the Gaoler of the prison at

WHEREAS on the day of , 19 , the plaintiff entered a plaint in accordance with "The Magistrates' Courts Act, 1908," in the Magistrate's Court at , claiming the return or recovery of certain specific goods—viz., [Here specify them]: And whereas on the hearing of the said claim on the day of , 19 , judgment was given by , Esquire, a Stipendiary Magistrate under the said Act, in favour of the plaintiff for the recovery of the said goods, and damages for their detention: And whereas a warrant under the hand of the said Stipendiary Magistrate was issued to the Bailiff of the Court requiring him to demand and seize the said goods: And whereas the Bailiff has certified to the said Stipendiary Magistrate that he has demanded the said goods, and that he was unable to find, obtain possession of, or seize the same: And whereas the said Stipendiary Magistrate, on the application of the plaintiff, on the day of , 19 , ordered the immediate return of the said goods, and by the same order it was further ordered that if the defendant should refuse or neglect to return the said goods after service on him of a sealed duplicate of the said order he should be imprisoned in the prison at for the space of days, unless he should in the meantime cause the said goods to be returned to the plaintiff: And whereas it has been proved to me, the undersigned Stipendiary Magistrate, that a sealed duplicate of the said order was on the day of , 19 , served on the defendant, but that he has not returned the said goods to the plaintiff as required by the said order: Now, therefore, I command you, the said Bailiff, to arrest and apprehend the said defendant, , and him safely convey and deliver to the Gaoler of the prison at , and you, the said Gaoler, to receive into the said prison, and there to imprison him for the space of days, unless the said shall in the meantime cause the said goods to be returned to the plaintiff.

Given under my hand and the seal of the Court, at , this day of , 19 .

Stipendiary Magistrate.

No. 100.

Secs. 169, 172 ;
Rule 40.

New Zealand. }
"The Magistrates' Courts } SUMMONS TO A TENANT OR OTHER PERSON HOLDING OVER.
Act, 1908." } Plaintiff No.

In the Magistrate's Court, held at

Between
and, plaintiff,
, defendant.

You are hereby summoned to appear at the Magistrate's Court to be held at on the day of , 19 , at the hour of in the forenoon, to answer the claim of the plaintiff

47

for possession of a certain [messuage with appurtenances, or part of a house, or as the case may be, describing the tenement so as to distinguish it], situate at And take notice that the plaintiff claims of you for rent [or mesne profits, or damages] the sum of £ for a period from the day of, 19, to the day of, 19 And further take notice that, if you do not appear at the said Court and show cause why you do not deliver up possession as aforesaid, the Magistrate may order a warrant to issue to give possession to the plaintiff. And further take notice that, if the plaintiff in this action is not your immediate landlord, you must, upon being served with this summons, or if this summons shall come to your knowledge, forthwith give notice hereof to your immediate landlord; and if you do not give such notice you will be liable to forfeit to your immediate landlord three years' rack-rent of the premises held by you of him in respect of which this summons is issued.

Given under my hand and the seal of the Court, at, this day of, 19
 To the Defendant. Clerk of the Court.
 Claim for £ : :
 Costs : :
 Mileage for service of summons : :
 Total £ : :

Hours of attendance at the office of the Clerk on, from till, except on, when the office will be closed at
 [Indorsement No. 19.]

No. 101.

New Zealand. } SUMMONS FOR RECOVERY OF TENEMENT FOR NON-PAYMENT OF RENT. Sec. 170; Rule 40.
 "The Magistrates' Courts Act, 1908."

In the Magistrate's Court, held at Plaintiff No.
 Between, plaintiff,
 and, defendant.
 You are hereby summoned to appear at the Magistrate's Court to be held at on the day of, 19, at the hour of in the forenoon, to answer the claim of the plaintiff why possession of a certain [Here describe the house or other tenement so as to distinguish it], situate at held by you as a [Insert weekly, or as the case may be] tenant should not be given up to the plaintiff by reason of the rent payable in respect thereof by you being days in arrear, and the plaintiff having right by law to re-enter for the non-payment thereof. If you pay to the Clerk the rent in arrear and the costs of this action, as stated at the foot of this summons, five clear days before the day you are required to appear to this summons, this action will cease. And take notice that if you do not pay such rent in arrear, and costs, or appear at the said Court and show cause why possession of the said should not be recovered against you, you may be ordered by the Court to give possession of such premises to the plaintiff, and that if such order is not obeyed a warrant may issue to give possession to the plaintiff. And further take notice that, if the plaintiff in this action is not your immediate landlord, you must, upon your being served with this summons, or if this summons shall come to your knowledge, forthwith give notice hereof to your immediate landlord; and if you do not give such notice you will be liable to forfeit to your immediate landlord three years' rack-rent of the premises held by you of him in respect of which this summons is issued.

Given under my hand and the seal of the Court, at, this day of, 19
 Clerk of the Court.
 Rent in arrear from the day of to
 the day of £ : :
 Costs : :
 Mileage for service of summons : :
 Total £ : :

Hours of attendance at the office of the Clerk on, from till, except on, when the office will be closed at
 [Indorsement No. 19.]

No. 102.

New Zealand. } WARRANT FOR GIVING POSSESSION OF TENEMENT. Secs. 169, 170, and 172; Rules 40, 42.
 "The Magistrates' Courts Act, 1908."

In the Magistrate's Court, held at Plaintiff No.
 Between, plaintiff,
 and, defendant.
 To, Bailiff of the Magistrate's Court [or To].
 WHEREAS at, on the day of, 19, it was ordered by the Magistrate's Court held at that the defendant should give the plaintiff possession of a certain [house, &c., as in summons], situate at * [and that the plaintiff should recover against the defendant], the sum of pounds shillings and pence for costs, or the sum of pounds

shillings and pence for rent or mesne profits [or rent and mesne profits, or damages, and pounds shillings and pence* [Insert here, if possession is to be given on account of non-payment of rent in arrears, instead of the words between asterisks: "or else should, on or before the day of 19, pay to the said the rent in arrear and the sum of £ for costs"]]: And whereas it was further ordered by the Court that this warrant should issue:

This is therefore to authorise and require you, on or before the day of 19, to enter, by force if needful, into the premises, between the hours of nine in the morning and four in the afternoon, and to give possession of the said hereinbefore-mentioned premises to the plaintiff. And this is further to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the defendant, wheresoever they may be found (except the wearing-apparel and bedding of the defendant or his family, and the tools and implements of his trade, if any, to the value in all of twenty-five pounds), the said sum, and the costs of this warrant and execution; and also to seize and take any money or bank-notes, and any cheques, bills of exchange, promissory notes, bonds, of securities for money of the defendant which may be there found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall so levy forthwith to the Clerk of this Court, and to make return to me of what you shall do under this warrant immediately on the execution thereof.

Given under my hand and the seal of the Court, at , this day of , 19 .
Stipendiary Magistrate.

Amount adjudged to be paid .. £	:	:
Warrant	:	:
Mileage	:	:
<hr/>		
Amount to be levied .. £	:	:
<hr/>		

NOTICE.—The Bailiff is entitled to demand and levy one shilling per mile, reckoned one way only, for every mile beyond two from the Courthouse to the tenement of which possession is to be given, and mileage at the same rate to the place where any seizure of goods is made, if sufficient distress is not found on such tenement.

The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they are of a perishable nature, or at the request of the defendant.

If the amount to be levied is paid to the Bailiff within one hour after seizing, he is not to receive any further sum than the amount directed to be levied as stated above, with mileage.

The cost of keeping possession of goods seized is not to exceed ten shillings per day.

Application was made to the Stipendiary Magistrate for this warrant at minutes past the hour of in the noon of the day of , 19 .

Hours of attendance at the office of the Clerk on , from till , except on , when the office will be closed at

No. 103.

Sec. 171 ; Rule 41. } New Zealand. } INFORMATION AND REQUEST OF LANDLORD FOR POSSESSION WHERE
"The Magistrates' Courts } "The Magistrates' Courts } TENANT HAS DESERTED PREMISES LEAVING RENT DUE.
Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at

Between , plaintiff,
and , defendant.

THE information and request of , of , taken and made before me, Esquire, Stipendiary Magistrate at , this day of , 19, who says that he the said did demise at rack-rent [or at a rent three-fourths of the yearly value] the house [lands, or tenements, now or late called] situate at in the said district, and that , of , is the tenant holding the same, and that on the day of last past there was in arrear and due unto him, the said , from him, the said , rent thereof amounting to the sum of , and that he, the said , has deserted the said demised premises and left the same uncultivated and unoccupied, so that no sufficient distress can be had to countervail the arrears of rent. Whereupon he, the said , doth request me, the said Magistrate, to command the Bailiff of the Court or some constable to go upon and view the premises, and affix on the most conspicuous part thereof notice in writing on what day he will return to take a second view, in order that he, the said , as such landlord and lessor, may be put into possession of the said premises according to the Act in that case made and provided.

Taken before me the day and year first mentioned, at .
Stipendiary Magistrate.

No. 104.

Sec. 171 ; Rule 41. } New Zealand. } WARRANT TO BAILIFF TO GO AND VIEW DESERTED TENEMENT
"The Magistrates' Courts } "The Magistrates' Courts } AND AFFIX NOTICE THEREUPON.
Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at

Between , plaintiff,
and , defendant.

To , Bailiff of the Magistrate's Court [or Constable stationed at] .
WHEREAS an information and request has this day been made before me, Esquire, Stipendiary Magistrate, sitting at , by , who says that [as in the information], and the matter of such information has now been proved to my satisfaction upon oath: This is to authorise and

command you, the said _____, to go upon and view the premises, and if upon such view you find the said premises to be deserted and without sufficient distress thereupon you are hereby authorised and commanded to affix upon the most conspicuous part thereof notice in writing that on a day to be in such notice mentioned, and not being less than fourteen days from such first view, you will return to take a second view thereof, and that if upon such second view the tenant or some person on his behalf does not appear and pay the rent in arrear, and there is no sufficient distress on the premises, the said _____ may be put in possession of the said demised premises, pursuant to the statute in such case made and provided. And you are hereby further authorised and commanded to return to such premises and take a second view thereof upon the day to be in such notice mentioned, and to certify to me, the said Magistrate, on or before the _____ day of _____ next, what you have done hereunder, and whether upon such second view as aforesaid any person appeared and paid the rent in arrear, or whether there is then sufficient distress on the premises to countervail the arrears of rent.

Given under my hand and the seal of the Court, this _____ day of _____, 19____, at _____
Stipendiary Magistrate.

No. 105.

New Zealand. }
"The Magistrates' Courts } NOTICE TO BE AFFIXED ON DESERTED PREMISES. Sec. 171; Rule 41
Act, 1908." }
In the Magistrate's Court, held at _____
Between _____, plaintiff,
and _____, defendant.
To _____ [the tenant].

TAKE notice that on _____, the _____ day of _____ last, information and request was made to _____, Stipendiary Magistrate, sitting at _____, by _____, of _____, for that [Setting forth the matter as in the information]. And the said Stipendiary Magistrate thereupon issued his warrant authorising and commanding me, _____, to come upon and view the said demised premises; and I do find the said premises to be deserted and without sufficient distress thereupon, and on the _____ day of the present month of _____ I will return, in obedience to the said warrant, to take a second view thereof; and if upon such second view you, or some person on your behalf, do not appear and pay the said rent in arrear, or there is not sufficient distress on the premises, the said _____ may be put in possession of the said demised premises pursuant to the statute in that case made and provided.

Witness my hand, this _____ day of _____, 19____. _____ Bailiff.

Hours of attendance at the office of the Clerk on _____, from _____ till _____, except on _____, when the office will be closed at _____.

No. 106.

New Zealand. }
"The Magistrates' Courts } WARRANT TO THE BAILIFF OR A CONSTABLE TO DELIVER POSSESSION Sec. 171; Rules 41
Act, 1908." } OF DESERTED PREMISES TO LANDLORD. and 42.
In the Magistrate's Court, held at _____
Between _____, plaintiff,
and _____, defendant.
To _____, Bailiff of the Magistrate's Court [or To _____].

WHEREAS on the _____ day of _____ last information and request was made to me, _____, Stipendiary Magistrate, sitting at _____, by _____, of _____, for that [Setting forth the matter as in the information]: And whereas I did thereupon issue my warrant authorising and commanding _____, Bailiff of the Court aforesaid, to enter upon and view the premises in the said information mentioned, and to affix upon the most conspicuous part thereof a notice stating upon what day he would return to take a second view thereof, pursuant to the statute in such case made and provided: And whereas it appears to me by the return of the said _____ to the said warrant that the said _____ went upon and viewed the said premises, and affixed thereupon such notice as aforesaid, and that the said _____, upon the day in such notice mentioned, returned to the said premises and took a second view thereof, and that neither the tenant nor any person on his behalf appeared and paid the rent in arrear, nor was there sufficient distress on the premises to countervail the arrears of rent: This is therefore to authorise and command you, on or before the _____ day of _____, 19____, to enter upon the said demised premises, with such assistants as you deem necessary, between the hours of nine in the morning and four in the afternoon, and to deliver possession thereof to the said _____, and for your so doing this shall be your sufficient warrant.

Given under my hand and the seal of the Court, at _____, this _____ day of _____, 19____.
Stipendiary Magistrate.

Hours of attendance at the office of the Clerk on _____, from _____ till _____, except on _____, when the office will be closed at _____.

No. 107.

Sec. 178; Rule 43.

New Zealand. }
"The Magistrates' Courts }
Act, 1908."

BOND TO BE GIVEN BY DEFENDANT UNDER SECTION 178.

Plaint No.

In the Magistrate's Court, held at

Between
and

, plaintiff,
, defendant.

Know all men by these presents that we, , of , and , of , and , of , are jointly and severally held and firmly bound to , of , in the sum of £ to be paid to the said , for which payment to be made we bind ourselves and each and every of us jointly and severally firmly by these presents.

Sealed with our seals and dated at this day of , one thousand nine hundred and

WHEREAS on , the day of last past, the above-named entered a plaint against the above-bounden in the Magistrate's Court held at to recover possession of [Here describe the tenements sought to be recovered]: And whereas the above-bounden disputes the right of the said to the possession of the said tenements, and is ready to sue the said with effect and without delay in a Court of competent jurisdiction; and in case the plaintiff does not recover judgment in such action, or discontinues, or is nonsuited, to pay to the defendant the costs which the defendant is therein adjudged to recover, and also the costs of the proceedings in the Magistrate's Court, and damages for the illegal occupation of the land up to the time of such judgment: And whereas the security intended to be hereby given has been approved of by , Stipendiary Magistrate, as appears by his allowance at the foot hereof: Now the condition of this obligation is such that if the above-bounden shall sue the above-named with effect and without delay in a Court of competent jurisdiction, and if in case the plaintiff does not recover judgment in such action, or discontinues, or is nonsuited, the above-bounden , or , or any of them, shall pay to the said , his executors, administrators, or assigns, the costs which the defendant is therein adjudged to recover, and also the costs of the proceedings in the Magistrate's Court, and damages for the illegal occupation of the land up to the time of such judgment, then this obligation shall be void, otherwise shall remain in full force.

(Signed.)

Signed, sealed, and delivered by the above-bounden and in the presence of

I APPROVE of this bond.

Stipendiary Magistrate.

No. 108.

Sec. 153.

New Zealand. }
"The Magistrates' Courts }
Act, 1908."

NOTICE OF APPEAL.

Plaint No.

In the Magistrate's Court, held at

Between
and

, plaintiff,
, defendant.

TAKE notice that the intends to appeal to the Supreme Court against the judgment [or order] of , Esquire, Stipendiary Magistrate, given or made on the hearing of the above action at on the day of , 19 , on the grounds [Set out grounds in numbered paragraphs].

Dated at , this day of , 19 .

Solicitor for the
[or Plaintiff or Defendant in person.]

To the Clerk of the Court at and to the Plaintiff [or Defendant].

No. 109.

Sec. 153; Rule 43.

New Zealand. }
"The Magistrates' Courts }
Act, 1908."

BOND WHICH MAY BE TAKEN AS SECURITY FROM AN APPELLANT.

Plaint No.

In the Magistrate's Court, held at

Between
and

, plaintiff,
, defendant.

Know all men by these presents that we, , of , and , of , and , of , are jointly and severally held and firmly bound to , of , in the sum of pounds, to be paid to the said , for which payment to be made we bind ourselves and each and every of us jointly and severally firmly by these presents.

Sealed with our seals and dated at this day of , one thousand nine hundred and

WHEREAS an action is now depending in the Magistrate's Court held at , wherein the above-bounden is plaintiff [or defendant], and the above-named is defendant [or plaintiff]: And whereas the said action came on for hearing in the said Court on the day of , when a judgment was given for the said : And whereas the said is dissatisfied with

that judgment, and intends to appeal to the Supreme Court of New Zealand at according to "The Magistrates' Courts Act, 1908": And whereas it is by the said Act provided that the party who appeals as aforesaid shall give security to the satisfaction of the Court to abide the event of the appeal: And whereas the above-bounden and , at the request of the said , have agreed to enter into the above-written obligation for the purposes aforesaid, and the security intended to be hereby given has been approved by the Court, as appears by the allowance at the foot hereof: Now the condition of this obligation is such that if the above-bounden shall perform the final order of the Supreme Court to be made upon such appeal, then the obligation shall be void, otherwise shall remain in full force.

Signed, sealed, and delivered by the above-bounden (Signed.)
in the presence of

I APPROVE of this bond.

By the Court. Stipendiary Magistrate.

No. 110.

New Zealand. } INTERLOCUTORY SUMMONS. Sec. 82; Rule 22.
"The Magistrates' Courts }
Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
Between , plaintiff,
and , defendant.

LET the plaintiff [or defendant] [or W. T., a witness for the plaintiff or defendant] attend before the Stipendiary Magistrate at [or before the Magistrate's Court to be held at] on the day of , 19 , at the hour of in the noon, to show cause why

Given under my hand and the seal of the Court, at , this day of , 19 .
Clerk of the Court.

Hours of attendance at the office of the Clerk on , from till , except on , when the office will be closed at .

No. 111.

New Zealand. } ORDER FINING WITNESS FOR NON-ATTENDANCE. Sec. 82; Rule 22.
"The Magistrates' Courts }
Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
Between , plaintiff,
and , defendant.

WHEREAS on the day of , 19 , of , was duly served with a witness-summons, ordering him to appear before the Magistrate's Court at at o'clock in the forenoon of the day of , 191 , and then and there to produce : And whereas at the time of service of the said witness-summons payment or tender of the said expenses on the prescribed scale was made, but the said did not attend according to the exigency of the summons, but therein made default: And whereas the said was, on the day of , 19 , served with an interlocutory summons requiring him to show cause why he should not be punished for his disobedience to the first-recited summons: And whereas the said did not appear as required by the said last-recited summons [or Upon hearing the said], it is ordered by the Court that the said pay forthwith [or on or before the day of , 19] to the Clerk of the Court, as penalty for his disobedience to the said witness-summons, the sum of , or in default that he, the said , be imprisoned in the public prison at for the space of days.

Given under my hand and the seal of the Court, at , this day of , 191 .
Stipendiary Magistrate.

[NOTE.—If the witness is fined for refusing to give evidence, alter accordingly.]

Hours of attendance at the office of the Clerk on , from till , except on , when the office will be closed at .

No. 112.

New Zealand. } COMMITTAL OF WITNESS IN DEFAULT OF FINE. Sec. 82; Rule 22.
"The Magistrates' Courts }
Act, 1908." } Plaintiff No. .

In the Magistrate's Court, held at .
Between , plaintiff,
and , defendant.

To , Bailiff of the Magistrate's Court , and to the Gaoler of the prison at .

WHEREAS on the day of , 19 , of , was duly served with a witness-summons, ordering him to appear before the Magistrate's Court at at in the

noon of the day of , 19 , and then and there to produce And whereas at the time of service of the said witness-summons payment or tender of the said expenses on the prescribed scale was made, but the said did not attend according to the exigency of the summons, but therein made default: And whereas the said was, on the day of , 191 , served with an interlocutory summons to show cause why he should not be punished for his disobedience to the first-recited summons: And whereas the said did not appear as required by the said last-recited summons [or Upon hearing the said], it was ordered by the Court that the said pay to the Clerk of the Court forthwith [or on or before the day of , 19] the sum of pounds as penalty for his disobedience, and in default that he should be imprisoned in the prison at for the space of days [Insert, if the witness did not appear in answer to the interlocutory summons]: And whereas it has now been proved to me that the said has been served with a sealed duplicate of the said order: And whereas the said has not obeyed the said order:

These are therefore to require you, the said Bailiff, to arrest and apprehend the said , and him safely convey and deliver to the Gaoler of the said prison at , and you, the said Gaoler, to receive the said into the said prison, and there to imprison him for the space of days, unless he shall sooner pay the said penalty of imposed upon him by me, and for your so doing this shall be your warrant.

Given under my hand and the seal of the Court, at , this day of , 19 .
Stipendiary Magistrate.

No. 113.

Sec. 186. New Zealand. } "The Magistrates' Courts Act, 1908." ORDER FOR FINE, OR IN DEFAULT IMPRISONMENT FOR CONTEMPT.

In the Magistrate's Court, held at
WHEREAS at a sitting of a Magistrate's Court at held this day before me, a Stipendiary Magistrate, of , did wilfully insult me, the said Stipendiary Magistrate, whilst I was acting in civil proceedings by then and there [Here describe the insult], [or did wilfully insult , Clerk of the Magistrate's Court, during his attendance in Court, by , or wilfully interrupted the proceedings of the said Court by then and there (Here describe the interruption), or was guilty of a wilful contempt in the face of the Court by then and there (Here describe the contempt)]:

Now, therefore, it is ordered that the said , as penalty for such contempt, pay to the Clerk of this Court forthwith [or on or before the day of , 19] the sum of pounds, or in default be imprisoned in the prison at for the space of days, unless the said shall sooner pay the said sum of pounds.

Given under my hand and the seal of the Court, at , this day of , 19 .
Stipendiary Magistrate.

Hours of attendance at the office of the Clerk on , from till , except on , when the office will be closed at .

No. 114.

Sec. 186. New Zealand. } "The Magistrates' Courts Act, 1908." WARRANT OF COMMITMENT FOR CONTEMPT IN DEFAULT OF PAYMENT OF A FINE.

In the Magistrate's Court, held at

To , Bailiff of the Magistrate's Court, , and to the Gaoler of the prison at .

WHEREAS at a sitting of a Magistrate's Court at held this day before me, a Stipendiary Magistrate, of , did wilfully insult me, the said Stipendiary Magistrate, whilst I was acting in civil proceedings by then and there [Here describe the insult], [or did wilfully insult , Clerk of the Magistrate's Court, during his attendance in Court, by , or wilfully interrupted the proceedings of the said Court by then and there (Here describe the interruption), or was guilty of a wilful contempt in the face of the Court by then and there (Here describe the contempt)]: And whereas it was ordered by the Court that the said should for such contempt pay to the Clerk of this Court forthwith [or on or before the day of , 19] the sum of pounds, or in default should be imprisoned in Prison for the space of days: And whereas it has been proved to me that a sealed duplicate of the said order has been served on the said , but the said has not obeyed the said order:

This is therefore to require you, the said Bailiff, to take the said and deliver him to the said Gaoler of the prison at ; and I do hereby command you, the said Gaoler, to receive the said into your custody, and there to imprison him for the space of days, unless he shall sooner pay the penalty of pounds imposed upon him by me, or until he shall be sooner discharged by due course of law, and for your so doing this shall be your sufficient warrant.

Given under my hand and the seal of the Court, at , this day of , 19 .
Stipendiary Magistrate.

No. 115.

New Zealand. } "The Magistrates' Courts Act, 1908." WARRANT OF COMMITMENT FOR CONTEMPT.

Sec. 186.

In the Magistrate's Court, held at To , Bailiff of the Magistrate's Court, , and to the Gaoler of the prison at .

WHEREAS at a sitting of a Magistrate's Court at held this day before me, , a Stipendiary Magistrate, of , did wilfully insult me, the said Stipendiary Magistrate, whilst I was acting in civil proceedings by then and there [Here describe the insult], [or did wilfully insult Clerk of the Magistrate's Court, during his attendance in Court, by , or wilfully interrupted the proceedings of the said Court by then and there (Here describe the interruption), or was guilty of a wilful contempt in the face of the Court by then and there (Here describe the contempt)]:

This is therefore to require you, the said Bailiff, to take the said and deliver him to the said Gaoler of the prison at ; and I do hereby command you, the said Gaoler, to receive the said into your custody, and there to imprison him for the space of days, or until he shall be sooner discharged by due course of law, and for your so doing this shall be your sufficient warrant.

Given under my hand and the seal of the Court, at , this day of , 19 . Stipendiary Magistrate.

No. 116.

New Zealand. } "The Magistrates' Courts Act, 1908." ORDER FOR IMPRISONMENT UNDER SECTION 189.

Sec. 189.

In the Magistrate's Court, held at Between , plaintiff, and , defendant.

WHEREAS by an order of this Court dated the day of , 19 , it was lawfully ordered [Here state particulars]: And whereas it has been proved to me, the undersigned Stipendiary Magistrate, that the said has disobeyed the said order: And whereas the said was, on the day of , 191 , duly served with an interlocutory summons to show cause why he should not be fined or imprisoned for his disobedience to the said order: And whereas the said did not appear as required by the said summons [or Now, therefore, after hearing the said], it is ordered by the Court that the said be imprisoned in the public prison at for the term of months, or until he gives security to the satisfaction of me, the said Stipendiary Magistrate, or of some other Stipendiary Magistrate, that he will obey the first-issued lawful order.

Given under my hand and the seal of the Court, at , this day of , 19 . Stipendiary Magistrate.

Hours of attendance at the office of the Clerk on , from till , except on , when the office will be closed at .

No. 117.

New Zealand. } "The Magistrates' Courts Act, 1908." ORDER FOR FINE OR IMPRISONMENT UNDER SECTION 189.

Sec. 189.

In the Magistrate's Court, held at Between , plaintiff, and , defendant.

WHEREAS by an order of this Court dated the day of , 19 , it was lawfully ordered that [Here state particulars]: And whereas it has been proved to me, the undersigned Stipendiary Magistrate, that the said has disobeyed the said order: And whereas the said was, on the day of , 19 , duly served with an interlocutory summons to show cause why he should not be fined or imprisoned for his disobedience to the said order: And whereas the said did not appear as required by the said summons [or Now, therefore, after hearing the said], it is ordered that the said pay forthwith the sum of pounds to the Clerk of the Court as penalty for his disobedience, and the sum of pounds as costs of this order, or in default of payment be imprisoned in the prison at for the space of days, unless he shall sooner pay the said sum of pounds.

Given under my hand and the seal of the Court, at , this day of , 19 . Stipendiary Magistrate.

Hours of attendance at the office of the Court on , from till , except on , when the office will be closed at .

54

No. 118.

Sec. 189.

New Zealand.
 "The Magistrates' Courts }
 Act, 1908." } WARRANT OF COMMITTAL UNDER SECTION 189.

Plaint No. .

In the Magistrate's Court, held at .

Between
and, plaintiff,
, defendant.

To , Bailiff of the Magistrate's Court, , and to the Gaoler of the prison at

WHEREAS by an order of this Court dated the day of , 19 , it was lawfully ordered [Here state particulars]: And whereas it was proved that the said disobeyed the said order: And whereas the said was, on the day of , 19 , duly served with an interlocutory summons to show cause why he should not be fined or imprisoned for his disobedience to the said order: And whereas the said did not appear as required by the said summons, and [or And whereas on hearing the said] it was then ordered that the said be imprisoned in the prison at for the term of months, or until he should give security to the satisfaction of me, the said Stipendiary Magistrate, or of some other Stipendiary Magistrate, that he will obey the first-recited lawful order:

And whereas it has been proved to me that the said has been duly served with a sealed duplicate of such last-named order, but has not obeyed the same: These are therefore to require you, the said Bailiff, to arrest and apprehend the said , and him safely convey and deliver to the Gaoler of the prison at , and you, the said Gaoler, to receive the said into the said prison, and there to imprison him for the space of months, unless he shall in the meantime give security that he will obey the first-recited order, or until he shall be sooner discharged by due course of law, and for your so doing this shall be your warrant.

Given under my hand and the seal of the Court, at , this day of , 19 .
 Stipendiary Magistrate.

No. 119.

Sec. 189.

New Zealand.
 "The Magistrates' Courts }
 Act, 1908." } COMMITTAL UNDER SECTION 189 IN DEFAULT OF PAYMENT
 OF FINE.

Plaint No. .

In the Magistrate's Court, held at .

Between
and, plaintiff,
, defendant.

To , Bailiff of the Magistrate's Court, , and to the Gaoler of the prison at .

WHEREAS by an order of the Court dated the day of , 19 , it was lawfully ordered [Here state particulars]: And whereas it was proved that the said disobeyed the said order: And whereas the said was, on the day of , 19 , duly served with an interlocutory summons to show cause why he should not be fined or imprisoned for his disobedience to the said order: And whereas the said did not appear as required by the said summons, and [or And whereas on hearing the said] it was ordered that the said pay forthwith the sum of pounds to the Clerk of this Court as penalty for his disobedience, or, in default of payment, be imprisoned in the prison at for the space of days: And whereas it has now been proved to me that the said has been served with a sealed duplicate of such last-named order, but that he has not obeyed the same:

These are therefore to require you, the said Bailiff, to arrest and apprehend the said , and him safely convey and deliver to the Gaoler of the prison at , and you, the said Gaoler, to receive the said into the said prison, and there to imprison him for the space of months, unless he pays to you, the said Gaoler, the said penalty of pounds, and for so doing this shall be your warrant.

Given under my hand and the seal of the Court, at , this day of , 19 .
 Stipendiary Magistrate.

No. 120.

Sec. 189.

New Zealand.
 "The Magistrates' Courts }
 Act, 1908." } WARRANT FOR RELEASE.

Plaint No. .

In the Magistrate's Court, held at .

Between
and, plaintiff,
, defendant.

To the Gaoler of the prison at .

I HEREBY order and authorise you to release , now in your custody under warrant issued out of this Court dated the day of , 19 , and for so doing this shall be your authority.

Given under my hand and the seal of the Court, at , this day of , 19 .
 Stipendiary Magistrate.

55

No. 121.

New Zealand.
"The Magistrates' Courts
Act, 1908."

CERTIFIED COPY OF ORDER OR JUDGMENT.

Secs. 147 and 148 ;
Rule 44.

EXTRACT from the Record of Proceedings in Civil Cases in the Magistrate's Court at

Date.	No. of Plaint.	Plaintiff.	Defendant.	Judgment for whom.	Amount of Judgment.		
					£	s.	d.

I certify that the above is a true extract from the records in my custody, showing the minute of judgment or order in the above case, and that, according to the records of this office, the amount still due upon such judgment or order is as follows :—

	£	s.	d.
Amount remaining due on judgment			
Subsequent costs			
Cost of this certificate		2	0
Total	£		

Given under my hand and the seal of the Court, at _____, this _____ day of _____, 19____.
Clerk, Magistrate's Court at _____.

No. 122.

New Zealand.
"The Magistrates' Courts
Act, 1908."

BALANCE-SHEET OF BAILIFF AFTER EXECUTING DISTRESS WARRANT.
Plaint No. _____

Rule 46.

In the Magistrate's Court, held at _____
Between _____
and _____

_____, plaintiff,
_____, defendant.

RETURN to Warrant of Distress from the Bailiff of the Magistrate's Court at _____ to the Clerk of _____
the Magistrate's Court at _____

	Voucher	£	s.	d.	£	s.	d.
Gross amount seized or received, as per inventory attached							
Payments in deduction							
Net amount payable to credit of execution creditor							

Bailiff.

I hereby certify that the above charges are correct, that all disbursements are supported by vouchers, and that the sum of _____ pounds _____ shillings and _____ pence was paid into Court this _____ day of _____, 19____.

Clerk of the Court.

No. 123.

New Zealand.
"The Magistrates' Courts
Act, 1908."

MEMORANDUM OF SATISFACTION.

Sec. 149 ; Rule 29.

In the Magistrate's Court, held at _____
Between _____
and _____

Plaint No. _____

_____, plaintiff,
_____, defendant.

I HEREBY consent to the Clerk of the Court entering satisfaction of the judgment herein obtained by me in the Magistrate's Court at _____ on the _____ day of _____, 19____.

Amount of judgment .. £ : :
Costs : :

£ : :

Plaintiff
[or Solicitor for plaintiff].

Dated at _____, this _____ day of _____, 19____.

Witness to signature :
Clerk of Court [or Justice of the Peace, or Solicitor].

56

No. 124.

Sec. 3, Amdt. Act, 1909; Rule 8. } New Zealand.
 "The Magistrates' Courts }
 Amendment Act, 1909." } NOTICE OF INTENTION TO DEFEND AN ACTION. Plaintiff No. , 19 .

In the Magistrate's Court, held at .

Between
 and

, plaintiff,
 , defendant.

I, the above-named defendant, hereby give notice that I intend to defend this action.

Dated at , this day of , 19 .

Defendant.

NOTE.—Please see that the plaintiff-number is inserted in this form before posting it to the Court. No fee is payable in respect of the filing thereof.

No. 125.

Sec. 4, Amdt. Act, 1909; Rule 8. } New Zealand.
 "The Magistrates' Courts }
 Amendment Act, 1909." } APPLICATION FOR LEAVE TO DEFEND AN ACTION, Plaintiff No. , 19 .

In the Magistrate's Court, held at .

Between
 and

, plaintiff,
 , defendant.

I, , being the defendant in this action, hereby apply to the Court for leave to defend the above action on the following grounds: [*Here state the grounds of application.*]

Dated at this day of , 19 .

Defendant.

To the above-named plaintiff and to the Clerk of the Court.

No. 126.

Sec. 4, Amdt. Act, 1909; Rule 8. } New Zealand.
 "The Magistrates' Courts }
 Amendment Act, 1909." } NOTICE OF APPLICATION FOR LEAVE TO DEFEND AN ACTION. Plaintiff No. , 19 .

In the Magistrate's Court, held at .

Between
 and

, plaintiff,
 , defendant.

TAKE notice that the defendant has applied for leave to defend this action on the following special grounds: [*State grounds*]; and his application will be heard before the Magistrate's Court at on day, the day of , 19 , at the hour of o'clock in the noon.

To the plaintiff.

Clerk of Court.

No. 127.

Sec. 4, Amdt. Act, 1909; Rule 8. } New Zealand.
 "The Magistrates' Courts }
 Amendment Act, 1909." } ORDER GIVING LEAVE TO DEFEND AN ACTION. Plaintiff No. , 19 .

In the Magistrate's Court, held at .

Between
 and

, plaintiff,
 , defendant.

It is ordered that the defendant, on special grounds shown to the Court, have leave to defend the action * It is further ordered that the defendant shall pay to the plaintiff the sum of for costs of an incidental to this application.

Dated at , this day of , 19 .

Stipendiary Magistrate
 [or Justices of the Peace].

* Strike out if no order as to costs.

No. 128.

Sec. 4, Amdt. Act, 1909; Rule 8. } New Zealand.
 "The Magistrates' Courts }
 Amendment Act, 1909." } ORDER DISMISSING APPLICATION FOR LEAVE TO DEFEND. Plaintiff No. , 19 .

In the Magistrate's Court, held at .

Between
 and

, plaintiff,
 , defendant.

UPON reading the application filed herein and upon hearing the parties thereto, it is ordered that the application be dismissed, *and it is further ordered that the defendant do pay to the plaintiff the sum of costs of and incidental thereto.

Dated at , this day of , 19 .

Stipendiary Magistrate
 or Justices of the Peace].

* Strike out if no order made as to costs

57

No. 129.

MINUTE-BOOK.

Rule 11.

191 .	Number of Proceeding.	—

No. 130.

New Zealand.
"The Magistrates' Courts
Act, 1908."

RECEIPT FOR MONEY PAID UNDER WARRANT TO BAILLIFF.

Rule 45.

No.		Plaint No.	
RECEIVED from	the sum of	pounds	shillings and pence, being
amount due under warrant of	in the case of	z.	Bailiff.
			£ s. d.
Amount adjudged to be paid ..	..	..	..
Warrant ..	..	..	..
Mileage ..	..	..	..
Execution expenses ..	..	..	..
Possession fees ..	..	..	..
Conduct-money ..	..	..	..
			£

NOTE.—If the defendant does not pay, this receipt must be returned to the Clerk of Court.

No. 131.

New Zealand,
to wit.

WARRANT OF REMAND IN DEFAULT OF BAIL BEING FOUND.

Secs. 140 and 141;
Rule 38.

"The Magistrates' Courts Act, 1908," Sections 140 and 141.

In the Magistrate's Court, held at

Between
and

, plaintiff.
, defendant.

To , Bailiff of the Magistrate's Court, at , and to the Gaoler of the prison at

WHEREAS at a sitting of the Magistrate's Court at held this day before me, Stipendiary Magistrate, the said was brought before me pursuant to a writ of arrest issued at the suit of the said , of , for the sum of £ : And whereas I, the said Stipendiary Magistrate, acting under the powers vested in me by section 140 of "The Magistrates' Courts Act, 1908," did, upon investigation of the case, admit the said to bail by sufficient security by bond to the plaintiff, the said in the sum of £ and surety in the sum of £ (each), and I did thereupon order that in default of the said bail being given or the amount £ , with costs (£), being deposited with the Clerk of the Magistrate's Court at , the said should be detained in the prison at and be brought from there to the Magistrate's Court at on day, the day of , 19 , at o'clock in the forenoon: And whereas default has been made in the said bail being given, and the said amount (£), and costs (£), has not been deposited as aforesaid:

This is therefore to command you, the said Bailiff, to take the said , and him deliver to the Gaoler of the prison at

And I hereby command you, the said Gaoler, to receive the said into your custody and there to detain him, and bring him to the Magistrate's Court at on day, the day of , 19 , at o'clock in the forenoon before me or some other Stipendiary Magistrate, unless he shall sooner give the prescribed security or make the said deposit, or until he shall be sooner discharged by due course of law; and for so doing this shall be your sufficient warrant.

Given under my hand and the seal of the Court, at , this day of , 19 .
Stipendiary Magistrate

58

No. 132.

Rule 46.

New Zealand.
"The Magistrates' Courts
Act, 1908."

Plaint No. , 19 .

In the Magistrate's Court, held at

Between
and

, plaintiff,
, defendant.

INVENTORY (under Rule 46) of goods and chattels, &c., seized, taken, and sold under distress warrant issued in the above case on the day of , 19 , and received by me on the day of , 19 .

Number of Lot seized and sold.	Nature of Article, &c., seized and sold.	Price realised at Sale.		
		£	s.	d.

Dated at , this • day of , 19 .

Bailiff.
Auctioneer.

No. 133.

Sec. 4, Amdt. Act,
1904; Rule 23.

New Zealand.
"The Magistrates' Courts
Amendment Act, 1909."

APPLICATION TO ENTER JUDGMENT BY DEFAULT.

Plaint No. , 19 .

In the Magistrate's Court, held at

Between
and

, plaintiff,
, defendant.

THE defendant not having filed a notice of his intention to defend this action, I hereby apply to have judgment entered by default for £ , and costs (£).

Dated at , this day of , 19 .

Plaintiff
[or Solicitor for Plaintiff].

APPENDIX B.

TABLE OF FORMS OF STATEMENTS OF CLAIM.

1. For Goods sold and delivered.
2. Same by an Executor or Administrator.
3. Claim against an Executor or Administrator.
4. Claim against a Married Woman.
5. Claim against a Husband and Wife upon Cause of Action before Marriage.
6. For Goods bargained and sold.
7. For not accepting Goods.
8. For not delivering Goods.
9. On a Warranty of Goods sold by Sample.
10. For Breach of Warranty of a Horse.
11. For Goods wrongfully taken.
12. For Goods wrongfully detained.
13. Against Bailee for not safely keeping Goods.
14. For Rent.
15. For Use and Occupation.
16. For Agistment.
17. Against Tenant for not using in a Tenant-like Manner.
18. For Work done as a Solicitor.
19. For Work done by a Medical Practitioner.
20. For Work done by a Commission Agent.
21. Claim by a Warehouseman.
22. Claim by a Carrier.
23. For Freight.
24. For Wages.
25. For Work done by Contract.
26. For Wrongful Dismissal.
27. For Money lent.
28. For Money paid.
29. Action for Contribution.

59

30. For Money had and received.
31. On Account stated.
32. On a Promissory Note (*Payee v. Maker*).
33. On a Promissory Note (*Indorsee v. Maker*).
34. On a Promissory Note (*Indorsee v. Indorser*).
35. On a Dishonoured Cheque.
36. On a Guarantee.
37. For Balance of Partnership Account.
38. For Assault.
39. Claim by Husband and Wife for Assault on the Wife.
40. For Assault, with Special Damage.
41. For Injury to Stock by Dogs.
42. For Negligent Driving.
43. For Negligent Care of Premises.
44. Claim against a Local Body for Obstruction on a Highway.
45. Against Carrier for Loss of Goods.
46. For unlawfully impounding Cattle.
47. Against Steamship Company for Loss of Luggage.
48. General Form stating several Causes of Action.

NOTE.—For statement of special defence, see Form No. 36 in Appendix A.

FORMS OF STATEMENTS OF CLAIM.

No. 1.—CLAIM FOR GOODS SOLD AND DELIVERED.

THE plaintiff claims £ for [or the balance of] goods sold and delivered by the plaintiff to the defendant, as in the "Particulars" hereto attached [or hereunder written].

No. 2.—CLAIM BY AN EXECUTOR OR ADMINISTRATOR.

THE plaintiff, as executor [or administrator] of A. B., deceased, claims £ for [or the balance of] goods sold and delivered by the said A. B. to the defendant, as in the "Particulars" hereto attached [or hereunder written].

No. 3.—CLAIM AGAINST AN EXECUTOR OR ADMINISTRATOR.

THE plaintiff claims from the defendant, as executor or administrator of A. B., deceased, £ for [or the balance of] goods sold and delivered by the plaintiff to the said A. B., as in the "Particulars" hereto attached [or hereunder written].

No. 4.—CLAIM AGAINST A MARRIED WOMAN.

THE plaintiff claims against the separate estate of C. D., a married woman, and the wife of A. B., for goods sold and delivered by the plaintiff to the said C. D., as in the "Particulars" hereto attached [or hereunder written].

No. 5.—CLAIM AGAINST HUSBAND AND WIFE UPON CAUSE OF ACTION BEFORE MARRIAGE.

THE plaintiff claims £ for goods sold and delivered by the plaintiff to the said [Hannah], the wife of the defendant, before her marriage, as in the "Particulars" hereto attached [or hereunder written].

No. 6.—CLAIM FOR GOODS BARGAINED AND SOLD.

THE plaintiff claims £ for goods bargained and sold by the plaintiff to the defendant on or about the day of , 19 .

No. 7.—ACTION FOR NOT ACCEPTING GOODS.

THE plaintiff claims £ , damages sustained by reason of the defendant refusing to accept and pay for goods bargained and sold by the plaintiff to the defendant on or about the day of , 19 .

No. 8.—ACTION BY PURCHASER FOR NOT DELIVERING GOODS.

THE plaintiff claims £ , damages sustained by reason of the defendant not delivering goods bargained and sold by the defendant to the plaintiff on the day of , 19 , and agreed to be delivered by the defendant to the plaintiff within days [or in a reasonable time] after the sale.

No. 9.—ACTION ON A WARRANTY OF GOODS SOLD BY SAMPLE.

THE plaintiff claims £ for that the defendant warranted that [bags of oats] sold by the defendant to the plaintiff for £ were equal in quality and description to a sample shown to the plaintiff, yet the said [bags of oats] were not equal in quality and description to the sample, whereby the plaintiff lost the price paid by him for the same [or lost the difference between the price paid and the real value of the oats].

No. 10.—ACTION FOR BREACH OF WARRANTY OF A HORSE.

THE plaintiff claims £ for that the defendant sold a horse to the plaintiff for £ warranted sound [or here state actual warranty given], whereas the horse was not sound [or as above], and was resold by the plaintiff at a loss of £ , and the plaintiff was put to expense in keeping the horse until the resale.

No. 11.—ACTION FOR GOODS WRONGFULLY TAKEN.

THE plaintiff claims the following goods, that is to say [*Here enumerate and describe them carefully*], of the value of £ , the property of the plaintiff, taken by the defendant on or about the day of , 19 , and the plaintiff claims possession of the said goods, or £ in case possession cannot be had, and £ damages for the detention thereof.

No. 12.—ACTION FOR GOODS WRONGFULLY DETAINED.

THE plaintiff claims the following goods, that is to say [*Here enumerate and describe them carefully*], of the value of £ , the property of the plaintiff, and detained by the defendant from the day of , 19 , until the date of the entering of the plaint herein; and the plaintiff says that before the entering of such plaint, to wit, on the day of , 191 , the plaintiff demanded the said goods from the defendant, but the defendant refused to deliver them. The plaintiff claims possession of the said goods, or £ in case possession cannot be had, and £ damages for their detention.

No. 13.—ACTION AGAINST BAILEE FOR NOT SAFELY KEEPING GOODS.

THE plaintiff claims £ , the damages sustained by him by reason of the defendant not safely keeping and taking care of certain goods of the plaintiff placed in the care of the defendant, upon his promise to safely keep and take care of them and to redeliver them to the plaintiff on request, and which goods were spoiled, broken, and damaged while in the defendant's care.

No. 14.—CLAIM FOR RENT.

THE plaintiff claims from the defendant the sum of £ for rent of a certain cottage let by the plaintiff to the defendant on the day of , 19 , at a weekly rental of shillings, of which rent weeks, to wit, from the day of , 19 , to the day of , 19 , are still due and unpaid.

No. 15.—CLAIM FOR USE AND OCCUPATION.

THE plaintiff claims from the defendant the sum of £ for the defendant's use and occupation of pasture land of the plaintiff, and the grazing thereon by the defendant's sheep, from the day of , 19 , to the day of , 191 . The plaintiff says that no agreement was made for the use by the defendant of the said pasture land, but that the use thereof for the said period is reasonably worth £ .

No. 16.—CLAIM FOR AGISTMENT.

THE plaintiff claims £ for the agistment, feeding, and taking-care of horses, cattle, and sheep by the plaintiff for the defendant, at his request, between day of , 19 , and the day of , 19 , as under:—
4 horses @ 1s. 6d. per week, 4 weeks, £ , &c.

No. 17. ACTION AGAINST TENANT FOR NOT USING IN A TENANT-LIKE MANNER.

THE plaintiff claims £ , damages sustained by the plaintiff by reason of the untenant-like and improper use by the defendant of a house, buildings, and furniture, of which the defendant was tenant to the plaintiff upon the terms that the defendant should use the said house, buildings, and furniture in a tenant-like and proper manner. [*Here state the particulars of neglect.*]

No. 18.—ACTION FOR WORK DONE AS A SOLICITOR.

THE plaintiff claims £ for services rendered [and moneys paid] by him as the solicitor of and for the defendant, full particulars of which have been already given in a signed bill delivered to the defendant before the commencement of this action, copy of which bill is hereto attached.

No. 19.—ACTION BY MEDICAL PRACTITIONER.

THE plaintiff claims £ for attendance and visits as a medical practitioner upon and medicines supplied to [the family of] the defendant, between the day of , 191 , and the day of , 19 , as under [or detailed particulars of which are hereto attached].

No. 20.—WORK DONE BY A COMMISSION AGENT.

THE plaintiff claims £ for the work, journeys, and attendance of the plaintiff, performed for the defendant at his request, as a commission agent in the sale of a certain farm the property of the defendant, namely: A commission at the rate of per centum on £ , as previously agreed between the plaintiff and the defendant [or as the case may be].

No. 21.—CLAIM BY A WAREHOUSEMAN.

THE plaintiff claims £ for work done by the plaintiff in keeping and taking care of goods for the defendant at his request, and for warehouse room for the said goods by the plaintiff found and provided for the defendant at his request, between the day of , 19 , and the day of , 19 .

No. 22.—CLAIM BY CARRIER FOR CARRIAGE OF GOODS.

THE plaintiff claims £ for the conveyance of goods by the plaintiff for the defendant at his request [or at the request of A. B., the agent of the defendant], as follows: [*Insert the items, with dates and amounts*].

No. 23.—CLAIM FOR FREIGHT.

THE plaintiff claims £ for freight for the conveyance of goods in a certain steamship called the ["British Queen"] by the plaintiff for the defendant at his request [or at the request of A. B., the agent of the defendant], as follows: [*Insert the items, with dates and amounts*].

No. 24.—CLAIM FOR WAGES.

THE plaintiff claims £ for wages as the hired servant of the defendant from the day of , 191 , to the day of , 19 , at the rate of shillings a day [or week].

No. 25.—CLAIM FOR WORK DONE BY CONTRACT.

THE plaintiff claims £ for materials furnished and work and labour done by the plaintiff for the defendant at his request, in [*State work done*] under a written agreement entered into by the plaintiff with the defendant on the day of , 19 , as follows: [*Insert items, with dates and amounts*].

No. 26.—CLAIM FOR WRONGFUL DISMISSAL.

THE plaintiff claims £ for that, the plaintiff being the hired servant of the defendant at the wages of £ per year, payable monthly, the defendant wrongfully dismissed the plaintiff on the day of , 19 , during the current year of his service.

No. 27.—CLAIM FOR MONEY LENT.

THE plaintiff claims £ , the amount of money lent by the plaintiff to the defendant on the day of , 19 , and which has not been repaid [or, if lent at several times, say "as follows," and insert dates and amounts].

No. 28.—CLAIM FOR MONEY PAID.

THE plaintiff claims £ , the amount of money paid by the plaintiff to A. B. for the defendant at his request on the day of , 19 [or, if paid at several times or to different persons, say "as follows," and insert dates, names, and amounts].

No. 29.—ACTION FOR CONTRIBUTION (SECTION 54 OF ACT).

THE plaintiff claims £ as the amount of contribution due in law from the defendant to the plaintiff by reason of the plaintiff having been sued in the Magistrate's Court at by A. B. for the sum of £ , recoverable against the plaintiff and the defendant jointly, and judgment recovered against the plaintiff, and paid and satisfied by him on the day of , 19 . The plaintiff claims the same sum as money paid by him to defendant's use. The statement of claim plaintiff was sued on is as underwritten [or hereto attached].

62

No. 30.—CLAIM FOR MONEY HAD AND RECEIVED.

THE plaintiff claims £ , the amount of money received by the defendant on or about the day of , 19 , from A. B. for the use of the plaintiff [If received at several times or from more than one person, say "as follows," and insert dates, names, and amounts].

No. 31.—CLAIM ON AN ACCOUNT STATED.

THE plaintiff claims £ on an account stated between the plaintiff and the defendant on the day of , 19 [when the defendant gave the plaintiff an I.O.U. for that sum].

No. 32.—CLAIM ON A PROMISSORY NOTE (PAYEE *v.* MAKER).

THE plaintiff claims £ , the amount of a promissory note dated the day of , 191 , and made by the defendant and payable to the plaintiff on demand [or months after date], and which the defendant has not paid, which note was in the words and figures following [Insert copy of note]; and the plaintiff claims the further sum of £ for interest, at the rate of per centum per annum, down to the date of judgment.

No. 33.—CLAIM ON A PROMISSORY NOTE (INDORSEE *v.* MAKER).

THE plaintiff claims £ as the indorsee of a promissory note for £ , dated the day of , 19 , made by the defendant, and payable on demand [or months after date] to A. B. or order, and indorsed to the plaintiff, and which the defendant has not paid, and which note was in the words and figures following [Insert copy of note]; and the plaintiff claims the further sum of £ for interest, at the rate of per centum per annum, down to the date of judgment.

No. 34.—CLAIM ON A PROMISSORY NOTE (INDORSEE *v.* INDORSER).

THE plaintiff claims £ as the indorsee of a promissory note for £ , dated the day of , 19 , made by A. B., and payable on demand [or months after date] to the defendant or order, who indorsed the same to the plaintiff, and which said note was dishonoured on presentment, and notice of such dishonour was given to the defendant, and which said note was in the words and figures following [Insert copy of note]; and the plaintiff claims the further sum of £ for interest, at the rate of per centum per annum, down to the date of judgment.

No. 35.—CLAIM ON A DISHONOURED CHEQUE.

THE plaintiff claims £ , the amount of a cheque drawn by the defendant on the Bank of at , payable to the plaintiff or bearer, and dishonoured on presentment; and the plaintiff claims the further sum of £ for interest, at the rate of per centum per annum, down to the date of judgment.

No. 36.—CLAIM ON A GUARANTEE.

THE plaintiff claims £ , the price of goods sold and delivered to A. B. [full particulars of which are underwritten or attached hereto] on the written guarantee and promise of the defendant, dated the day of , 19 , to be responsible to the plaintiff for the due payment of the price of the goods.

No. 37.—CLAIM FOR BALANCE OF PARTNERSHIP ACCOUNT.

THE plaintiff claims £ , the unliquidated balance of the partnership account between the plaintiff and the defendant, and due to the plaintiff at the time of the dissolution of the partnership, on or about the day of , 19 .

No. 38.—CLAIM FOR ASSAULT.

THE plaintiff claims £ damages for an assault committed by the defendant on the plaintiff on the day of , 19 .

No. 39.—CLAIM BY HUSBAND AND WIFE FOR ASSAULT ON THE WIFE.

THE plaintiff claims £ damages for that the defendant, on the day of , 19 , assaulted and beat the said [Hannah], the wife of the plaintiff, whereby she became sick and wounded and unable to attend to her duties.

63

No. 40.—CLAIM FOR ASSAULT, WITH SPECIAL DAMAGE.

THE plaintiff claims £ damages for that the defendant, on the day of 19 , assaulted and beat the plaintiff until he became insensible. The plaintiff was thereby prevented from attending to his business [for six weeks thereafter], and was compelled to pay £ for medical attendance, which sum the plaintiff claims as special damages.

No. 41.—CLAIM FOR INJURY TO STOCK BY DOGS.

THE plaintiff claims £ , the value of [ten] sheep worried and killed on or about the day of , 19 , by the defendant's dog.

No. 42.—CLAIM FOR NEGLIGENT DRIVING.

THE plaintiff claims £ , damages sustained by reason of the defendant, on the day of , 19 , by his servant, so negligently and unskilfully driving and managing a horse and cart in a public highway that the same were forced against a horse belonging to the plaintiff, whereby the horse was injured.

No. 43.—CLAIM FOR NEGLIGENT CARE OF PREMISES.

THE plaintiff claims £ for that, by reason of the defendant wrongfully suffering his cellar immediately adjoining a public highway to be left open, without any railing, door, or fence, or other protection, the plaintiff fell into the said cellar, and was wounded and seriously injured, and was thereby prevented from attending to his business [for six weeks thereafter], and was compelled to pay the sum of £ for medical attendance, which the plaintiff claims as special damages.

No. 44.—CLAIM AGAINST A LOCAL BODY FOR OBSTRUCTION ON A HIGHWAY.

THE plaintiff claims £ for that the defendant wrongfully suffered certain earth, stones, and broken road-metal, placed by their servants on a public highway, to wit [High Street, in the Borough of], to remain there during the night without any light or means to prevent persons from driving against the same, whereby the plaintiff, driving along the said highway on the night of the day of , 19 , drove his horse and gig against the said earth, stones, and broken road-metal, and upset the gig, and broke and injured it and the harness, and injured and lamed the horse.

No. 45.—CLAIM AGAINST CARRIER FOR LOSS OF GOODS.

THE plaintiff claims £ , the value of goods intrusted to the defendant on or about the day of , 19 , to be safely carried for the plaintiff from to , and there delivered in a reasonable time, and which were not delivered to the plaintiff.

No. 46.—CLAIM FOR UNLAWFULLY IMPOUNDING CATTLE.

THE plaintiff claims £ for that the defendant unlawfully seized and took the plaintiff's cattle and impounded them, and kept them impounded for a long time, whereby the plaintiff was deprived of the use of them, and incurred expense in getting them returned to him [viz. : Pound fees, £ ; driving, £], and the cattle were deteriorated in value.

No. 47.—CLAIM AGAINST STEAMSHIP COMPANY FOR LOSS OF LUGGAGE.

THE plaintiff claims £ , the value of wearing-apparel, and of the portmanteau which contained the said apparel, delivered to the defendants to be safely and securely conveyed with the plaintiff as his luggage from to on the day of , 19 , and lost by the defendants.

No. 48.—GENERAL FORM STATING SEVERAL CAUSES OF ACTION.

THE plaintiff claims £ for goods sold and delivered, goods bargained and sold, for work done and materials provided, for money lent, and on accounts stated as follows: [*Insert dates, items, and amounts, and credit sums paid on account, if any.*]

APPENDIX C.

ALLOWANCES AND COSTS.

ALLOWANCES TO WITNESSES.

GENTLEMEN, merchants, bankers, and professional men, per diem ..	15s. to 21s.
Auctioneers, accountants, clerks, farmers, and tradesmen, per diem ..	14s. ,, 17s.
Artisans and journeymen, per diem ..	12s. ,, 15s.
Labourers, per diem ..	10s. ,, 12s.

Female witnesses: Two-thirds the above sums.

Children: A reasonable amount for expenses, to be fixed by the Court.

Travelling expenses: The cost of conveyance by railway, coach, or other public conveyance, or, if no such conveyance, 9d. per mile, one way. Witnesses of the artisan and labourer classes to be allowed second-class fare; the others first-class.

If the witnesses attend in more than one action they will be entitled to a proportionate part in each action only.

ALLOWANCES TO SCIENTIFIC OR EXPERT WITNESSES.

For qualifying to give evidence, from	10s. to £5.
Attending Court on trial, per diem	10s. ,, £2.

In estimating the amount to be allowed, the character of the action, the professional standing of the witness (if a professional man), and the propriety of retaining the particular witness are to be considered, and in no case is the maximum allowance to be exceeded. Travelling-expenses to be allowed on the same scale as to an ordinary witness.

The above allowances shall not apply to persons who prepare plans, drawings, models, &c., for the purpose of illustration, and who, if called at the hearing of the action, prove the correctness of such plans, drawings, models, &c., only; but in lieu thereof these may be allowed the sum reasonably paid for the same if prepared for the purposes of the action. Any such person shall be allowed expenses upon the scale for ordinary witnesses.

Either party to an action may be allowed the sum reasonably expended in the conveyance of any chattel for production before the Court.

SOLICITORS' FEES.

	Under £2.	£2 and under £10.	£10 and under £30.	£30 and under £50.	£50 and over that Sum.
For entering plaint	No fee	£ 0 s. 5 d.	£ 0 s. 10 d.	£ 1 s. 0 d.	£ 1 s. 0 d.
Appearance in Court to conduct action in defended cases ..	..	1 1 0	2 2 0	3 3 0	5 per cent., with minimum of £3 3s.
Appearance in undefended cases ..	..	0 10 6	1 1 0	1 11 6	2½ per cent., with minimum of £1 11s. 6d.
For appearance on examination of witnesses under section 87 at the Court of examination in undefended cases ..	..	0 10 6	1 1 0	1 11 6	2½ per cent., with minimum of £1 11s. 6d.
Ditto in defended cases .. ..	..	0 10 6	1 1 0	2 2 0	2½ per cent., with minimum of £2 2s.
Appearance in tenement cases, £1 1s. to £2 2s.					
Appearance in Court or Chambers on any interlocutory proceeding or other matter within the jurisdiction of the Court under the Act, 10s. 6d. to £2 2s.					

	Amount exceeding £2, but not exceeding £100.	£100 and over that Sum.
For appearance on application for attachment order (interlocutory)	£ 0 s. 10 d.	£ 0 s. 10 d.
.. .. (absolute) ..	0 10 6	1 1 0
For appearance on an examination of a debtor	1 1 0	2 2 0

In case of payment into Court or confession, no solicitor's fee for appearance will be allowed if the party paying into Court or confessing judgment files notice with the Clerk of the Court and serves notice upon the other party, or at the office of his solicitor, not later than noon of the day preceding the day fixed for the hearing of the case: Provided that, if the day preceding the day of hearing is a Sunday, or Court holiday, the notice must be filed and served not later than noon of the next preceding business day. If notice is not so given the Court will allow half the solicitor's fee, as per scale.

No allowance will be made in cases of payment into Court or confession unless the name and address of the solicitor for plaintiff appears upon the statement of claim.

Provided that a Magistrate may allow a fee not exceeding £2 2s. to the plaintiff on any amount recovered, however small, or to a defendant who successfully defends an action brought for any amount, however small, provided that the Magistrate certifies in writing in the Civil Record-book that the action involved some novel or difficult point of law, or that the question litigated was of importance to some class or body of persons, or of general or public interest.

INTERPRETERS' FEES.

Interpreter's fee for interpreting in Court, each case,—	£	s.	d.
If engaged less than one hour	...	...	0 10 6
If engaged over one hour (but not to exceed £2 2s. a day)	...	...	£1 1s. to 2 2 0
Filing in Maori duplicate of summons and translating claim,—			
If merely a tradesman's account	...	...	2s. 6d. to 0 5 0
If there is a statement of claim other than such account, if under fifty words...	...	...	0 5 0
If over fifty words, per folio of seventy-two words, after the first fifty	...	...	0 5 0
Translating any documents required in proceedings, per folio of seventy-two words	...	...	0 5 0

In no case are numerals to count. The above fees are for the document and the duplicate thereof (if required).

An interpreter may also, when necessary, be allowed travelling-expenses on the scale allowed to witnesses.

The Magistrate may in special cases order higher or other fees than the above to be paid to an interpreter. Such order shall be entered in the minute-book, and shall show the reason for making it.

APPENDIX D.

FEES.

TABLE of FEES to be taken in respect of Proceedings under "The Magistrates' Courts Act, 1908."

	Any Amount or where no amount claimed.	Not exceeding £5.	Not exceeding £10.	Not exceeding £20.	Not exceeding £50.	Not exceeding £100.	Not exceeding £150.	Not exceeding £200.
	s. d.	s.	s.	s.	s.	s.	s.	s.
Entering plaint, filing plaint-note, issuing summons, and service within one mile	..	5	10	15	20	25	30	35
Entering plaint, filing plaint-note, issuing summons, when application received by post (extra), and service within one mile	2 0	..	..	..	..	..	..	..
Each additional summons and service when more than one defendant	5 0	..	..	..	..	..	..	..
Reissue of summons under section 77, and service within one mile	5 0	..	..	..	..	..	..	..
Issue of new summons under section 98, and service within one mile	5 0	..	..	..	..	..	..	..
Hearing and judgment (either first or subsequent hearing)	..	5	10	15	20	25	30	35
Hearing and judgment on counterclaim (either first or subsequent hearing)	..	5	10	15	20	25	30	35
Hearing and judgment, if no amount claimed	5 0	..	..	..	..	..	..	..
Judgment on confession, by consent (including filing or lodging of same) or by default (where no witness is sworn)	..	3	5	8	10	15	20	25
Judgment on confession, by consent (including filing or lodging same) or by default (where no witness is sworn), on counterclaim	..	3	5	8	10	15	20	25
Interlocutory summons, and service within one mile	5 0	..	..	..	..	..	..	..
Summons to a witness in any proceeding under the Act	3 0	..	..	..	..	..	..	..
Interpleader summons, for each summons, and service within one mile	5 0	..	..	..	..	..	..	..
Filing notice of counterclaim (on amount of counterclaim)	..	2	5	8	10	15	20	25
Filing notice of amended claim or counterclaim	3 0	..	..	..	..	..	..	..
Adjournment of hearing or of examination of witnesses on application of party, by consent, or by Court, if Court orders payment of fee	..	2	3	3	4	4	5	5
Application for examination of witnesses, and service of notice within one mile	5 0	..	..	..	..	..	..	..
Extra notice on additional party, for each party	5 0	..	..	..	..	..	..	..
Examination of witnesses under section 87, for each witness examined	5 0	..	..	..	..	..	..	..
Certificate of costs allowed under section 89..	2 0	..	..	..	..	..	..	..

TABLE of FEES to be taken, &c.—*continued.*

	Any Amount or where no Amount claimed.	Not exceeding £5.	Not exceeding £10.	Not exceeding £20.	Not exceeding £50.	Not exceeding £100.	Not exceeding £150.	Not exceeding £200.
Examination of judgment debtor or of sub-debtor on application for attachment of debts	5 0	s.	s.	s.	s.	s.	s.	s.
Hearing application for rehearing	3 0	..	..	..	..	..	..	..
Filing agreement to give jurisdiction, or agreement not to appeal	3 0	..	..	..	..	..	..	..
Order for reinstatement under section 95, or for new hearing under section 96	3 0	..	..	..	..	..	..	..
Order for rehearing of action under section 150 .. .. .	..	2	3	4	5	8	10	15
Order for rehearing of interlocutory proceeding under section 150	3 0	..	..	..	..	..	..	..
Order for production of documents	5 0	..	..	..	..	..	..	..
Order on interpleader summons, to include hearing (on the value of goods claimed)	..	5	10	15	20	25	30	35
Order of reference to arbitration	5 0	..	..	..	..	..	..	..
Order giving leave to appeal	5 0	..	..	..	..	..	..	..
Any order not otherwise mentioned, and all extra duplicates, each [NOTE.—The fee for any document includes one duplicate.]	3 0	..	..	..	..	..	..	..
Certified copy of any judgment or order	3 0	..	..	..	..	..	..	..
Every application to the Court not otherwise mentioned	3 0	..	..	..	..	..	..	..
Swearing and filing affidavit (except affidavits of service)	2 0	..	..	..	..	..	..	..
Filing any notice or document not otherwise mentioned, or entering any memorandum in respect to any case	2 0	..	..	..	..	..	..	..
Warrant of distress, or to seize specific goods (on amount for which execution issued), and execution within one mile	..	4	5	7	10	15	20	25
Writ of arrest, and execution within one mile .. .. .	..	5	5	7	10	15	20	25
Warrant of committal, and execution within one mile .. .. .	..	5	5	7	10	15	20	25
For search in any one action	2 0	..	..	..	..	..	..	..
For general search	5 0	..	..	..	..	..	..	..
Settling case for appeal, not exceeding five folios (1s. each additional folio) of seventy-two words	15 0	..	..	..	..	..	..	..
Copy of Magistrate's notes, each folio of seventy-two words	0 8	..	..	..	..	..	..	..
Copy of any document, each folio of seventy-two words	0 8	..	..	..	..	..	..	..
On giving security by bond or deposit under sections 140, 153, 173, or otherwise .. .. .	..	4	4	4	5	5	5	5
Entering plaint and filing plaint-note for recovery of tenement, summons (if amount claimed), and service within one mile	..	10	10	15	20	25	30	35
Same, if no amount claimed	10 0	..	..	..	..	..	..	..
Warrant for delivery of tenements, and service within one mile	8 0	..	..	..	..	..	..	..
Information and request of landlord under section 171	10 0	..	..	..	..	..	..	..
Warrant to view, and view thereunder	5 0	..	..	..	..	..	..	..
Notice to affix	2 0	..	..	..	..	..	..	..

Drawing any document or form required in proceedings where no form has been prescribed: Not exceeding two folios, 2s.; every additional folio, 1s.

Service of any summons, process, or notice not otherwise provided for, unless served by the parties, within two miles, 2s.

Mileage for service of any summons, process, or notice, unless served by the parties, or execution of any warrant: For the first eight miles beyond one from the Courthouse or police-station from which service is to be effected, 1s. per mile, and for each additional mile 6d. per mile, to the residence of the party or the place where the service or execution takes place; or such sum as may be fixed by the Magistrate in any exceptional case.

For each man left by the Bailiff in possession on any premises when necessary, 12s. a day or portion of a day.

For storage, carriage, or removal of goods, or advertising same for sale, amount actually and reasonably paid.

Commission on sale by auctioneer or Bailiff, 10 per centum.

F. D. THOMSON,

Clerk of the Executive Council.