



SUPPLEMENT
TO THE
NEW ZEALAND GAZETTE

OF
THURSDAY, DECEMBER 13, 1928.

Published by Authority.

WELLINGTON, TUESDAY, DECEMBER 18, 1928.

Rules for Magistrates' Courts.

CHARLES FERGUSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of December, 1928.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section three of the Magistrates' Courts Act, 1928, 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 Magistrates' Courts Act, 1908, other than the Rules for Magistrates' Courts under the Imprisonment for Debt Limitation Act, 1908, made on the twenty-second day of May, one thousand nine hundred and sixteen, and on the twenty-fourth day of March, one thousand nine hundred and twenty-eight, and to make other provisions in lieu thereof :

Now, therefore, His Excellency the Governor-General 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 January, one thousand nine hundred and twenty-nine, all former rules and regulations made or deemed to have been made under the Magistrates' Courts Act, 1908, other than the said Rules for Magistrates' Courts under the Imprisonment for Debt Limitation Act, 1908, 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 January, one thousand nine hundred and twenty-nine.

SCHEDULE.

1. Interpretation.

THESE rules may be cited as the Magistrates' Courts Rules, 1928.

The interpretation of terms in section 2 of the Magistrates' Courts Act, 1928, 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, 1928 :

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

"Certificate of judgment or order" includes a certified copy of order or judgment:

"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 9.30 a.m. till 1 p.m., and from 2 p.m. till 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, 8, or 9. 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 subpoena.

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 68 of the Act if that statement is in the form set out in the First Schedule to the Act, 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, or to set up Special Defence.*

The notice of intention to defend an action required to be filed in accordance with section 75 of the Act, shall be in such one of the Forms Nos. 124 or 36 as may be appropriate. It shall be the duty of every Clerk to obtain a sufficient number of these forms, and to issue one to a defendant in an action when applied for either personally or in writing. A defendant, having failed to file notice of his intention to defend an action, or having failed to set out in his notice the nature of any special defence as mentioned in section 77 of the Act, 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 before the time 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.

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 on which and the name of the foreign Court to which it is sent.

Whenever a 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 on which 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, 1925, 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.*, $\frac{\text{M.B. No. 21/1920}}{\text{Folio 3}}$). 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 the 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 70 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 thereof shall be attached. The summons to be issued under paragraph (b) of section 71 of the Act shall be in the Form No. 17. A summons issued under section 85 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. Where, however, a summons is received by the Clerk of a foreign Court, and it appears to him that it is one which should be served by registered letter, he shall return it to the Home Court with a note to that effect.

18. Authority to dispense with Personal Service.

The authority to dispense with personal service provided for in section 82 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 82 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 mentally defective person is a defendant, service on the committee of the mentally defective person, 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 mentally defective person.

(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 mental hospital 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.

(k) In any case a solicitor duly authorized may accept service on behalf of the defendant, and the solicitor shall in 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, have the hearing adjourned 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. 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 thereof. 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 40 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 90 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. *Examination of Witnesses under Section 94.*

An application to take evidence in an action issued out of another Court shall be entered in the plaint-book, in red ink, immediately upon receipt thereof, and an "A" number given for filing purposes. The result of the application shall be entered in the civil record-book on the date appointed for taking the evidence.

The notice of desire to take evidence pursuant to section 94 of the Act shall be in such one of the Forms Nos. 48 or 48A as may be appropriate, and the notice of time and place for examination shall be in the Form No. 49. Forms Nos. 50 and 51 shall be affixed to the evidence of the witnesses examined, and a certificate of the costs fixed pursuant to section 97 of the Act shall be transmitted with the evidence to the Court for hearing.

If at the time appointed the party applying to take evidence fails to appear at the Court for examination, the application shall be struck out, and the Clerk shall forthwith forward to the Court for hearing a certificate in the Form No. 52; and if in such a case the opposite party appears, then such 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 allowance of such costs in the Form No. 53.

24. *Confession, Judgment by Consent, and Judgment by Default.*

A written confession of claim or consent to judgment by the defendant shall be in such of the Forms Nos. 26, 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 108 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.

The application to enter judgment by default under section 104 (2) of the Act may be in the Form No. 133. No fee shall be payable for lodging Form 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.

25. *Payment into Court.*

In paying money into Court the defendant shall sign in duplicate the notice thereof 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.

26. *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. The order pursuant to section 91 of the Act may be in the Form No. 43.

27. *Discontinuance.*

The memorandum or notice of discontinuance provided for in section 115 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.

28. *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.

29. *Application for Rehearing.*

An application under section 161 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 an order, either dismissing the application 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. The order for rehearing may be in the Form No. 61.

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

Where a new hearing is granted under section 104 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.

31. 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.

32. Proceedings by Infants.

Where an infant desires to commence an action (other than an action under section 47 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.

33. Guardian ad litem.

An order for the appointment of a guardian *ad litem* to an infant defendant 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.

34. Joinder of Parties.

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 together with a copy of the summons and statement of claim in the action two clear days before the time at which the hearing is to be proceeded with, or at such longer interval as the Court may order.

35. Change of Parties.

When any application is made to the Court for an order for change of parties pursuant to section 63 of the Act, 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.

36. 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 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.

37. Examination of Judgment Debtor as to Debts due to him.

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 the 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.

A plaintiff who has not lodged the notice above mentioned and who has obtained a judgment, or a defendant who has obtained a judgment against a plaintiff, may at any time thereafter apply to the Court where the judgment was given for an order for the examination of the judgment debtor. Such order may be in the Form No. 67.

38. Attachment of Debts.

The attachment order under section 141 of the Act shall be in the Form No. 69. The affidavit to support such attachment order may be in the Form No. 68.

The sub-debtor may give notice of payment into Court, or that he disputes the debt, in the Form No. 71. A sub-debtor attending pursuant to section 143 of the Act shall be entitled to his expenses, according to the prescribed scale for witnesses.

The order absolute pursuant to section 145 of the Act shall be in the Form No. 70. The warrant of execution against the goods of a sub-debtor shall be in the Form No. 95.

39. Plaint against Sub-debtor.

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 68 and 69 of the Act, provided that the words "cause of action" in subsection (1) of section 69, shall mean the cause of action as between the judgment debtor and the sub-debtor.

40. 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. The warrant of remand may be in the Form No. 131, and the consent for summary hearing in the Form No. 87.

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.

41. Arbitration.

The Court 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.

42. 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 No. 8. The summons mentioned in sections 180 and 183 of the Act shall be in the Form No. 100, and that under section 181 of the Act in the Form No. 101.

43. Deserted Premises.

The request to be made by the landlord of deserted premises under section 182 of the Act may be made 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.

44. 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. The bond, pursuant to section 189 of the Act, may be in the Form No. 107.

45. 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 on 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 heard, and such Registrar shall, within seven days after receipt thereof, enter the same for hearing at the next practicable sitting of the Supreme Court.

46. 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.

47. Certificate of Judgment.

Any person requiring a certificate of any judgment or order recorded in the Civil Record-book of a Magistrate's Court, or of any abolished Court, shall apply in writing to the Clerk for the issue thereof. No fee shall be payable on the application. If such certificate is required for the purposes of section 156 or 158 or 159 of the Act, the judgment creditor shall state in his application the section under which it is required. If such certificate is required for any other purpose, the person requiring it shall state in his application the purpose for which it is required, and, if such person is not a party to the proceedings in which the judgment or order was given or made, he shall also state the capacity in which he applies for the certificate, and shall satisfy the Clerk that it may properly be granted, and the Clerk may in such last-mentioned case refer the application to the Magistrate, who shall direct whether or not the certificate should be issued.

Upon receipt of an application for a certificate as aforesaid, unless the Magistrate directs to the contrary as provided in the last preceding paragraph, the Clerk shall, upon payment of the prescribed fee, issue a certificate of judgment or order in the form No. 121, which shall be signed by the said Clerk and sealed with the seal of the Court of which he is a 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 or proceeding as aforesaid 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 the rule under which the certificate is issued, and sign thereto his name and date.

In addition to the above entry, a further entry of a similar nature shall be made in chronological order in the minute-book and signed and dated by the Clerk.

48. 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 121 of the Act shall be in the form in the margin of the respective warrants of distress, and such of the Forms Nos. 91, 93, 94, or 95 shall be used as may be appropriate in each case. A warrant of distress under section 36 of the Act may be in the Form No. 92. In actions under section 48 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.

49. 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, and in addition he shall make a short report setting

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

50. Receipts for Processes and Reports as to Warrants.

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

51. Bailiff to employ Auctioneer.

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

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

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

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

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

54. Interpleader Claims.

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

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

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

55. Hearing of Interpleader Claim.

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

56. Solicitors may act for Parties.

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

57. Agents.

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

58. Interpreters.

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

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.

59. Appraisers.

Where any person is appointed by a Magistrate to act as appraiser under either section 131 or section 136 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.

60. Trust Money Accounts.

The account of moneys paid into or out of Court, which is to be kept by the Clerk under section 17 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.

61. 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 101 of the Act.

62. Rules for Conduct of Business.

Every Magistrate may 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.

63. 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 100. 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.

64. 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.

65. 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.

66. Allowances to Witnesses, and Solicitors' Fees.

The expenses to be allowed to witnesses in accordance with section 89 of the Act, and the fees to which solicitors are entitled by virtue of section 172 of the Act, shall be in accordance with the scales of witnesses' expenses and of solicitors' fees respectively in Appendix C hereto.

67. Fees of Court.

The fees to be taken in respect of proceedings under the Act shall be those in Appendix D hereto, and all such fees, with the exception of those mentioned in section 178 (2) of the Act shall be prepaid in stamps only and the Clerk shall affix and cancel the stamps in accordance with the regulations for the time being in force under the Stamp Duties Act, 1923, as to the payment of fees in stamps and the cancellation of the same:

Provided that any fees payable under or by virtue of the Act in respect of mileages may be paid otherwise than by means of stamps, notwithstanding anything to the contrary in the aforesaid regulations.

APPENDIX A.

No. 1.

PLAINT-BOOK.

Sec. 68; Rule 4.

MAGISTRATE'S COURT AT

Date of Entry of Plaint.	No. of Plaintiff.	Plaintiff.	Residence.	Occupation.	Defendant.	Residence.	Occupation.	Substance of Action.	Date of Hearing.	Initials of Bailiff.	Date of Receipt by Bailiff.	Name of Foreign Court to which Summons sent.	Date on which sent.	Date of Return from Foreign Court.
								£ s. d.						

No. 2.

CIVIL RECORD BOOK.

Rule 10.

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

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

Stipendiary Magistrate.

No. 3.

WARRANT-BOOK.

Rules 9 and 12.

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

No. of Warrant.	No. of Plaintiff.	Date of Issue.	Plaintiff.	Defendant.	Nature of Warrant.	Amount.	Initials of Bailiff, and Date.	Name of Foreign Court to which Warrant sent.	Date on which sent.	Result.	Date of Return.	Amount received.
						£ s. d.						£ s. d.

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 Plaintiff. Defendant.

(Two shilling stamp, or five shilling stamp.)

Signature of Applicant : _____

Searched : _____

Initials of Clerk. _____

No. 6.

GENERAL FORM FOR HEADING OF PRINTED FORMS.

New Zealand. The Magistrates' Courts Act, 1928. Sec. , Rule . } [Title of Form.] Plaintiff No. .

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

No. 7.

PLAINT-NOTE.

Sec. 68 ; Rule 5.

New Zealand. The Magistrates' Courts Act, 1928. } Plaintiff No. .

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

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 10.

No. 8.

Secs. 68, 180, 181,
and 183; Rules 5, 42.

New Zealand.
The Magistrates' Courts }
Act, 1928.
In the Magistrate's Court, held at
Between
and

PLAINT-NOTE.

Plaint No. .

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.

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

NOTE.—For indorsement see Form 10.

No. 9.

Secs. 68 and 27 (e);
Rule 5.

New Zealand.
The Magistrate's Courts }
Act, 1928.
In the Magistrate's Court, held at
Between
and

PLAINT-NOTE.

Plaint No. .

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.

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

NOTE.—For indorsement see Form 10.

No. 10.

[Indorsement to be printed on back of Plain-note, Forms 7, 8, and 9.]

Plaint No. .
In the Magistrate's Court at .
Date of hearing :
Enlargements
or
Adjournments (if any) :

19 .
19 .

{ Plaintiff.
£
{ Defendant.

PARTICULARS OF JUDGMENT.
Judgment for plaintiff [defendant]
For
Costs
Witnesses' expenses
Solicitor's fee

.. £ : :
.. : :
.. : :
.. : :
£ : :

NOTES.

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

Stipendiary Magistrate.

No. 11.

New Zealand. }
 The Magistrates' Courts } BAILIFF'S NOTICE OF NON-SERVICE OF SUMMONS. Sec. 86 ; Rule 15.
 Act, 1928. }
 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 } GENERAL FORM OF AFFIDAVIT. Sec. 40.
 Act, 1928. }
 In the Magistrate's Court, held at Plaintiff No.
 Between , plaintiff,
 and , defendant.

I, , of , [Profession or calling], 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 } GENERAL FORM OF AFFIRMATION. Sec. 40 ; Rule 1.
 Act, 1928. }
 In the Magistrate's Court, held at Plain 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].

No. 14.

New Zealand. }
 The Magistrates' Courts } CONSENT OF DEFENDANT FOR ISSUE OF SUMMONS IN PARTICULAR COURT. Sec. 69.
 Act, 1928. }
 In the Magistrate's Court, held at Plaintiff No.
 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.

New Zealand. }
 The Magistrates' Courts } AGREEMENT TO GIVE JURISDICTION TO COURT. Sec. 27.
 Act, 1928. }
 In the Magistrate's Court, held at Plaintiff No.
 Between , plaintiff,
 and , defendant.

UNDER the provisions of section 27 of the Magistrates' Courts Act, 1928, 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 :

No. 16.

Sec. 70 ; Rule 17.

New Zealand.
The Magistrates' Courts }
Act, 1928.
In the Magistrate's Court, held at
Between
and

SUMMONS TO DEFENDANT.
(Court Copy.)

Plaint No. . . .

, plaintiff.
, 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		:	:
Solicitor's fee for entering plaint		:	:
Total	£	:	:

Given under my hand and the seal of the Court, at aforesaid, this day of 19 Clerk of 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 . [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. 17.

Sec. 71 ; Rule 17.

New Zealand.
The Magistrates' Courts }
Act, 1928.
In the Magistrate's Court, held at
Between
and

SHORT-SERVICE SUMMONS TO DEFENDANT.

Plaint No. . . .

, plaintiff,
, 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		:	:
Solicitor's fee for entering plaint		:	:
Total	£	:	:

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

AFFIDAVIT OF SERVICE OF SUMMONS.

Secs. 40 and 82, s.s. 5 (c); Rule 17.

I, [Name, residence, and occupation], do swear that I served the within-named (hereinafter called "the Defendant") 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____, or by sending the same to the said Defendant by registered letter (numbered _____) addressed to him at his last known or most usual place of abode—namely, [Set out address as on envelope]—on the _____ day of _____, 19____, and I attach hereto a receipt for such registered letter given to a Post officer and purporting to be signed by the said Defendant.

Signature of Deponent.

Sworn at _____, this _____ day of _____, 19____,

before me—
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.

Secs. 40 and 82, s.s. 5 (c).

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.

PLAINT-SLIP.

Name of Plaintiff:
Name of Defendant:
Date of Hearing:
Date of issue of Warrant of Distress:
Date of Hearing of Judgment Summons:

No. 22.

New Zealand,
The Magistrates' Courts }
Act, 1928.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SUBSTITUTED SERVICE.

Plaint No. _____

Secs. 40 and 82; 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—

Justice of the Peace,
[or Clerk of the Court, or Solicitor not engaged in the action].

No. 23.

Sec. 82 ; Rule 18. } New Zealand.
 The Magistrates' Courts } ORDER FOR SUBSTITUTED SERVICE.
 Act, 1928. }

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 of 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.

Sec. 108 ; Rule 24. } New Zealand.
 The Magistrates' Courts } NOTICE OF CONFESSION OF JUDGMENT (WHOLE AMOUNT).
 Act, 1928. }

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.

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

No. 25.

Sec. 114 ; Rule 24. } New Zealand.
 The Magistrates' Courts } NOTICE OF ACCEPTANCE OF MONEYS PAID IN.
 Act, 1928. }

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.

No. 26.

Sec. 108 ; Rule 24. } New Zealand.
 The Magistrates' Courts } CONFESSION OF CLAIM.
 Act, 1928. }

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

Date of hearing: / / 19

Amount of Claim £ : : I, THE defendant, do hereby confess that the sum of £, the amount claimed [or the sum of £, being part of the amount claimed], together with costs £ (as set out in the margin hereof), is due to the plaintiff from me, and I will pay the same in the manner following, that is to say :—
 Costs of Court £ : : Dated at, this day of, 19
 Mileage £ : : Signed in the presence of—
 Defendant [or Solicitor for the Defendant].

Solicitor's fee £ : : Stipendiary Magistrate
 [or Clerk of Court, or Solicitor, or Justice of the Peace].

Total £ : : 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. 27.

New Zealand. }
 The Magistrates' Courts } CONFESSION IN PROCEEDING FOR RECOVERY OF TENEMENT. Secs. 108, 111;
 Act, 1928. } Plaintiff No. Rules 24, 44.
 In the Magistrate's Court, held at . Date of hearing / / 19 .
 Between , plaintiff,
 and , defendant.

Amount of I, THE above-named defendant, hereby confess and admit the plaintiff's right
 Claim £ : : to immediate possession of the tenement mentioned in the statement attached
 Costs of to the plaint-note, and I will give up possession of the same on or before the
 Court £ : : day of , 19 .
 Mileage £ : : I further confess that the sum of £ , the amount claimed [or the
 Solicitor's sum of £ , being part of the amount claimed (as set out in the margin
 fee £ : : hereof)], is due to him from me for rent [mesne profits or damages], and I will
 pay the same in the manner following, that is to say : [or I have paid into
 Total £ : : 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].

No. 28.

New Zealand. }
 The Magistrates' Courts } NOTICE OF OFFER TO DELIVER CHATTEL PROPERTY. Secs. 108, 111, and
 Act, 1928. } Plaintiff No. 113 ; Rule 24.
 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. 109 ; Rule 24.
 Act, 1928. } 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.

Sec. 108 ; Rule 24. } New Zealand.
 The Magistrates' Courts }
 Act, 1928. } NOTICE OF CONFESSION (WITH CONDITION ATTACHED). 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.

Secs. 111 and 113 ; Rule 25. } New Zealand.
 The Magistrates' Courts }
 Act, 1928. } NOTICE OF PAYMENT INTO COURT OF WHOLE CLAIM. Plaintiff No. .
 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.

No. 32.

Secs. 111, 112, and 113 ; Rule 25. } New Zealand.
 The Magistrates' Courts }
 Act, 1928. } 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].
 *And further take notice that, notwithstanding such payment, the defendant denies his liability.

Dated at , this day of , 19 . Defendant [or Solicitor for the defendant].
 To the Plaintiff, and to the Clerk of the Court.

* Delete if not required.

No. 33.

Sec. 6. } New Zealand.
 The Magistrates' Courts }
 Act, 1928. } 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. 72. } New Zealand.
 The Magistrates' Courts }
 Act, 1928. } NOTICE OF DAY FIXED FOR HEARING (UNDER SECTION 72, 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. 44.

New Zealand.
 The Magistrates' Courts } NOTICE TO PRODUCE DOCUMENTS FOR INSPECTION. Sec. 92 ; Rule 26.
 Act, 1928. }
 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. 92 ; Rule 26.
 Act, 1928. }
 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 Magistrate's Courts } NOTICE TO PRODUCE (GENERAL FORM). Sec. 92 ; Rule 26.
 Act, 1928. }
 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 question 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. 92 ; Rule 26.
 Act, 1928. }
 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].

No. 48.

Sec. 94 ; Rule 23. New Zealand. } NOTICE OF DESIRE TO TAKE EVIDENCE OF WITNESS RESIDING
The Magistrates' Courts } TWENTY MILES FROM COURT FOR HEARING. Plaintiff No. .
Act, 1928. }

In the Magistrates' 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, 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 95 of the Magistrates' Courts Act, 1928, 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. 94 ; Rule 23. 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, 1928. }

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 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 95 of the Magistrates' Courts Act, 1928, 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. 49.

Sec. 95 ; Rule 23. New Zealand. } NOTICE OF TIME AND PLACE FOR EXAMINATION. Plaintiff No. .
The Magistrates' Courts } Act, 1928. }

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 95 of the Magistrates' Courts Act, 1928, 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.]

No. 50.

New Zealand. }
 The Magistrates' Courts } EVIDENCE OF WITNESSES EXAMINED UNDER SECTIONS 94
 Act, 1928. } TO 98 OF THE ACT. Secs. 94 to 98;
 Rule 23.

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. 96 ; Rule 23.

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 94 to 98 of The Magistrates' Courts Act,
 1928, at , on this day of , 19 .

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

No. 52.

New Zealand. }
 The Magistrates' Courts } CERTIFICATE OF NON-APPEARANCE. Sec. 96 ; Rule 23.
 Act, 1928. }

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. }
 The Magistrates' Courts } CERTIFICATE OF COSTS UNDER SECTION 97. Sec. 97 ; Rule 23.
 Act, 1928. }

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 plaintiff and defendant, 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. 103 ; Rule 28.

New Zealand.
The Magistrates' Courts }
Act, 1928.

NOTICE OF REINSTATEMENT.

Plaint No. .

In The Magistrate's Court, held at .
Between .
and .

, plaintiff,
, 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. 104 ; Rule 30.

New Zealand.
The Magistrates' Courts }
Act, 1928.

NOTICE OF NEW HEARING UNDER SECTION 104.

Plaint No. .

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

, plaintiff,
, 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. 100 ; Rule 31.

New Zealand.
The Magistrates' Courts }
Act, 1928.

RECORD OF PAYMENT BY INSTALMENTS.

Plaint No. .

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

, plaintiff,
, 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 56.

New Zealand.
The Magistrates' Courts }
Act, 1928.

ORDER FOR WITHDRAWAL OF MONEYS.

Plaint No. .

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

, plaintiff,
, defendant.

I, , the in this action, hereby authorize 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 :

No. 58.

New Zealand. }
The Magistrates' Courts }
Act, 1928.

ORDER TO SUSPEND ORDER OR JUDGMENT.

Plaint No. . Sec. 124.

In the Magistrate's Court, held at .

Between
and

, plaintiff,
, 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 }
Act, 1928.

APPLICATION FOR A REHEARING.

Plaint No. . Secs. 116 and 161 ;
Rule 29.

In the Magistrate's Court, held at .

Between
and

, plaintiff,
, 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 }
Act, 1928.

NOTICE OF APPLICATION FOR A REHEARING.

Plaint No. . Secs. 116 and 161 ;
Rule 29.

In the Magistrate's Court, held at .

Between
and

, plaintiff,
, 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 .

Clerk of the Court.

To the Plaintiff [or Defendant].

No. 61.

New Zealand. }
The Magistrates' Courts }
Act, 1928.

ORDER FOR A REHEARING.

Plaint No. . Secs. 116 and 161 ;
Rule 29.

In the Magistrate's Court, held at .

Between
and

, plaintiff,
, 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 }
Act, 1928.

NOTICE TO DEFENDANT WHOSE NAME HAS BEEN ADDED.

Plaint No. . Sec. 59 ; Rule 34.

In the Magistrate's Court, held at .

Between
and

, plaintiff,
, defendant.

TAKE notice that by order of the Court, dated the day of , 19 , a copy of which order is hereunto 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.

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____.
 To _____ 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. 18.]

No. 63.

Sec. 63; Rule 35.

New Zealand. }
 The Magistrates' Courts } NOTICE OF APPLICATION FOR AN ORDER FOR CHANGE OF PARTIES.
 Act, 1928. } 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. 81; Rule 36.

New Zealand. }
 The Magistrates' Courts } NOTICE OF APPLICATION FOR CHANGE OF VENUE.
 Act, 1928. } 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____.
 Plaintiff [or Defendant].
 [or Solicitor for the _____].
 To the _____, and to the Clerk of the Court at _____.

No. 65.

Sec. 81; Rule 36.

ORDER FOR CHANGE OF VENUE UNDER SECTION 81.
 [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 _____, this _____ day of _____, 19____.
 (L.S.) By the Court.
 Stipendiary Magistrate.

No. 66.

Sec. 139; Rule 37.

New Zealand. }
 The Magistrates' Courts } NOTICE OF DESIRE TO EXAMINE DEFENDANT AS TO DEBTS
 Act, 1928. } 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.

No. 67.

New Zealand. }
 The Magistrates' Courts } ORDER FOR EXAMINATION OF JUDGMENT DEBTOR. Sec. 139; Rule 37.
 Act, 1928. }

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 SUMMON SUB-DEBTOR. Sec. 141; Rule 38.
 Act, 1928. }

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*].
4. That the debt mentioned in paragraph 3 hereof is [*or, is not*] in respect of wages.

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. 141, 143;
 Act, 1928. } Rule 38.

In the Magistrate's Court, held at

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

Upon reading the affidavit of , filed herein 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.

Sec. 145 ; Rule 38. } New Zealand. The Magistrates' Courts Act, 1928. ATTACHMENT ORDER ABSOLUTE. Plaint 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. 145 ; Rule 38. } New Zealand. The Magistrates' Courts Act, 1928. SUB-DEBTOR'S NOTICE OF PAYMENT OR DISPUTE. Plaint 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. 154 ; Rule 41. } New Zealand. The Magistrates' Courts Act, 1928. CONSENT TO ARBITRATION. Plaint 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. 154 ; Rule 41. } New Zealand. The Magistrates' Courts Act, 1928. ORDER OF REFERENCE. Plaint 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 . . . , 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 _____, this _____ day of _____, 19 _____
 (L.S.) By the Court.

Stipendiary Magistrate.

No. 74.

New Zealand. }
 The Magistrates' Courts } AFFIDAVIT WHEN PLAINTIFF *in forma pauperis*. Plaintiff No. _____ Sec. 176.
 Act, 1928. }

In the Magistrate's Court, held at _____.

Between _____, plaintiff,
 and _____, 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.

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

No. 75.

New Zealand. }
 The Magistrates' Courts } CONSENT TO ACT BY GUARDIAN *ad litem*. Plaintiff No. _____ Sec. 46; Rule 33.
 Act, 1928. }

In the Magistrate's Court, held at _____.

Between _____, plaintiff,
 and _____, 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)].

Dated at _____, this _____ day of _____, 19 _____
 (Signed.)

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

No. 76.

New Zealand. }
 The Magistrates' Courts } UNDERTAKING BY NEXT FRIEND OF INFANT TO BE RESPONSIBLE FOR COSTS. Plaintiff No. _____ Sec. 46; Rule 32.
 Act, 1928. }

In the Magistrate's Court, held at _____.

Between _____, plaintiff,
 and _____, 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.

Sec. 137 ; Rule 54. New Zealand.
The Magistrates' Courts }
Act, 1928. BAILIFF'S NOTICE OF CLAIM TO GOODS TAKEN
IN EXECUTION. Plaint No. .
In the Magistrate's Court, held at
Between , plaintiff,
and , 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 .
To the Execution Creditor. Bailiff of the Court.

No. 78.

Sec. 137 ; Rule 54. New Zealand.
The Magistrates' Courts }
Act, 1928. INTERPLEADER CLAIM. Plaint 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 .
To the Bailiff of the Court. Claimant [or Solicitor for the claimant].

[Schedule.]

No. 79.

Sec. 134 ; Rule 54. New Zealand.
The Magistrates' Courts }
Act, 1928. PARTICULARS OF CLAIM FOR RENT. Plaint 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 of £ out of the proceeds of the execution.

Dated at , this day of , 19 . (Signed) Name :
Address :
To the Execution Creditor, and the Bailiff of the Court. 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. 137, Rule 54. New Zealand.
The Magistrates' Courts }
Act, 1928. INTERPLEADER SUMMONS TO EXECUTION CREDITOR. Plaint 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.

New Zealand. } INTERPLEADER SUMMONS TO A CLAIMANT. Sec. 137; Rule 54.
The Magistrates' Courts Act, 1928. }
Plaint 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 support a claim made by
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.
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 54.
The Magistrates' Courts Act, 1928. } OF CLAIMANT.
Plaint No.

In the Magistrate's Court, held at
Between
and

, plaintiff.
, 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. 164.
The Magistrates' Courts Act, 1928. }
Plaint No.

In the Magistrate's Court, held at
Between
and

, plaintiff.
, 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. Sec. 151; Rule 40.
The Magistrates' Courts Act, 1928. }
Plaint No.

In the Magistrate's Court, held at
Between
and

, plaintiff.
, 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 Magis-
trate having jurisdiction to the amount of the plaintiff's claim, by the affidavit of the plain-
tiff 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 fifty-one of the Magistrates' Courts Act, 1928, that, unless the said defendant deposits
with you, or with the Clerk of 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.

No. 85.

Sec. 151 ; Rule 40. New Zealand. }
The Magistrates' Courts } NOTICE TO DEFENDANT ARRESTED UNDER WRIT.
Act, 1928. }

Plaint No.

In the Magistrate's Court, held at

Between
and

, plaintiff,
, 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. 151 : Rule 40. New Zealand. }
The Magistrates' Courts } BAIL-BOND TO BE GIVEN BY DEFENDANT UNDER SECTION 151.
Act, 1928. }

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 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. 151 ; Rule 40. New Zealand. }
The Magistrates' Courts } CONSENT FOR SUMMARY HEARING.
Act, 1928. }

Plaint No.

In the Magistrate's Court, held at

Between
and

, plaintiff.
, defendant.

I, THE above-named defendant, against whom a writ of arrest has been issued under section 151 of the Magistrates' Courts Act, 1928, 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 46. New Zealand. }
The Magistrates' Courts } AFFIDAVIT OF JUSTIFICATION.
Act, 1928. }

Plaint No.

In the Magistrate's Court, held at

Between
and

, plaintiff,
, 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].

No. 89.

New Zealand. }
The Magistrates' Courts }
Act, 1928.

NOTICE TO BAILIFF OF APPEAL.

Plaint No. Sec. 170.

In the Magistrate's Court, held at

Between , plaintiff,
and , 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, 1928.

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

Secs. 121, 197, and
200 ; Rule 48.

Plaint No.

To the Stipendiary Magistrate at , or other the Justice of the Peace.

Warrant issued accordingly,
this day of
19
Clerk of the Court.

Between , plaintiff,
and , defendant.

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 (ordered to pay me in the Magistrate's Court at

Amount of judgment (order) including costs £ : :
Amount paid in part satisfaction of above judgment (order) £ : :
Balance still unpaid, for which distress or commitment is requested £ : :

£ : :

£ : :

Given under my hand at , this day of , 19

Plaintiff [or Solicitor for the plaintiff].

Witness to signature :

This request was made at minutes past the hour of in the noon of the day of 19

Clerk of the Court.

No. 91.

New Zealand. }
The Magistrates' Courts }
Act, 1928.

DISTRESS WARRANT.

Sec. 121 ; Rule 48.

Plaint No.

In the Magistrate's Court, held at

Between , plaintiff,
and , defendant.

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

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

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 herein, by distress and sale of the goods and chattels of the said , except his personal and family clothing, furniture and household effects, and tools and implements of trade, not exceeding in all fifty pounds in value; 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 [or the Clerk of Court at], and to make return of what you shall do by virtue of this warrant immediately upon 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].

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

NOTICE.—The Bailiff is entitled to demand and levy mileage according to scale, from the Courthouse to the place where seizure is made, and the cost of keeping possession of goods seized, which is not to exceed twelve shillings per day, or six shillings only where possession continues for not more than three hours. 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 in writing 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. 92.

Sec 36 ; Rule 48. New Zealand. The Magistrates' Courts } DISTRESS WARRANT UNDER SECTION 36 OF THE ACT. Act, 1928. } Plaintiff No. .

In the Magistrate's Court, held at . Between , plaintiff, and , defendant. 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 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 pounds shillings and pence :

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 the said , except his personal and family clothing, furniture and household effects, and tools and implements of trade, not exceeding in all fifty pounds in value; 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, or the Clerk of Court at , 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.

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

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

NOTICE.—The Bailiff is entitled to demand and levy mileage according to scale from the Courthouse to the place where seizure is made, and the cost of keeping possession of goods seized, which is not to exceed twelve shillings per day, or six shillings only where possession continues for not more than three hours. 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 in writing 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. 93.

Sec. 121 ; Rule 48. New Zealand. The Magistrates' Courts } DISTRESS WARRANT AGAINST THE GOODS OF A MARRIED WOMAN. Act, 1928. } Plaintiff No. .

In the Magistrate's Court, held at . Between , plaintiff, and , defendant. 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 the said or her separate estate, except her personal and family clothing, furniture and household effects, and tools and implements of trade, not exceeding in all fifty pounds in value; 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, or the Clerk of Court at , 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.]

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

NOTICE.—The Bailiff is entitled to demand and levy mileage according to scale from the Courthouse to the place where seizure is made, and the cost of keeping possession of goods seized, which is not to exceed twelve shillings per day, or six shillings only where possession continues for not more than three hours. 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 in writing 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.

New Zealand. } DISTRESS WARRANT FOR THE VALUE OF SPECIFIC GOODS,
The Magistrates' Courts } DAMAGES, AND COSTS.

Sec. 131 ; Rule 48.

Plaint No. .

In the Magistrate's Court, held at .

Between
and

, plaintiff,
, defendant.

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

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

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 wrongly 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 the said , except his personal and family clothing, furniture and household effects, and tools and implements of trade, not exceeding in all fifty pounds in value; 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, or the Clerk of Court at , 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	..	£	:	:
Cost of previous executions	..		:	:
Warrant	..		:	:
Mileage	..		:	:
<hr/>				
Total	..	£	:	:

NOTICE.—The Bailiff is entitled to demand and levy mileage according to scale from the Courthouse to the place where seizure is made, and the cost of keeping possession of goods seized, which is not to exceed twelve shillings per day, or six shillings only where possession continues for not more than three hours. 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 in writing 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. 95.

Sec. 145; Rule 38.

New Zealand. } DISTRESS WARRANT AGAINST THE GOODS OF A SUB-DEBTOR.
The Magistrates' Courts }
Act, 1928. } Plaintiff No.

In the Magistrate's Court, held at

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

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

Clerk of Court.

To , Bailiff of the Magistrate's Court [or To].
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 the said , except his personal and family clothing, furniture and household effects, and tools and implements of trade, not exceeding in all fifty pounds in value; 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, or the Clerk of Court at , 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, Warrant, Costs of previous executions, Mileage, and Total.

NOTICE.—The Bailiff is entitled to demand and levy mileage according to scale from the Courthouse to the place where seizure is made, and the cost of keeping possession of goods seized, which is not to exceed twelve shillings per day, or six shillings only where possession continues for not more than three hours. 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 in writing 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.

Sec. 131.

New Zealand. } WARRANT TO BAILIFF TO SEIZE SPECIFIC GOODS.
The Magistrates' Courts }
Act, 1928. } Plaintiff No.

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 .

No. 97.

RETURN TO DISTRESS WARRANT WHERE NO EFFECTS.

Rule 49.

In the 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 . Bailiff.

The facts upon which the above return is founded to be set out here. (See Rule 49.)

This warrant was received by me on the day of 19 , at o'clock in the noon.

Bailiff.

[To be indorsed on Nos. 91, 92, 93, 94, and 102.]

No. 98.

New Zealand. }
The Magistrates' Courts }
Act, 1928. }

ORDER TO RETURN SPECIFIC GOODS, AND IMPRISONMENT IN DEFAULT.

Sec. 131.

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

Plaint No. .

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

No. 99.

New Zealand. }
The Magistrates' Courts }
Act, 1928. }

WARRANT OF COMMITTAL FOR REFUSAL TO RETURN SPECIFIC GOODS.

Sec. 131.

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

Plaint No. .

, 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, 1928, 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. 180, 183 ;
Rule 42.

New Zealand. }
The Magistrates' Courts } SUMMONS TO A TENANT OR OTHER PERSON HOLDING OVER.
Act, 1928. } 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 answer the claim of the plaintiff 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, 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 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 .. .. .	..	..	..	£	:	:
Cost of summons .. .. .	..	..	..	:	:	:
Mileage for service of summons .. .. .	..	..	..	:	:	:
Solicitor's fee for entering plaint .. .. .	..	..	..	:	:	:
<hr/>						
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.

Sec. 181 ; Rule 42.

New Zealand. }
The Magistrates' Courts } SUMMONS FOR RECOVERY OF TENEMENT FOR NON-PAYMENT
Act, 1928. } OF RENT.

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 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 .. .. .	..	..	..	:	:	:
Solicitor's fee for entering plaint .. .. .	..	..	..	:	:	:
<hr/>						
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. }
The Magistrates' Courts }
Act, 1928. }

WARRANT FOR GIVING POSSESSION OF TENEMENT.

Secs. 180, 181, and 183; Rules 42, 44.

In the Magistrate's Court, held at
Between
and

Plaint No. .
, plaintiff,
, defendant.

Clerk of Court.

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

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 forthwith (or on or before the
day of , 19 ,) give the plaintiff possession of a certain [house, &c., as in
summons], situate at [and it was adjudged 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 for costs), making together the sum of pounds
shillings and pence]: And whereas such order has not been obeyed:

This is therefore to authorize 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 whereas default has been made in payment
according to the said judgment:

This is further to require and order you forthwith to levy the sum of £ , and
the further expenses incurred herein, by distress and sale of the goods and chattels of
the said , except his personal and family clothing, furniture and household effects,
and tools and implements of trade, not exceeding in all fifty pounds in value; 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, or the Clerk of Court at , and to make return of what you shall do by virtue
of this warrant immediately upon 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].

NOTICE.—The Bailiff is entitled to demand and levy mileage according to scale 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 in writing of the defendant. He is also entitled to
demand and levy the cost of keeping possession of goods seized, which is not to exceed twelve shillings per day, or six
shillings where possession continues for not more than three hours.

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.

New Zealand. }
The Magistrates' Courts }
Act, 1928. }

INFORMATION AND REQUEST OF LANDLORD FOR POSSESSION WHERE
TENANT HAS DESERTED PREMISES LEAVING RENT DUE.

Sec. 182; Rule 43.

In the Magistrate's Court, held at
Between
and

Plaint No. .
, plaintiff,
, 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.

F

No. 104.

Sec. 182 ; Rule 43.

New Zealand. }
 The Magistrates' Courts } WARRANT TO BAILIFF TO GO AND VIEW DESERTED TENEMENT
 Act, 1928. } AND AFFIX NOTICE THEREUPON. Plaint 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 authorize 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 authorized 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 authorized 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.

Sec. 182 ; Rule 43.

New Zealand. }
 The Magistrates' Courts } NOTICE TO BE AFFIXED ON DESERTED PREMISES. Plaint No. .
 Act, 1928. }
 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 authorizing 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 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.

Sec. 182 ; Rules 43 and 44.

New Zealand. }
 The Magistrates' Courts } WARRANT TO THE BAILIFF OR A CONSTABLE TO DELIVER POSSESSION
 Act, 1928. } OF DESERTED PREMISES TO LANDLORD. Plaint No. .
 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 authorizing 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 authorize 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.

New Zealand. }
The Magistrates' Courts } BOND TO BE GIVEN BY DEFENDANT UNDER SECTION 189. Sec. 189 ; Rule 44.
Act, 1928. } 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 £ 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.

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 by the above-bounden and in the presence of , at , this day of , 19 .

I APPROVE of this bond.
Stipendiary Magistrate.

No. 108.

New Zealand. }
The Magistrate's Courts } NOTICE OF APPEAL. Sec. 164.
Act, 1928. } Plaintiff No. .

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

TAKE notice that the intends to appeal to the Supreme Court on point of law or (and) on matter of fact 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 .
Dated at , this day , 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.

New Zealand. }
The Magistrates' Courts } BOND WHICH MAY BE TAKEN AS SECURITY FROM AN APPELLANT. Sec. 164 ; Rule 46.
Act, 1928. } 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

WHEREAS an action in the Magistrate's Court held at _____, wherein the above-bounden _____ was plaintiff [or defendant], and the above-named _____ was defendant [or plaintiff], 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, 1928: 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 by the above-bounden _____ in the presence of _____ at _____, this _____ day of _____, 19_____. (Signed.)
 I APPROVE of this bond.
 By the Court.
 Stipendiary Magistrate.

No. 110.

Sec. 90 ; Rule 22. } New Zealand. }
 The Magistrates' Courts } INTERLOCUTORY SUMMONS. }
 Act, 1928. }

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

No. 111.

Sec. 90 ; Rule 22. } New Zealand. }
 The Magistrates' Courts } ORDER FINING WITNESS FOR NON-ATTENDANCE. }
 Act, 1928. }

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 _____, 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 _____, 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 _____, 19_____.
 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.

Sec. 90 ; Rule 22. } New Zealand. }
 The Magistrates' Courts } COMMITMENT OF WITNESS IN DEFAULT OF FINE. }
 Act, 1928. }

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 19, 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.

New Zealand. } ORDER FOR FINE, OR IN DEFAULT IMPRISONMENT FOR CONTEMPT. Sec. 197.
The Magistrates' Courts }
Act, 1928.

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.

New Zealand. } WARRANT OF COMMITMENT FOR CONTEMPT IN DEFAULT Sec. 197.
The Magistrates' Courts } OF PAYMENT OF A FINE.
Act, 1928.

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.

Sec. 197. New Zealand. The Magistrates' Courts } WARRANT OF COMMITMENT FOR CONTEMPT. Act, 1928.

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.

Sec. 200. New Zealand. The Magistrates' Courts } ORDER FOR IMPRISONMENT UNDER SECTION 200. Act, 1928.

Plaint No. .

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 , 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 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-recited 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.

Sec. 200. New Zealand. The Magistrates' Courts } ORDER FOR FINE OR IMPRISONMENT UNDER SECTION 200. Act, 1928.

Plaint No. .

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 .

No. 118.

New Zealand. }
 The Magistrates' Courts } WARRANT UNDER SECTION 200. Sec. 200.
 Act, 1928. }

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 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 inter-locutory 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.

New Zealand. }
 The Magistrates' Courts } COMMITMENT UNDER SECTION 200 IN DEFAULT OF PAYMENT OF FINE. Sec. 200.
 Act, 1928. }

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 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 inter-locutory 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.

New Zealand. }
 The Magistrates' Courts } WARRANT FOR RELEASE. Sec. 200.
 Act, 1928. }

In the Magistrate's Court, held at .
 Between , plaintiff.
 and , defendant.
 To the Gaoler of the prison at

I HEREBY order and authorize 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.

No. 121.

Secs. 156, 158, and 159; Rule 47. } New Zealand. The Magistrates' Courts Act, 1928. } CERTIFICATE OF JUDGMENT OR ORDER.

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

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

I hereby certify that the above, issued in pursuance of section of (or Rule 47 of the Rules under) of the Magistrates' Courts Act, 1928, is a true copy of an entry in the Civil Record Book 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 of £ : : as set out hereunder, is now due upon such judgment or order.

And I do further certify that, according to the records of this office, the following is a description of the parties in the above case: of [Address], [Occupation], Plaintiff, and of [Address], [Occupation], Defendant.

	£	s.	d.
Amount judgment or order, including costs ..			
Subsequent costs			
Cost of this certificate			
Paid into Court	£		
Total sum now due	£		

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

No. 122.

Rule 49. } New Zealand. The Magistrates' Courts Act, 1928. } BALANCE-SHEET OF BAILIFF AFTER EXECUTING DISTRESS WARRANT. Plaintiff No.

In the Magistrate's Court, held at Between and

RETURN to Warrant of Distress from the Bailiff of the Magistrate's Court at the Magistrate's Court at , plaintiff, defendant, to the Clerk of

	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.

Sec. 160; Rule 31. } New Zealand. The Magistrates' Courts Act, 1928. } MEMORANDUM OF SATISFACTION. Plaintiff No.

In the Magistrate's Court, held at Between and

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].

No. 124.

New Zealand. }
 The Magistrates' Courts } NOTICE OF INTENTION TO DEFEND AN ACTION. Sec. 76 ; Rule 8.
 Act, 1928. }
 In the Magistrate's Court, held at Plaintiff No. , 19 .
 Between , plaintiff,
 and , 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 plaint-number is inserted in this form before posting it to the Court. No fee is payable in respect of the filing hereof.

No. 125.

New Zealand. }
 The Magistrates' Courts } APPLICATION FOR LEAVE TO DEFEND AN ACTION. Sec. 76 ; Rule 8.
 Act, 1928. }
 In the Magistrate's Court, held at Plaintiff No. , 19 .
 Between , plaintiff,
 and , 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.

New Zealand. }
 The Magistrates' Courts } NOTICE OF APPLICATION FOR LEAVE TO DEFEND AN ACTION. Sec. 76 ; Rule 8.
 Act, 1928. }
 In the Magistrate's Court, held at Plaintiff No. , 19 .
 Between , plaintiff,
 and , 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.
 Clerk of Court.

To the plaintiff.

No. 127.

New Zealand. }
 The Magistrates' Courts } ORDER GIVING LEAVE TO DEFEND AN ACTION. Sec. 76 ; Rule 8.
 Act, 1928. }
 In the Magistrate's Court, held at Plaintiff No. , 19 .
 Between , plaintiff,
 and , 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 and
 incidental to this application.
 Dated at , this day of , 19

Stipendiary Magistrate
 [or Justices of the Peace].

* Strike out if no order made as to costs.

No. 128.

New Zealand. }
 The Magistrates' Courts } ORDER DISMISSING APPLICATION FOR LEAVE TO DEFEND. Sec. 76 ; Rule 8.
 Act, 1928. }
 In the Magistrate's Court, held at Plaintiff No. , 19 .
 Between , plaintiff,
 and , 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.

No. 129.

Rule 11.

MINUTE-BOOK.

19	Number of Proceeding.	

No. 130.

Rule 48.

New Zealand. }
The Magistrates' Courts } RECEIPT FOR MONEY PAID UNDER WARRANT TO BAILIFF.
Act, 1928.

No. _____ Plaintiff No. _____
RECEIVED from the sum of _____ pounds _____ shillings and _____ pence, being amount
due under warrant of _____ in the case of _____ v. _____
Dated at _____ this _____ day of _____, 19 _____

	£	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.

Sec. 151 ; Rule 40.

New Zealand. }
The Magistrates' Courts } WARRANT OF REMAND IN DEFAULT OF BAIL BEING FOUND.
Act, 1928.

In the Magistrate's Court, held at _____
Between _____, plaintiff,
and _____, 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 151 of the Magistrates' Courts Act, 1928, 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.

No. 132.

New Zealand.
The Magistrates' Courts }
Act, 1928.

Plaint No. , 19 .

Rule 49.

In the Magistrate's Court, held at

Between
and

, plaintiff,
, defendant.

INVENTORY (under Rule 49 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 realized at Sale.		
		£	s.	d.

Dated at , this day of , 19 .

Bailiff,
Auctioneer.

No. 133.

New Zealand.
The Magistrates' Courts }
Act, 1928.

APPLICATION TO ENTER JUDGMENT BY DEFAULT.

Plaint No. , 19 .

Sec. 104 ; Rule 24.

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, and the claim being for a liquidated amount, I hereby apply to have judgment entered by default for £ , and costs (£).

Dated at , this day of , 19 .

Plaintiff
[or Solicitor for Plaintiff].

No. 134.

New Zealand.
The Magistrates' Courts }
Act, 1928.

THIRD PARTY NOTICE.

Sec. 65.

In the Magistrate's Court, held at

Between
and

Plaint No. .
, of [Address and occupation] plaintiff,
, of [Address and occupation] defendant.

To , of [Address and occupation].

TAKE notice that this action has been brought by the plaintiff against the defendant [Here set out substance of claim] as set out in the statement of claim filed in the action, a copy of which is annexed hereto.

The defendant claims

And take notice that this action will be heard at the Magistrate's Court, , on the day of , 19 , at the hour of o'clock in the forenoon, and if you wish to appear and dispute the plaintiff's claim in this action as against the defendant, you must file a notice of intention to defend within five clear days after service of this notice. In default of you so filing such a notice of intention to defend you shall not be allowed to defend except by leave of the Court granted on special grounds and on such terms as to costs and otherwise as the Court thinks fit, and if you do not defend you shall be deemed to admit the validity of the judgment obtained against such defendant, whether obtained by consent or otherwise.

Defendant
[or Solicitor for the Defendant].

(NOTE.—This notice must be served at least seven clear days before the date of hearing.)

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 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 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 , 19 , 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 , 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 , 19 . 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 the day of , 19 , and the day of , 19 , as under:—
4 horses at 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 , 19 , 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 , 19 , 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 56 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*].

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 , 19 , 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 endorsed 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 endorsed 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 , the wife of the plaintiff, whereby she became sick and wounded and unable to attend to her duties.

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 unskillfully 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 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 entrusted 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.

Secs. 89 and 172;
Rule 66.

Female witnesses, if earning salary or wages, according to foregoing scale; but if not earning salary or wages, they shall be paid according to their rank at rates not exceeding two-thirds of the said scale for male witnesses of similar degree.

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.	Not Exceeding £10.	Not Exceeding £20.	Not Exceeding £50.	Over £50.
	No fee	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For entering plaint	0 5 0	0 10 0	1 0 0	1 0 0
Appearance in Court to conduct action in defended case	1 1 0	2 2 0	3 3 0	5 per cent., with minimum of £3 3s.
Preparing for trial in a case which is discontinued after notice of intention to defend has been filed	0 10 6	0 10 6	0 10 6	0 10 6
Appearance in undefended cases	1 1 0	2 2 0	3 3 0	3 3 0
For appearance on examination of witnesses under section 95 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.

Entering plaint in tenement case, 5s.

Appearance in tenement case, £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.	Over £100.
	£ s. d.	£ s. d.
For appearance on application for attachment order (interlocutory)	0 10 6	0 10 6
For appearance on application for attachment order (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, at least forty-eight hours before the time appointed for the hearing in the case of payment into Court or not later than noon of the day preceding the day fixed for the hearing in the case of a confession: 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.

Rule 58.

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.

Sec. 3; Rule 67.

FEES.

TABLE of FEES to be taken in respect of Proceedings under the Magistrates' Courts Act, 1928.

	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.	Over £150.
	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 85, and service within one mile (including application to the Court and order thereon)	5 0	..	..	..	..	..	..	..
Issue of new summons under section 106 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
Same, for costs only, or otherwise where no amount claimed ..	3 0	..	..	..	..	..	..	..
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
Same, for costs only, or otherwise where no amount claimed ..	3 0	..	..	..	..	..	..	..
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	..	..	..	..	..	..	..

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.	Over £150.
	s. d.	s.	s.	s.	s.	s.	s.	s.
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. (Where there is a counterclaim, only one adjournment fee shall be payable.)	3 0	..	..	..	..	..	..	..
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 95, for each witness examined	5 0	..	..	..	..	..	..	..
Certificate of costs allowed under section 97 ..	2 0	..	..	..	..	..	..	..
Examination of judgment debtor or of sub-debtor on application for attachment of debts	5 0	..	..	..	..	..	..	..
Hearing application for rehearing ..	3 0	..	..	..	..	..	..	..
Filing agreement to give jurisdiction, or agreement not to appeal	3 0	..	..	..	..	..	..	..
Order for reinstatement under section 103, or for new hearing under section 104	3 0	..	..	..	..	..	..	..
Order for rehearing of action under section 161 ..	..	2	3	4	5	8	10	15
Order for rehearing of interlocutory proceeding under section 161	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	..	..	..	..	..	..	..
Certificate of 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 ..	..	4	5	7	10	15	20	25
Warrant of committal, and execution within one mile ..	..	4	5	7	10	15	20	25
For search in any one action ..	2 0	..	..	..	..	..	..	..
For general search ..	5 0	..	..	..	..	..	..	..
Sealing case on appeal (including settling, if necessary) ..	20 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 151, 164, 189, or otherwise	5 0	..	..	..	..	..	..	..
Entering plaint and filing plaint-note for recovery of tenement, issuing summons, and service within one mile (if amount claimed)	..	10	10	15	20	25	30	35
Same, if no amount claimed ..	10 0	..	..	..	..	..	..	..
Warrant for delivery of tenements, and execution within one mile (if rent included)	..	8	8	8	10	15	20	25
Same, if no rent included ..	8 0	..	..	..	..	..	..	..
Information and request of landlord under section 182	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 one mile, 2s.

Mileage for service of any summons, notice, or other process, 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.

Service by registered letter of any summons, notice, or other process, in respect of each person to be served, 2s.

For each man left by the Bailiff in possession on any premises, 12s. a day or portion of a day. Provided that where possession continues for not more than three hours a sum of six shillings only shall be payable.

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.

Where a claim or counterclaim is amended, and the fee paid for entering the plaint or filing the notice of counterclaim is less than that which would have been payable if the claim or counterclaim as amended had been made in the first instance, the party amending the same shall pay the difference.

F. D. THOMSON,
Clerk of the Executive Council.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.

