



1850.

No. 2.

ORDINANCE enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.

For the Confirmation of the General Rules and Orders of the Supreme Court of South Australia, and to Amend the Laws relating to such General Rules and Orders.

(27th February, 1850.)

WHEREAS by an Ordinance bearing date the Twenty-fifth day of July, one thousand eight hundred and forty-eight, it was *inter alia* enacted, that all such Rules and Orders as had been theretofore made by the several successive Judges of the Supreme Court of South Australia, in pursuance of the powers in that behalf given by the therein in part recited Ordinances, and as were then in force and operation, should continue in full force and effect, until the first day of September, one thousand eight hundred and forty-nine, and should then cease and determine, unless the same should be in the mean time confirmed by some Ordinance, for that purpose made, and passed by the Governor, with the advice and consent of the Legislative Council thereof:—And that no General Rule or Order of the Supreme Court, or of any Judge thereof, which might thereafter be made in pursuance of the powers in that behalf given by the said in part recited Ordinances, or either of them, should be of any force or effect, until the same should have been confirmed by an Ordinance for that purpose made and passed by the Governor,
with

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*Repealed by
No. 5, 1848.*

No. 10, 1849.

with the consent of the Legislative Council. AND WHEREAS by an Ordinance bearing date the Twenty-third day of August, one thousand eight hundred and forty-nine, it was enacted that such Rules and Orders aforesaid, (in force and operation at the time of the passing of the first hereinbefore recited Ordinance), should continue in full force and effect until the first day of March, one thousand eight hundred and fifty, and should then cease and determine, unless the same should be, in the meantime, confirmed by some act or Ordinance for that purpose made and passed by the Governor, with the advice and consent of the Legislative Council: AND WHEREAS the last mentioned Rules and Orders (heretofore in force), being about to cease and determine, certain amended General Rules and Orders have been made by His Honor the Judge of the Supreme Court, in pursuance of the powers given by the Ordinances in that behalf referred to in the hereinbefore recited Ordinances to take effect either from and after the confirmation thereof, or from and after the times therein mentioned, and certain other of such Rules and Ordinances have been allowed to remain unaltered, subject to the allowance or disallowance of the said Governor and Council, and it is expedient that all such Rules should be confirmed in manner herein provided :

Confirmation of New
Rules of Court.

BE IT THEREFORE ENACTED, by THE GOVERNOR OF SOUTH AUSTRALIA, with the advice and consent of THE LEGISLATIVE COUNCIL thereof—THAT from and after the said first day of March next, the General Rules and Orders so made by the said Judge of the Supreme Court, in pursuance of the powers aforesaid, as the same are inserted in the Schedules hereto annexed, shall be, and the same are, hereby, confirmed.

Future Rules to
have operation till
disallowed.

II. AND WHEREAS it is deemed more convenient that the General Rules and Orders of the Supreme Court, and Judges thereof, hereafter to be made, should have effect and operation before the same can be confirmed, but subject to the disallowance of the Colonial Legislature: BE IT ENACTED, That all such General Rules and Orders as shall hereafter be made by the said Supreme Court, or any Judge thereof, in pursuance of the powers given by any Ordinance in that behalf now or hereafter to be passed, shall be reduced into writing, and shall have affixed thereto the seal of the said Court, and shall forthwith be transmitted under the hand of the Judge or Judges making the same, to the Governor, to be by him laid before the Legislative Council, as soon as practicable after the next assembling thereof:—And all such General Rules and Orders shall be by order of the said Judge or Judges, published in the *South Australian Government Gazette*, for public information: and (unless the same shall be disallowed in manner after mentioned), shall commence and take effect from and after a day to be therein named, not being less than

than forty days from and after such publication : any thing in the recited Ordinances to the contrary notwithstanding.

III. PROVIDED ALWAYS, AND BE IT ENACTED, that it shall be lawful for the Governor, with the advice and consent of the Legislative Council, by any Ordinance to be passed, at any time, either before or after any such General Rule or Order so laid before such Council shall have come into operation, to disallow the same in whole or in part, and in case the same shall be in force at the time of such disallowance, to specify the time at which the same shall cease to be in force ; and no such General Rule or Order which shall be so disallowed, shall have any force or effect whatsoever, or if it shall be in force at the time of such disallowance, it shall cease to have any force or effect at the time so specified as aforesaid, save in so far as regards anything theretofore lawfully done in pursuance thereof.

H. E. F. YOUNG,
Lieutenant-Governor.

*Passed the Legislative Council, this }
twenty-seventh day of February, }
one thousand eight hundred and }
fifty.*

W. L. O'HALLORAN,
Clerk of Council.

SCHEDULE.

RULES made by CHARLES COOPER, Esquire, Judge of the Supreme Court of South Australia, in pursuance of an Ordinance passed on the thirty-first day of May, one thousand eight hundred and thirty-seven, intituled "An Act for the Establishment of a Court to be called the Supreme Court of the Province of South Australia."

I. All rules and orders heretofore made for the said Court shall be deemed to be annulled from and after the allowance of the rules now made, except such as shall be expressly continued for a longer time.

Repeal of former rules.

II. The business of the said Court shall be carried on at the Court-house, in Weymouth-street, until notice is given in the *Government Gazette* that the Court-house now in the course of building is ready for occupation, and then the business of the said Court shall be transferred there.

Place for transacting the business of the Court.

III. The respective Rules and Orders, forms and manner of proceeding in her Majesty's Superior Courts at Westminster, for the time being, that is to say, in the Court of Queen's Bench, Exchequer, and High Court of Chancery, and in the Ecclesiastical Courts within the diocese of London, called The Consistory Court, shall be generally adopted and followed in the exercise of the several jurisdictions of the said Supreme Court, so far as the circumstances and condition of the Colony will admit, and so far as such rules, orders, forms, and manner of proceeding are not altered or varied by the Ordinance for the establishment of the Supreme Court, or by any rules heretofore made in pursuance thereof, or by the rules this day made, and so far as they shall not be altered or varied by any rules or orders hereafter to be made by the judge, or judges, of the said Court.

Adoption of the English Rules of Practice subject to Rules expressly made by this Court

IV. If any of such rules of practice of the English Courts will, under the special circumstances of any case, be attended with particular hardship to either party, it shall be lawful for the Court, in term time, or for a judge in vacation, upon affidavit of the facts shewing such hardship, to make such order in that particular as may appear to be most conducive to the ends of justice.

Power of dispensing with Rules in any particular case of hardship.

V. The Officers of the Court shall attend every day, at ten o'clock, at the office thereof, which shall be open to the public for the dispatch of business from the hour of eleven o'clock in the forenoon until the hour of three o'clock in the afternoon, except on Saturdays, when the office shall be closed at one o'clock in the afternoon, and except on Sundays and the following holidays, viz.:—New Year's Day, Good Friday, Easter Eve, Easter Monday and Tuesday, Her Majesty's Birthday, Her Majesty's Accession, Christmas Day, the Anniversary of the Foundation of the Colony, and the intervening days; provided no holidays shall be allowed to interfere with the appointed Sittings of the Court.

Hours during which Supreme Court Office is to be open to the public.

VI. All writs are to be signed by the Master or by the Clerk of the Court, and are to be stamped with the seal of the Supreme Court Office now in his custody, but exemplifications of records, and all documents other than writs requiring to be sealed, are to be sealed with the seal of the Court, which is directed by the said Supreme Court Ordinance to be kept in the custody of the Judge.

Signing and sealing of Writs.

- Duties of the Master.** VII. The duties of the Master of the Supreme Court are such as are performed by the Master of the respective Courts of Record at Westminster, and by the respective Masters of Chancery in England, as nearly as the different circumstances of this Court will admit. The Master is further to act as Registrar of the Ecclesiastical Department of the Court, and as Clerk of Arraigns on the Criminal side of the Court, and he is to do all things which by the Ordinance No. 11, 1843, intituled "An Ordinance to facilitate the Recovery of Debts in certain cases," are required to be performed by the Clerk or proper officer of the Court.
- Duties of the Clerk.** VIII. The duties of the Clerk of the Supreme Court are to make all entries, to file all such documents as are necessary to be filed, and to make copies of such as shall be required, to keep account of fees received for business done, to act as Judge's clerk, and generally to assist in doing all things necessary to be done in the Supreme Court Office.
- Clerk to perform the duties of the Master in case of absence.** IX. When the Master is engaged in other duties, or is absent by permission, or on account of sickness, or any necessary cause, the Clerk of the Court is to perform all such duties as are before appointed to be done by the Master.
- Duties of Assistant Clerks.** X. As other Clerks of the Court shall be from time to time appointed, it will be their duty to assist in the performance of the several matters before appointed to be done by the Clerk, who, after the appointment of a Second Clerk, will be called the "Chief Clerk."
- Answers in Equity and affidavits before whom to be sworn.** XI. All answers in Equity and all affidavits in the Supreme Court, whether made in proceedings, civil or criminal, or in its common law or equitable, or ecclesiastical jurisdiction, may be sworn either in open Court, or before a judge, or the master thereof, or before a commissioner appointed by the judge or judges of the Supreme Court, for the purpose of taking affidavits therein.
- Papers filed in the Office to be clearly written.** XII. All paper writings delivered at the Supreme Court office, for the purpose of being filed or used in any cause or proceeding, depending or otherwise, in the said Court, are to be written in a clear legible hand, and to be of a convenient form and size; and no paper not so written is to be received into the office.
- Sheriff to attend the Sittings of Court, &c.** XIII. The sheriff or his under sheriff is personally to attend the Court during all its civil and criminal sittings, and at other times when specially required to attend, whether in term or out of term, and is not to depart without leave of the Court.
- Practitioners.** XIV. The business of the Court is to be conducted as heretofore, by the gentlemen already admitted to practice therein as barristers, attornies, solicitors, and proctors, and by others to be hereafter admitted to practise as such, according to the rules of the Court in force for the time being.
- Persons to be hereafter admitted.** The following persons only shall be eligible to be hereafter admitted to practise in the said several capacities, that is to say—
- Persons already admitted elsewhere.** 1st. Persons actually admitted as barristers, advocates, solicitors, attornies, proctors, or writers to the signet, in some one or other of the Queen's superior Courts, within the United Kingdom of Great Britain and Ireland, or as attornies or solicitors in the Supreme Court of either of the colonies of New South Wales or of any district thereof, or Van Diemen's Land, or Western Australia, or New Zealand.
- Persons articled as Clerks in South Australia.** 2nd. Persons having been articled to some practitioner of the Supreme Court in South Australia for the term of five years, and having served the full term of their clerkship.
- Persons articled in England, Ireland, Scotland, &c.** 3rd. Persons who having been articled to an attorney or solicitor of one of the Queen's Superior Courts in Great Britain or Ireland, or to a writer to the Signet in Scotland, or to an attorney or solicitor in the Supreme Court of either of the colonies of New South Wales, or of any district thereof, or of Van Diemen's Land, or of

Western Australia, or of New Zealand, shall have served the full term of five years under such articles.

4th. Persons who, having been articled to an Attorney or Solicitor in one of the Courts mentioned in the preceding section, and having served for any period of time under such articles, shall have completed the full term of five years by serving the remainder of the term as Clerk to an Attorney or Solicitor of the Supreme Court of South Australia, or who having been duly articled for five years and served for any term in South Australia, shall have completed the residue of such term with any Solicitor or Attorney of the superior Courts in Great Britain or Ireland, or writer to the Signet in Scotland.

5th. Persons who, shall have served the term of five years as Master or Chief Clerk of the Supreme Court.

Persons articled in England, &c. and serving part of the term under the articles, and the residue in South Australia, or being articled in South Australia, and serving part of the time there, and the residue in England, &c.

Persons serving five years as Chief Clerk, &c. in the Supreme Court Office.

ARTICLED CLERKS.

XV. No Attorney of the Court shall be allowed to have more than two Articled Clerks at one time, and before any person shall be articled with a view to his admission as an Attorney, he shall be introduced to the Judge or one of the Judges (when there are more Judges than one), who shall be satisfied with respect to his moral character and academical acquirements, and that he is not less than sixteen years of age.

XVI. No person during the continuance of his articles shall pursue any occupation or business other than the proper business of an Attorney or Solicitor.

XVII. In the first term of every year, except the present, and in the present year in the first term, after the approval of these rules by the Governor and Legislative Council, the Master or other Officer performing the duty of Master of the Supreme Court for the time being, together with two or three Practitioners thereof, shall be appointed by a rule of Court to be examiners for one year as to the qualifications and fitness of persons intending to apply for admission as Practitioners on the roll of the Court, any two of whom (one whereof to be either the Master or a Practitioner, to be specially named in the rule of Court), shall be competent to conduct the examination, subject to such appeal as after mentioned, and no person except such as are mentioned in the proviso to this rule, shall be admitted to be sworn a Practitioner of the Supreme Court except on production of a certificate signed by the major part of the examiners actually present at and conducting his examination, testifying his fitness to be admitted as a Practitioner, such certificate to be in force only to the end of the term next following the date thereof, unless such time shall be specially extended by the order of a Judge of the Court, provided that persons having been duly admitted as Advocates or Barristers in Great Britain or Ireland, or Attornies or Solicitors in England, Ireland, New South Wales, or Van Diemen's Land, on producing certificates of their fitness to be admitted Attornies or Solicitors from examiners in England or Ireland, or New South Wales, or Van Diemen's Land, shall be admitted as Practitioners of this Court without being examined by the examiners of this Court, subject nevertheless to the control of the Court, to be exercised as after mentioned.

Each Practitioner to be allowed to take only two Articled Clerks at one time.

Examination of intended Clerk by a Judge previous to articles.

Clerk not to pursue other business than that of an Attorney &c.

Examination previous to admission.

Examiners.

Certificate to be obtained from Examiners previous to admission.

Certificate to be in force to the end of term following the date thereof.

Proviso in favor of persons previously admitted in England, &c.

Regulations made by Examiners to be approved by the Court.

The Examiners so to be appointed shall conduct the examinations under regulations to be approved by the Judge or Judges.

Appeal from the Examiners to the Judges.

In case any person shall be dissatisfied with the refusal of the Examiners to grant him such certificate of fitness, as aforesaid, he shall be at liberty to apply for admission by petition, to the Judge or Judges, which application shall be heard at Chambers by the Judge or Judges, or by not less than two Judges, if there are more than two Judges of the Supreme Court.

Articles of Clerkship and any assignment thereof to be left with the Master or Clerk of Court.

Every person applying at the expiration of his articles, to be admitted a practitioner of this Court, shall, before the term in which he is desirous of being admitted, cause to be left with the Master or Chief Clerk, his articles of Clerkship, and also any assignment which may have been made thereof.

Applicant to attend examiners, &c.

XVIII. Every person so applying for admission, shall attend the Examiners at the Supreme Court-House, at such time or times, as shall be appointed by them, and shall answer such questions as they shall then and there put to him by written or printed papers, touching his fitness and qualification to be admitted as a practitioner of the Court.

Examiners to enquire as to service of Articled Clerks.

XIX. It shall be lawful for the Examiners, besides such examination as aforesaid, touching the qualification of the applicant for admission, to require answers in writing from him, to such questions as they shall think fit to propose, touching his service during his Clerkship, and he and also the practitioner, with whom he may have served his Clerkship, shall, if required, and not prevented by illness, or other sufficient cause, attend the Examiners, and give such explanation as they may require touching his service.

Power to dispense with any of the preceding regulations under circumstances.

XX. In case the applicant shall shew sufficient cause why any of the preceding regulations cannot be fully complied with, it shall be lawful for the Court, or a Judge, by rule or order, to dispense with such part of the regulations as they or he may think fit to be dispensed with.

Examiners to give certificate.

XXI. Upon compliance with the aforesaid regulations, the Examiners actually present at, and conducting, the examination, or the major part of them, if more than two, (one of them being the Master or such person specially named as aforesaid), shall, if satisfied as to the fitness of the person so applying to be admitted as a Practitioner of the Court, give him a certificate under their hands, in the following form, viz:—

Form thereof.

“In pursuance of the Rules of the Supreme Court of South Australia, We,
“being the Examiners (or the major part of the Examiners, as the case may be)
“actually present at and conducting the examination of _____ of
“do hereby certify that we have examined the said _____ as required
“by the said Rules, and that we find him to be qualified and fit to be admitted a
“practitioner of the said Court. Given under our hands the _____ day of _____
Provided that until Examiners shall be appointed, persons applying for admission
shall be examined by a Judge.

Notices to be given by all persons previous to admission.

XXII. Any person who shall intend to apply for admission as a Practitioner of this Court, (whether previously admitted elsewhere or not) shall, before the commencement of the Term in which he shall so apply, cause his name and place of abode, written in legible characters, to be affixed in the office of the Court, and shall also cause notice of his intended application to be three several times published in two public newspapers of Adelaide, during such term, and having given such notices, and in other respects complied with the regulations hereby made, he may be admitted on the last day of such Term.

XXIII. Every

XXIII. Every person who, according to the preceding rules is required to obtain from the Examiners, previous to his admission, a certificate of his qualifications and fitness to be admitted as a Practitioner of this Court, shall, in addition to the notices before-mentioned, give at least one month's notice to the said Examiners, of his intention to apply for examination, by leaving the notice with the Master, and shall in such notice state his place or places of residence and service for the last two years. In case of a petition by any person to the Judge or Judges of the Court for admission, after a refusal by the Examiners to give him such a Certificate as aforesaid, he shall give ten days notice, to be served on the Master, of the day appointed for hearing the Petition.

Notice to be given by persons not previously admitted.

XXIV. If from any peculiar circumstances not arising from the fault or negligence of the Applicant for admission, such as a delay in the proceedings of the Examiners, or in the hearing of his Petition, it shall become impossible for him to obtain his admission within the Term in which he seeks to be admitted, it shall be lawful for the Court or the Judges, being satisfied of his qualifications and fitness, at their discretion, to order that he may be admitted at any time, to be mentioned in the rule or order, either within Term or out of Term.

Under any peculiar circumstances, order may be made for admission at any time.

XXV. Any person applying for admission on the ground of his having been previously admitted elsewhere as an Attorney or Solicitor, shall, at the time of giving the notice hereinbefore required, file with the Chief Clerk a Certificate of his previous admission, or a true copy thereof, together with an affidavit which shall contain the following allegations; namely—that the deponent has been admitted in one of the aforesaid Courts; that he has not done or committed any act or thing which would cause his name to be struck off the Roll of such Court, and that to the best of his knowledge and belief, his name still remains on the Roll thereof, that the Certificate or Copy of the Certificate annexed to his affidavit is the original Certificate of his admission or a true copy thereof, as the case may be, and that he is the person named therein, the time when he ceased to practice, the time of his arrival in the Colony, the name of the Ship in which he arrived, the mode of his employment from the time he ceased to practice, the name of at least one respectable housekeeper resident within the Colony, to whom he is known; and the rule for the admission of the Applicant, shall be drawn up on reading such affidavit, which rule shall be conditional for eighteen months, unless the Judge or Judges shall see cause to order the contrary.

Affidavit to be made by persons previously admitted.

Rule for admission to be drawn up on reading affidavit, and to be conditional for eighteen months.

XXVI. Every person applying for admission on the ground of his having served articles of Clerkship to an Attorney or Solicitor, in one of such Superior Courts, as aforesaid, elsewhere than in South Australia, shall in like manner make an affidavit that he has not done or committed any act or thing which would subject him to be refused admission, or excluded from practice in such Court, and such affidavit shall also state the time of the expiration of his Clerkship, the mode of his employment since that time, and such of the several other matters mentioned in the preceding rules as are applicable to his case.

Affidavit to be made by persons not previously admitted.

NOTE.—The object of the two preceding rules is to prevent the admission of persons whose previous misconduct or long discontinuance of practice in law render them unfit to be admitted Practitioners of the Supreme Court.

XXVII. Any person having reasonable ground to object to the admission of any other person who has given notice of his intention to apply to be admitted as a Practitioner of this Court, on the ground of his not being entitled to be admitted, or of his having been guilty of some misconduct which, if he were a Practitioner of the Court, would subject him to be struck off the Rolls thereof, may enter a Caveat in the Supreme Court

Caveat may be entered against the admission of persons.

Court Office against such admission, and shall at the same time file an affidavit or affidavits wherein shall be distinctly stated the grounds of objection, and thereupon it shall be lawful for the Court in Term time, or a Judge in Vacation, if the grounds of objection shall appear to the Court or Judge to be reasonable, to order a rule to be drawn up, calling on the party objected against, to show cause upon some day in Term why his application to be admitted as a Practitioner of the Supreme Court, should not be rejected, which rule shall be drawn up on reading the Caveat and affidavit or affidavits, and shall be served personally on the party objected to, at least seven days before the day appointed for the hearing thereof. And upon the hearing thereof, it shall be lawful for the Court to make such order as shall seem just either for admitting or rejecting the application of the party objected against, and also with respect to his costs.

Costume of Barristers.

XXVIII. The Costume of the gentlemen attending the Court as Barristers, shall be as heretofore—a black coat and waistcoat, a white neckcloth and banns.

Times for Sessions of Oyer and Terminer, and Gaol delivery.

XXIX. The Court shall sit as a Court of Oyer and Terminer and general gaol delivery, four times in each year; the first session in the present year will commence on the Fifteenth day of the ensuing Term, namely on the Eleventh day of March next; the second on the second Monday in May; the third on the second Monday in August; and the fourth on the Monday next following the termination of the Fourth Term. In future years, the first, second, and third Session of Oyer and Terminer and general gaol delivery, shall commence on the second Mondays in February, May and August, respectively, and the last of such Sessions shall commence on the Monday next following the termination of the fourth Term.

NOTE.—The object of the alteration in the Terms and Sittings of the Court, is to allow time in Term for the argument of demurrers before the Civil Sittings.

Terms.

XXX. There shall be, as heretofore, four Terms of the Supreme Court, in each year, to be respectively called the first, second, third and fourth Terms, and each of such Terms shall consist of Twenty-seven days, including the Sundays therein.

These Terms shall respectively commence as follows, namely—

The first Term on the last Monday in February, the second Term on the last Monday in May, the third Term on the last Monday in August, and the fourth Term on the last Monday in October.

Sittings for trial of issues in Civil cases.

XXXI. Sittings for the trial of issues in Civil Cases and for the Assesment of damages, shall be held four times in the year, at such times as the Court may appoint, either in Term or out of Term. The first Civil Sittings of this year will commence, as heretofore, on the Second day of the first Term, but thereafter, and until it shall be otherwise ordered, the Civil Sittings will respectively commence on the third Monday in each of the four Terms.

NOTE.—The object of this alteration is to allow time for the argument of demurrers before the Civil Sittings.

Rules for new trials, when to be moved.

XXXII. Rules for new trials, or in arrest of Judgment, or other rules of a like nature, may be moved within four days after the last day of the Sittings, or at such later day as the Court may permit, whether in Term or out of Term, and cause may be shewn against any such rules and judgment given therein at such time either in Term or out of Term, as the Court shall think fit.

XXXIII. The

XXXIII. The Sessions of Oyer and Terminer, and the Sittings for the trial of Civil causes between party and party, whether the same respectively shall be held in Term or out of Term, and whether before one or more Judges of the Supreme Court, shall be deemed to all intents and purposes, proceedings in the Supreme Court, and it shall not be necessary in the Venire for summoning Jurors, or in any Record or other proceeding relative to such sessions or sittings, to distinguish between the time of Term and other time.

Session of Oyer and Terminer and Sittings whenever held to be deemed proceedings in the Supreme Court.

XXXIV. The record left with the Officer of the Court at the entry of a cause for trial, shall be the only record necessary in such cause, and all proceedings at and subsequent to the trial shall be entered thereon in the Supreme Court Office, a draft of such additional proceedings being previously furnished by the attorney of the party requiring such entry to be made to the Clerk, or other Officer, at his request.

Only one record necessary in a cause.

XXXV. All rules and orders which, according to the practice of the superior Courts of Law at Westminster, may be made or disposed of by a single Judge thereof, may be made and disposed of by a single Judge of the Supreme Court, by a summons and order thereupon, provided that the Judge to whom application is made for any such summons or order may, at his discretion, refer the matter to the Court when there shall be more than one Judge thereof.

Rules and orders may in certain cases be made by a single Judge by summons and order.

XXXVI. If the defendant resides in the City of Adelaide, or within fifty miles thereof, he shall have eight days to enter an appearance in the action; if above fifty miles, and not exceeding one hundred miles, ten days; if exceeding one hundred miles, fourteen days.

Appearance to Writ of Summons.

In this and other cases, when it shall not be expressly provided otherwise, the time shall be reckoned exclusive of the first day and inclusive of the last day—thus, to a writ served on the first day of the month, an appearance must be entered on or before the ninth.

Time how to be reckoned.

XXXVII. If the defendant resides in the City of Adelaide, or within fifty miles thereof, he shall have six days time to plead after service of the declaration—if above fifty miles, eight days.

Time for pleading.

XXXVIII. No plea or other pleading subsequent to the declaration shall be delivered between the first day of December and the fourth day of February.

Cessation of pleading after declaration between the 1st December and the 4th February.

XXXIX. When the defendant, or one of the defendants if more than one, resides in Adelaide, or within forty miles thereof, eight days notice of trial shall be given. If the defendant, or all the defendants if more than one, resides above forty miles from Adelaide, fourteen days notice of trial shall be given. Provided that six days notice of trial shall be sufficient in cases of assessment of damages.

Notice of trial.

Six days only in cases of assessment.

Short notice of trial shall be understood to mean four days. Where it shall not be otherwise ordered, countermand of notice must be given four days before the day appointed for trial.

XL. Causes for trial must be entered, and the record therein left, at the Supreme Court Office, two clear days before the first day of the Sittings at which they are to be tried.

Entry of causes for trial.

If the Sittings commence on Monday the cause must be entered on the previous Friday, and no record is to be received after such time without the special order of the Court.

XLI. Where

What shall be notice to parties suing or defending in person.

XLII. Where a party shall sue or defend in person, or being a defendant, and duly served with process, shall not appear, all notices of pleadings or other matters, may be served on him, by affixing or suspending a copy of the same in some conspicuous place in the Office of the Supreme Court, unless such party shall have delivered to the Attorney of the opposite party, or to the chief clerk, notice in writing, of some dwelling-house in Adelaide where he desires papers in the cause may be left for him.

As to signature of counsel to pleadings.

XLIII. Where, by any rule of practice in England, the signature of Counsel is required to be made to any answer, pleading, or other proceeding at Law, or in Equity, the same shall be signed by the Attorney or Solicitor of the plaintiff or defendant in the cause, as the case may require.

Affidavit required in order to obtain security for costs.

XLIV. No rule or summons shall be issued, calling upon a plaintiff in any action to give security for costs, on the ground of his being resident without the jurisdiction of the Court, unless upon an affidavit of the Defendant or his Attorney in such action, stating that the Defendant has a good defence to the action on the merits, and stating also some grounds of substantial defence.

The order of a Judge shall be deemed an order of the Court.

XLV. It shall not be necessary, in any case, to make an order of a Judge a rule of Court, in order to any proceeding, by attachment, or execution, but every such order shall be deemed an order of the Court: Provided the original order, or a copy thereof, attested by an officer of the Court, be filed or entered in the Office of the Court: Provided also, that this rule shall not deprive any party of the power of applying to the Court for a rule to set aside or vary any such order.

Provided that it or a copy thereof be filed or entered in the Supreme Court Office.

The Gaol at Adelaide to be deemed the prison of the Supreme Court.

XLVI. The common gaol at Adelaide shall be deemed, as heretofore, the prison of the Supreme Court, to which persons may be committed for debt, contempt, or other causes, for which the Court may have power to order imprisonment.

Persons in custody may be brought before the Court by rule or order.

XLVII. The Court, or any Judge thereof, may, by any rule or order, direct the Sheriff, Gaoler, or any Officer of the Court to be mentioned therein, to bring any person in custody in such Gaol before the Court, or a Judge thereof, and may orally, or by rule or order, direct such person to be reconveyed to the said Gaol, without causing a Writ of *Habeas Corpus* to be issued for such purpose, provided that nothing herein contained shall be deemed to render a Writ of *Habeas Corpus* unnecessary, in cases where it is intended to bring into question the legality of a commitment by virtue of any authority not proceeding from this Court.

Provision for referring back an award to arbitrators in case of mistake.

XLVIII. In every Order or Rule of the Supreme Court, or of any Judge thereof, for referring a case to arbitration, or for making any submission to arbitration, a Rule of Court, there shall be inserted a Clause, that if any question or dispute shall arise as to the effect of the award, or in the event of either of the parties disputing the validity thereof, or moving the Court to set the same or any part thereof aside, the said Court shall have power at any time, and from time to time, to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the arbitrator or arbitrators, or to another arbitrator or other arbitrators to be named by the Court, and to enlarge the time within which the award may be finally made, and with, under, and subject to such directions, powers, and terms as the Court shall direct.

Rule to give effect to the 10th Section of the Ordinance of 17th November, 1837.

XLIX. If in any action commenced in the Supreme Court, it shall be made to appear by affidavit upon motion to the Court or a Judge thereof after summons, that such action is brought for any debt, or sum certain, recoverable in any Resident Magistrate's Court instituted by the Ordinance passed on the 17th day of November, 1837

1837, for establishing Courts of Resident Magistrates, it shall be lawful for the Court, or a Judge thereof, either before or after judgment by default, to order all proceedings in such action to be stayed, on payment of the debt or sum sued for, without costs; and further to order the defendant to be discharged out of custody, if he shall have been taken in execution in any such action: Provided that no such rule or order shall be made in any action where application shall not be made to the Court or a Judge within a reasonable time after the defendant has notice of the proceedings in such action.

XLIX. The action of ejectment shall be commenced by declaration, which may be in the form set forth hereunder, and may be entitled on the day of service thereof, or any day not exceeding twenty-eight days previous thereto, and may be served at any time; and in cases where the declaration has been served personally on the tenant in possession, wherever the service may have been, or upon the wife of the tenant at his dwelling-house or place of business, or upon the premises in question, the plaintiff shall be entitled to move at any time after six days from the time of service, and before the last day of the ensuing term, for a rule for judgment against the casual ejector, upon an affidavit of such service, and such rule shall be drawn up, as a matter of course, and entered or filed in the Supreme Court Office. In other cases, a rule for judgment against the casual ejector shall only be granted upon a special application to the Court, or a Judge thereof; the tenant shall have the like number of days after the entry of such rule, to appear and plead in the action, as the defendant has to appear and plead in other cases after service of process.

Proceedings in ejectment.

Notwithstanding the preceding rule, a party entitled to appear to a declaration in ejectment, may appear and plead thereto at any time after service thereof as aforesaid, and may proceed to compel the plaintiff to reply, or may sign judgment of *non pros*, notwithstanding the plaintiff may not have obtained a rule for judgment against the casual ejector on such service of declaration, and a plaintiff who may have omitted to obtain a rule for judgment within the time prescribed by the present rules, shall be entitled, on production of such plea, to an order of a Judge for leave to draw up a rule for judgment, as of the time at which such rule for judgment should have been obtained.

In the mode of appearing, in the form of the consent rule, and in the mode of proceeding generally in the action of ejectment, the forms and manner of proceeding in Her Majesty's Superior Courts of Common Law at Westminster, shall be observed as nearly as circumstances will permit, and so far as they are not at variance with any express rule of this Court.

FORM OF DECLARATION IN EJECTMENT.

In the Supreme Court.

The day of (the day of Service, or any day previous thereto.)

South Australia } John Doe, by A. B., his Attorney, complains of Richard
to wit. } Roe of a trespass and ejectment; For that C. D. (the name
of the Lessor of the Plaintiff) on the day of
(the day of the demise) demised to the said John Doe one Messuage, one Dwelling-house, one Cottage, one Barn, one Stable, two Outhouses, one Yard, one Garden, one Orchard, twenty acres of Arable Land, twenty acres of Meadow

The only variance from the Form by original used in England, is in the date at the head of the Declaration, the omission of the statement of an Attachment, and in the time when the tenant is required to appear.

Meadow Land, twenty acres of Pasture Land, twenty acres of Wood Land, &c. (according to the Premises sought to be recovered) with the appurtenances, situate at or near Macgill, in the County of Adelaide (or situate on Section No. in District B, or, as the case may be,) To have and to hold the same unto the said John Doe from thenceforth, for the term of seven years from thence next ensuing and fully to be complete and ended; by virtue of which said demise, the said John Doe entered into the said tenements, with the appurtenances, and was thereof possessed for the said term so to him thereof granted; and the said John Doe being so thereof possessed, the said Richard Roe afterwards, to wit, on the same day and year aforesaid, with force and arms, &c., entered into the said tenements, with the appurtenances, in which the said John Doe was so interested in manner and for the term aforesaid, which is not yet expired, and ejected the said John Doe from his said farm, and other wrongs to the said John Doe then and there did, to the great damage of the said John Doe, and against the peace of our Lady the Queen. Wherefore the said John Doe saith that he is injured, and hath sustained damage to the value of pounds and, therefore, he brings his suit, &c.

To Mr. E. F. &c. (the name of the Tenants or Tenant in possession.)

I am informed that you are in possession of a claim title to the premises in this declaration mentioned, or some part thereof, and I being sued in this action as a casual ejector only, and having no claim or title to the said premises, do advise you to appear within six days after service of this Declaration in Her Majesty's Supreme Court, at Adelaide, by some Attorney of that Court, and then and there, by rule of that Court, to cause yourself (or yourselves) to be made Defendant (or Defendants) in my stead, otherwise I shall suffer Judgment to be entered against me by default, and you will be turned out of possession.

Yours, &c.,

RICHARD ROE.

Action of replevin to be commenced by writ.

Appearance.

L. All actions of replevin shall be commenced by Writ of Summons, out of the Supreme Court, in the form hereunder set forth, and the same rules shall be observed, in respect of the mode of enforcing appearance, and the manner of appearance, as in other personal actions.

Declaration in replevin.

LI. Declarations in replevin may be in the form hereunder written, and in describing the place where the taking is alleged to have been, it shall be sufficient to describe it by any name by which it is commonly known, or as situate in a street, or other like place, or as being a Section, or part of a Section of land, mentioning its number in the Provincial Survey, or by any other description by which its precise situation may be ascertained.

Plea.

The ordinary plea of *non cepit*, shall put in issue the fact of taking only, and not the place of taking, as alleged in the Declaration, but this rule will not prevent the Defendant from traversing the place of taking, and setting forth the true place of taking where the place is material to the defence.

FORM OF WRIT IN REPLEVIN.

Victoria, by the grace of God, &c., to C. D. (insert the Defendant's name, place of abode, and description) Greeting, We command you, that within days

days after service of this Writ, you cause an appearance to be entered for you in our Supreme Court of South Australia, to answer to A. B. (plaintiff's name) in an action for taking and unjustly detaining his cattle, goods, and chattels (as the case may be), and take notice, that in default of your so doing, the said A. B. (Plaintiff's name) may cause an appearance to be entered for you, and proceed therein to Judgment and Execution.
 Witness, Charles Cooper, Esquire, at Adelaide, the day of

See the form of Bond to be given to the Sheriff before commencing the Action of Replevin, in the Schedule to the Ordinance, 5 Vict., No. 15, of the year 1842.

FORM OF DECLARATION IN REPLEVIN.

In the Supreme Court.

South Australia } day of
 to Wit. } A. B., by his Attorney, C. D., complains of E. F., who has been summoned to answer the said A. B. in an action for taking and unjustly detaining his cattle, goods and chattels (as the case may be) for that the said E. F., on the day of in a certain dwelling house, in Street, Adelaide, (or in a certain Section of land, numbered 20, District B, or at a place called Unley, as the case may be,) took the cattle, goods and chattels, to wit, (setting out the cattle or goods, as the case may be) of the said A. B., and unjustly detained the same, until &c. Wherefore the said A. B. says that he is injured, and hath sustained damage to the amount of pounds, and therefore he brings suit, &c.

NOTE.—The above forms in replevin, are intended as examples only, and must be varied according to circumstances.

LII. All writs of *Scire Facias* may be tested on the day on which they are issued, and made returnable at any time, and when the defendant can be found, the Sheriff shall cause a summons, in pursuance of such writ, to be served upon him, and such summons being duly served, the Sheriff may make a return of *Scire feci*; and in case the Defendant cannot be found, and it shall be so returned by the Sheriff, a Judge, upon being satisfied of the truth thereof, by affidavit, may order a copy of the Summons to be inserted in the *Government Gazette*; and if the Defendant shall not appear within the like number of days after such service, or after the publication of such notice in the *Government Gazette*, as he would have to appear in after the service of any Writ of Summons, Judgment may be signed against him upon such default.

Proceedings in *Scire Facias*.

LIII. No *Scire Facias* shall be necessary to revive a Judgment less than three years old provided that no Execution shall be sued out on any Judgment more than one year old without leave of a Judge, nor until such verified account shall have been filed, as is after mentioned, with respect to Judgments in pursuance of Warrants of Attorney, &c.

No *Scire Facias* necessary to revive judgment less than three years old, but the leave of a Judge necessary to take out execution on judgment more than one year old.

LIV. Where Judgment shall have been, or shall be, entered up in pursuance of a Warrant of Attorney, or *Cognovit Actionem*, the Plaintiff, or his Attorney, shall, before suing out Execution, file an account in the Court, of what is justly and *bona fide* due and payable to him under such Judgment, which account shall be verified on the oath of the Plaintiff, or (if he be absent from the Colony, or under circumstances to be allowed as sufficient by a Judge) on the oath of his Agent or Attorney, to the best of such Agent's or Attorney's belief, and a similar account, verified in like manner, shall be filed before any Execution shall be sued out after Judgment by default in debt, in any case where no writ of enquiry shall be executed.

Affidavit of debt to be filed before suing out execution on judgments by confession or by default, when a writ of enquiry is not executed.

GENERAL

GENERAL FORM OF WRIT OF "SCIRE FACIAS."

Victoria, &c., To the Sheriff of South Australia, Greeting.
 Whereas A B, lately in our Supreme Court, at Adelaide, by the Judgment of the same Court, recovered against C D pounds for his damages, which he had sustained, as well on occasion of the not performing certain promises then lately made by the said C D to the said A B, as for his costs and charges by him about his suit in that behalf expended, whereof the said C D is convicted, as by the record thereof, still remaining in the same Court manifestly appears. And now, on behalf of the said A B, we are informed, that although Judgment be thereupon given, yet execution for the damages aforesaid still remains to be made to him; wherefore, we being willing that what is just in this behalf should be done, command you that you make known to the said C D, that he be before the Judge (or Judges) of our said Court, at Adelaide, forthwith, after being summoned by you, to shew if he has or knows anything to say for himself why the said A B ought not to have Execution against him for the damages aforesaid, together with interest thereon, at the rate of pounds per centum per annum from the day of in the year of Our Lord on which day the Judgment aforesaid was entered up, according to the force, form, and effect of the said recovery, and in what manner you shall execute this our Writ, make appear to the said Judge (or Judges) in the said Court, at Adelaide, forthwith, after the execution hereof, and have there then this Writ. Witness, &c.

The form of this Writ, which is framed for an Action of Assumpsit, may be varied as circumstances shall require.

SHERIFF'S SUMMONS ON THE ABOVE WRIT.

South Australia } By virtue of Her Majesty's Writ, to me directed and
 To Wit. } delivered, I hereby summon you, that you be before the
 Judge (or Judges, as the case may be) of Her Majesty's Supreme Court, at
 Adelaide, forthwith, after service of this Summons, to shew if you have any
 thing to say for yourself why A B ought not to have execution against you for
 pounds for his damages, together with interest thereon, at
 pounds per centum per annum, from the day
 of according to the force, form, and effect of a
 certain recovery by the said A B, against you. Given under my hand, &c.

C. B. N. Sheriff.

To Mr C D, of, &c.

Examination of witnesses upon interrogatories or otherwise.

LIV. It shall be lawful for the Supreme Court, and the several Judges thereof, in every action depending therein, upon the application of any of the parties to the suit, to order the examination on oath, upon interrogatories, or otherwise, before the master of the said Court, or other person or persons to be named in the order, of any witnesses within the jurisdiction of the Court, or to order a commission to issue for the examination of witnesses on oath, at any place out of such jurisdiction, by interrogatories, or otherwise, and by the same or any subsequent order or orders, to give all such directions touching the time, place, and manner of such examination as well within the Jurisdiction of the Court as without, and all other matters and circumstances connected with such examination as may appear reasonable and just.

LVI.

LVI. Where any Rule or Order shall be made for the examination of Witnesses within the Jurisdiction of this Court, under the authority of the preceding Rule, it shall be lawful for the Court, or any Judge thereof, in and by the first Rule or Order to be made in the matter, or any subsequent Rule or Order, to command the attendance of any person to be named in such Rule or Order, for the purpose of being examined, or the production of any writings or documents to be mentioned in such Rule or Order, and to direct the attendance of any such person to be at his own place of abode or elsewhere, if necessary or convenient so to do; and the wilful disobedience of any such Rule or Order shall be deemed a contempt of Court, and proceedings may be thereupon had by attachment if the time and place of the required attendance be mentioned in any such Rule or Order; or if an appointment of the time and place of attendance in obedience thereto, signed by the person or persons appointed to take the examination, or by one or more of such persons, shall be also served, together with or after the service of such Rule or Order, provided that the personal service of such Rule or Order and appointment of the time and place of the required attendance, be made on the person whose attendance is required a reasonable time before the time at which he is required to attend: Provided also, that every person whose attendance shall be so required, shall be entitled to the like conduct-money and payment for expenses and loss of time as upon attendance at a trial: Provided also, that no person shall be compelled to produce, under any such Rule or Order, any writing or other document that he would not be compellable to produce at a trial of the cause.

Power to command attendance of witness before Examiner, and the production of documents.

Disobedience of rule or order a contempt of Court.

Witness entitled to conduct-money and payment for expences and loss of time.

Obligation to produce documents same as at a trial.

LVII. It shall be lawful for the Sheriff or any Gaoler or other Officer having the custody of any prisoner, to take such prisoner for examination, under the authority of the preceding rules, by virtue either of a writ of *habeas corpus*, to be issued, or of a rule or order to be made for that purpose by this Court or any Judge thereof.

Persons may be brought up for examination as witnesses.

LVIII. The examination of witnesses, by virtue of any rule or order as aforesaid, may be taken upon oath or otherwise, as in cases of trials at law, and the oath or affirmation, as the case may require, may be administered either by any Judge of this Court, or by the person or persons authorized to take the examination.

Examination of witnesses may be on oath or otherwise.

LIX. It shall be lawful for the Master, or any person to be named in such rule or order for taking any examination, to make, if need be, a special report to the Court touching such examination, and the conduct or absence of any witness or other persons therein or relating thereto, and the Court may institute such proceedings, and make such order or orders upon such refusal, as justice may require, and as may be instituted and made in any case of contempt of Court.

Examiner may make special report of the conduct of witnesses.

LX. The costs of every such rule or order, to be made for examination of witnesses under any commission or otherwise, and of the proceedings thereupon, shall be costs in the cause, unless otherwise directed by the Judge making such rule or order, or by the Judge before whom the cause may be tried, or by the Court.

Costs of rule for examination of witnesses and of proceedings thereunder, to be generally costs in the cause.

LXI. No examination or deposition to be taken, by virtue of the preceding rules, shall be read in evidence at any trial without the consent of the party against whom the same may be offered, unless it shall appear to the satisfaction of the Judge that

Cases in which examination is not to be read in evidence.

that the examinant or deponent is beyond the jurisdiction of the Court, or dead, or unable from permanent sickness or other permanent infirmity to attend the trial, in all or any of which cases, the examinations and depositions, certified under the hands of the Commissioners, Master, or other person taking the same, shall and may, without proof of the signature to such certificate, be received and read in evidence, saving all just exceptions.

Not necessary to make order of Judge a rule of Court.

As to this and the seven preceding rules, see 1 W. 4, c 22.

Proceeding to be had in the place of a feigned issue.

LXII. In order to proceed against any person for contempt, in disobeying any such order of a Judge, relating to the examination of witnesses, as aforesaid, it shall not be necessary that such order shall be made a Rule of Court.

LXIII. In any case where the Court may think it expedient to have any question of fact decided by a Jury, it shall be lawful for the Court to direct a writ to be sued out by such person or persons as the Court shall think ought to be plaintiff or plaintiffs, against such person or persons as such Court shall think ought to be defendant or defendants therein, in the form hereunder written, with such alterations and additions, and upon such terms and conditions, as the Court may think proper, and thereupon all the proceedings shall go on and be brought to a close, in the same manner as is now practised in proceedings under a feigned issue.

FORM OF WRIT.

South Australia } Whereas divers goods and chattels were, on the
To Wit. } day of seized and taken
in Execution by the Sheriff of South Australia, as and for the goods of one
E. F., under and by virtue of a certain Writ of *Fieri Facias* issued out of this
Honorable Court, on the day of by one
C. D., against the goods and chattels of the said E. F., and directed and de-
delivered to the said Sheriff : And whereas, A. B., the Plaintiff in this suit,
affirms, and the said C. D., the Defendant, denies, that the said goods and
chattels were, at the time of the delivery of the said Writ of *Fieri Facias* to
the said Sheriff, the goods and chattels of the said E. F.; and the Court is
desirous of ascertaining the truth by the verdict of a Jury, and both parties
pray that the same may be enquired by the Country : Now let a Jury, &c.

(The form of this Writ may be varied according to the circumstances of the case.)

N.B.—The Writ may be conducted as an ordinary Writ of *Venire Facias*.

The Jury to try the issue by virtue of this Writ, shall be the Jury returned by the Sheriff under the general Writ of *Venire Facias*, or a special Jury, as the case may require.

No other record shall be necessary than the said Writ, which shall be left in the Supreme Court Office at the time of entering the Cause for Trial, and the Verdict, and subsequent Proceedings, shall be entered thereupon, as in other cases.

LXIV. In

Sheriff, a Summons against the several persons named in the Schedule before mentioned, and every such Summons shall be tested, signed, and sealed, as other process of the Court, and shall be in the form hereunder.

Sheriff to cause Summons to be served.

LXVIII. The Sheriff shall cause every such Summons to be served by causing a written demand and Summons, in the form hereunder written, to be delivered personally to the several persons named in such summons, or by causing the same to be left at their respective dwelling-houses, or places of abode, at the least fourteen days before the first day of the next ensuing Term, and shall duly return the Writ into the office of the Court, according to the exigency thereof, together with an account of all sums collected and received by him for such fines and forfeited recognizances.

Schedule made out by Master or Clerk to be brought into Court the first day of ensuing Term.

LXIX. On the first day of the ensuing Term, every such Schedule of fines and forfeitures so made out by the Master or Chief Clerk, as aforesaid, shall, by the Master or Chief Clerk, be brought into Court, and the Sheriff shall also attend the said Court and answer such questions as shall be put to him respecting such fines and forfeitures, and the names of the several parties against whom any fines or recognizances shall therein be set, which shall not have been paid to the Sheriff, shall be called; and unless such parties respectively shall show good and sufficient cause why the said fines and forfeited recognizances should not be paid to the use of our Lady the Queen, the Court shall direct the Master or Chief Clerk to issue and deliver to the Sheriff a Writ of *Fieri Facias* for levying the same, and in like manner on a return by the Sheriff of the Writ of *Fieri Facias*, certifying that any of the parties therein mentioned have no effects whereon the Sums set against their respective names can be levied, a Writ of *Capias* shall issue against the parties in default, and such Writs shall be in the respective forms set forth hereunder, and be executed by the Sheriff according to the exigency thereof respectively.

Victoria by the Grace of God, &c.

To our Sheriff of South Australia, Greeting.

Form of Summons to shew cause why Fines, &c., should not be levied by process of the Court.

We Command you to demand of the several persons named in the Schedule hereunder written (or annexed hereto as the case may be), the several fines, forfeitures, and sums of money set against their respective names as due to us for the several causes specified in the said Schedule, and that you summon such of them as shall make default in payment thereof to appear before our Supreme Court, at Adelaide, on the _____ day of _____ (the first day of Term) at ten o'clock in the forenoon, then and there to show cause why the same should not be levied by process of the Court, and have there then this Writ and all sums of money received by you in pursuance thereof. Witness, &c.

(Signed) CLERK, OR CHIEF CLERK, OF THE
SUPREME COURT.

SCHEDULE

SCHEDULE REFERRED TO.

Names of Persons of whom Fines and Forfeitures are to be demanded.	Amount of Sums to be demanded.	Causes of Fines and Forfeitures.
John Williams, of	Thirty Pounds	For so much money acknowledged by him to be due to us by a certain recognizance entered into by him, on the day of under a condition, that one Thomas Jones should appear at the then next Criminal Session of the Supreme Court, to answer to an indictment to be preferred against him for a certain felony, and forfeited by reason of the non-appearance of the said Thomas Jones, according to the said condition.
James Fowler	Ten Pounds	For Fine imposed upon the said James Fowler for his default in not appearing as a juror at the last Criminal Session of the Supreme Court.

(Signed)

Clerk of the Supreme Court.

To

Form of Demand and
Summons by the
Sheriff.

TO _____, on behalf of Her Majesty I hereby demand of you the payment of the sum of _____ (set forth the cause of fine or forfeiture as in the Schedule to the Writ of Summons), and in default of your paying the same to me before the _____ day of _____ (the return day of the writ), I hereby summon you to appear before the Supreme Court on the said _____ day of _____ (return day of the writ), at ten of the clock in the forenoon, then and there to shew cause why the same should not be levied by process of the Court.

Given under my hand and seal of office the _____ day of _____

CHARLES BURTON NEWENHAM, Sheriff.

Victoria, &c.

To our Sheriff of South Australia, Greeting—

Form of Writ of *Fieri Facias*, to levy Fines, &c.

WE command you, that of the goods and chattels, lands and tenements, of the several persons named in the schedule hereto, in your bailiwick, you cause to be made the several sums of money set against their respective names as due to us for the several causes mentioned in the said schedule, and whereof they are severally convicted as appears to us of record, and have the said several sums of money in our said Supreme Court, on the _____ day of _____ to be rendered to us, and have there then this writ. Witness, &c.

(Signed) _____ Clerk or Chief Clerk of the Supreme Court.

[Schedule as in the Writ of Summons.]

Victoria, &c.

To our Sheriff of South Australia, Greeting—

Form of Writ of *Capias ad Satisfaciendum*, for the Recovery of Fines.

Whereas, by our writ we lately commanded you, that of the goods and chattels, lands, and tenements of the several persons named in the Schedule hereto in your bailiwick, you should cause to be made the several sums of money set against their respective names, as due to us for the several causes mentioned in the said schedule, and you the said Sheriff, at a certain day now past, returned to us that the said several persons had no effects in your bailiwick whereof you could cause to be made the several sums of money, or any part thereof: Therefore we command you, that you take the said several persons and safely keep them, so that you may have their bodies before our Supreme Court, at Adelaide, on the _____ day of _____ to satisfy us the said several sums of money aforesaid, and have you there then this writ. Witness, &c.

(Signed) _____ Clerk, or Chief Clerk of the Supreme Court.

[Schedule as before.]

The above Rules are made by me this fifteenth day of February, 1850.

CHARLES COOPER, JUDGE.

SCHEDULE.

SCHEDULE.

IN THE SUPREME COURT.

29th January, 1850.

Forms of Writs under Ordinance, No. 9, 1845.

IN pursuance of an Ordinance of the Governor and Council of this Province, passed on the tenth day of July, one thousand eight hundred and forty-five, entitled "An Ordinance for adopting in South Australia certain parts of an Act, made and passed in the Imperial Parliament, which was held in the first and second years of Her present Majesty, intituled, 'An Act for abolishing arrest on *mesne* process in Civil Actions, except in certain cases; for extending the remedies of creditors against the property of debtors; and for amending the Laws for the relief of Insolvent Debtors in England:'"

It is Ordered, that the forms of writs of *feri facias*, hereunder set forth, shall be adopted in the several cases to which the same shall be applicable.

CHARLES COOPER, Judge.

No. 1.—*Fi fa. for Plaintiff in Assumpsit.*

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the Sheriff of South Australia, Greeting:

WE command you, that of the goods and chattels of C. D., in your bailiwick, you cause to be made £ , which A. B., lately in our Supreme Court, at Adelaide, recovered against for damages, which had sustained, as well on occasion of the not performing certain promises and undertakings then lately made by the said C. D. to the said A. B., as for costs and charges by about suit in that behalf expended, whereof the said C. D. is convicted, as appears to us of record, together with interest upon the said sum of £ at the rate of five pounds per centum per annum, from the day in the year , on which day the judgment aforesaid was entered up, and that you have that money, with such interest as aforesaid, before the Judge (or Judges) of our said Supreme Court, at Adelaide, immediately after the execution thereof, to be rendered to the said A. B. for damages and interest as aforesaid; and that you do all such things as by the Ordinance passed on the tenth day of July, in the year of our Lord one thousand eight hundred and forty-five, you are authorised and required to do in this behalf, and in what manner you shall have executed this our writ, make appear to our said Judge, at Adelaide, immediately after the execution thereof, and have there this writ.

Witness Charles Cooper, Esquire, at Adelaide, on the day
of in the year of our Lord one thousand eight hundred and
No. 2.

No. 2.—Fi. fa. for the Plaintiff in Debt.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the Sheriff of South Australia, Greeting:

WE command you, that of the goods and chattels, in your bailiwick, of C. D., you cause to be made as well a certain debt of £ , which A. B. lately recovered against him in our Supreme Court, at Adelaide; as also £ , which in our same Court were awarded to the said A. B. for his damages which he sustained, as well on occasion of detaining the said debt as for his costs and charges by him about his suit in that behalf expended, whereof the said C. D. is convicted, as appears to us of record; and have you that money as aforesaid, before the Judge (or Judges) of our said Supreme Court, at Adelaide, immediately after the execution hereof, to render unto the said A. B. for his debt and damages aforesaid; and that you do all such things as by the Ordinance passed on the tenth day of July, in the year of our Lord one thousand eight hundred and forty-five, you are authorised and required to do in this behalf, and in what manner you shall have executed this our writ make appear to our said Judge (or Judges) immediately after the execution thereof, and have you there then this writ.

Witness Charles Cooper, Esquire, at Adelaide, the day of
in the year of our Lord one thousand eight hundred and

This writ must be endorsed to levy the amount actually due, including costs and interest thereon, at the rate of £5 per centum per annum from the day of signing judgment, which day is to be particularly mentioned in the endorsement.

No. 3.—Fi. fa. on a Rule or Order for the payment of Money.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the Sheriff of the Province of South Australia, Greeting:

WE command you, that of the goods and chattels of C. D., in your bailiwick, you cause to be made £ which lately, in our Court, before the Judge of our Supreme Court at Adelaide, by a rule of our said Court, entitled
whereby the said Court ordered to be paid by the said C. D. to A. B., and that of the said goods and chattels of the said C. D., in your bailiwick, you further cause to be made interest upon the said sum of £ at the rate of five pounds per centum per annum, from the day of in the year on which day the said rule was made; and have that money, together with such interest as aforesaid, before the Judge (or Judges) of our said Supreme Court, at Adelaide, immediately after the execution hereof, to be rendered to the said A. B. for the said sum of money so ordered to be paid by the said C. D. to the said A. B., and for interest as aforesaid; and that you do all such things as by the Ordinance passed on the tenth day of July, in the year of our Lord one thousand eight hundred and forty-five, you are authorised and required to do in this behalf, and in what manner you shall have executed this writ make appear to our said Judge (or Judges), at Adelaide, immediately after the execution thereof, and have you there then this writ.

Witness Charles Cooper, Esquire, at Adelaide, this day of
in the year of our Lord one thousand eight hundred and

No. 4.—*Fi. fa. on a Rule or Order for the payment of Money and Costs.*

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the Sheriff of South Australia, Greeting:

WE command you, that of the goods and chattels of C. D., in your bailiwick, you cause to be made, £ which lately in our Supreme Court, at Adelaide, by a rule of our said Court, entitled whereby the said Court ordered to be paid by the said C. D. to A. B., together with the costs of the said rule, which said costs were afterwards, on the day of in the year one thousand eight hundred and , taxed and allowed by our said Court at the sum of £ and that of the said goods and chattels of the said C. D. in your bailiwick, you further cause to be made interest upon the said two several sums of £ and £ and at the rate of five pounds per centum per annum, from the said day of in the year one thousand eight hundred and ; and have that money, together with such interest as aforesaid, before the Judge (or Judges) of our said Supreme Court, at Adelaide, immediately after the execution hereof; to be rendered to the said A. B., for the said sum of Money so ordered to be paid by the said C. D. to the said A. B., and for costs and interests as aforesaid; and that you do all such things as by the Ordinance passed on the tenth day of July, in the year of our Lord one thousand eight hundred and forty-five, you are authorised and required to do in this behalf, and in what manner you shall have executed this our writ make appear to our said Judge (or Judges), at Adelaide, immediately after the execution thereof, and have you there then this writ.

Witness Charles Cooper, Esquire, at Adelaide, this day of in the year of our Lord one thousand eight hundred and

NOTE.—The form of writ of *feri facias* provided for the action of assumpsit, will be applicable to other forms of action, except that, instead of the words “on occasion of the not performing certain promises made by the said C. D. to the said A. B.” the words appropriate to the particular form of action are to be used, as for example—

In Covenant—“On occasion of the breach of a certain covenant (or covenants) made by the said C. D. to the said A. B.”

In case or Trover—“On occasion of a certain grievance (or grievances) then lately committed by the said C. D. against the said A. B.”

In Trespass—“On occasion of a certain trespass (or trespasses) then lately committed by the said C. D. against the said A. B.”

NOTE—Also, by the 8th section of the Ordinance above mentioned, the Sheriff is empowered, by virtue of every writ of *feri facias* delivered to him, to seize and take any money, or Bank notes (whether of the Governor and Company of the Bank of England or of any other Bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money, belonging to the person against whom such writ of *feri facias* shall be sued out.

CHARLES COOPER, Judge.

RULES MADE BY CHARLES COOPER, ESQUIRE, JUDGE OF THE SUPREME COURT OF SOUTH AUSTRALIA, IN MATTERS OF INSOLVENCY.

[25th day of June, 1841.]

I. It is ordered, that the petition of every Imprisoned Insolvent Debtor for relief, under the Act made and passed in the 5th year of Her present Majesty's reign, No. 1, shall be attested

Petition of Imprisoned Debtor to be attested by Governor of the Gaol.

attested by the Governor or Keeper of the Gaol in which he may be confined, and such Governor or Keeper shall certify that the causes of detention stated in the petition of such Insolvent are true.

Form of Certificate.

I, William Baker Ashton, Governor of the Gaol of the Province of South Australia, hereby certify that the name () subscribed to the above petition, is of the handwriting of () now a prisoner within the said Gaol for debt, and that the causes of detention stated in such petition are true.

[26th day of June, 1841.]

Proceedings upon the discharge of Insolvent Debtor from custody on finding bail.

II. It is ordered that Insolvent Debtors who may be desirous of being discharged from custody, upon the terms of finding two sufficient sureties for their appearance before the Court or Commissioners from time to time until their final discharge, in pursuance of the provision made for that purpose by the Act of Council of this Province, passed in the 5th year of Her present Majesty's reign, No. 1, shall obtain a summons, calling on their detaining creditor or detaining creditors to shew cause why the petitioner should not be discharged on finding such sureties as aforesaid; and a copy of such summons shall be served two clear days at least before the day appointed for the hearing of such application; and at the time of serving such summons, notice in writing of the names, occupations, and residences of the persons proposed as such sureties, such notice being signed by the petitioner or his attorney, shall be given to the attorney or attorneys of such detaining creditor or detaining creditors.

[30th day of June, 1841.]

As to wearing apparel, bedding, &c., of Insolvent.

III. It is ordered that every petitioner shall, at the time of presenting his petition, specify at the bottom thereof, the wearing-apparel, bedding, and other necessaries of such Insolvent and his or her family, and the working tools and implements of such Insolvent, not exceeding in the whole the value of thirty pounds, which he intends to except from the operation of the Act.

[30th day of June, 1841.]

As to notice of filing Petition.

IV. It is ordered, that notice of the filing of every petition, and of the time and place appointed for the hearing of the matters thereof, shall be given to creditors and persons claiming to be creditors, whether the debts are admitted or disputed, in the following manner:—

1st—In all cases, by advertisement published in the *Government Gazette* of this Province, twenty-one days at the least before the day of hearing.

2nd—By personal service of a notice of the order for hearing, made fourteen days at least before the day of hearing, upon the attorney or agent of every detaining creditor suing by attorney, or upon every detaining creditor suing in person.

3rd—By the like personal service upon every creditor for £50 or upwards, residing within seven miles of the Supreme Court House, in the City of Adelaide.

Note—Delivery of the said copy to the wife, clerk, or servant of the party, at the usual place of abode or business of such party, or where the party is assignee of a bankrupt, to the solicitor of such assignee, or his clerk or servant, at the usual place of business of such solicitor, shall be deemed equivalent to personal service.

[6th day of July, 1841.

V. It is ordered, that in all cases where an order of this Court (or of any Judge thereof), is made for the discharge of any imprisoned Insolvent Debtor from custody, in pursuance of the provision of the Act of Council made in the 5th year of the reign of Her present Majesty, No. 1, the presentation of such order, and the delivery of a copy thereof to the person in whose custody the said debtor may then be, shall be sufficient warrant for the discharge of such debtor.

What a sufficient authority to the Gaoler, &c., &c., to discharge an Imprisoned Debtor

[21st day of August, 1841.

VI. It is ordered, that every Insolvent petitioning the Court for relief by attorney, shall retain such attorney in the following form :—

As to retainer of Attorney by Insolvent.

I, (A.B.) do hereby retain Mr. (C.D.) to act for me as my Attorney in the Insolvency Court, and I do hereby declare that he is employed by me at my own request. Dated this

Signed ()

And that every Insolvent's Attorney shall accept such retainer in these words—

I, (C.D.) hereby accept the above retainer, which was signed by (A.B.) the said Insolvent, in my presence.

Signed ()

And it is further ordered, that no other attorney shall appear to act in behalf of the said petitioner without an order of this Court granted after summons (directed to the attorney previously retained) to shew cause.

[21st day of August, 1841.

VII. It is ordered, that in all cases where a creditor intends, either in person or by attorney, to oppose the discharge of any Insolvent, notice of such intention shall be entered at least four clear days previous to the hearing of the Insolvent, in a book to be kept in Court for that purpose.

As to notice by Creditor of his intention to oppose an Insolvent's discharge.

[23rd day of August, 1841.

VIII. It is ordered, that from and after this date, no schedules shall be filed by Insolvent Debtors unless prepared in conformity with the blank form approved of by the Court.

As to Insolvent's schedule.

[22nd day of September, 1841.

IX. It is ordered, that every Insolvent, petitioning the Court for relief, shall, within fourteen days after the presentation of his petition, file in Court a full and true schedule of his estate and effects; and that the day of hearing the Insolvent on his petition shall not be appointed until such schedule shall have been filed.

A schedule of Insolvent's estate and effects to be filed before his petition is appointed to be heard.

CHARLES COOPER, Judge.

SOUTH AUSTRALIA.—IN THE SUPREME COURT.—INSOLVENCY.

Schedule of Fees appointed to be taken by Commissioners and others, in pursuance of the Ordinance 5th Victoria, No. 1, and of the Ordinance 7th and 8th Victoria, No. 5.

Upon the issuing of every fiat upon the petition of any other person than an imprisoned debtor, or his detaining creditor, the sum in that behalf mentioned in the Ordinance, 5th Vic., No. 1, viz.	£	s.	d.
	10	0	0
			Out

	£	s.	d.
Out of the produce of the estate of each imprisoned insolvent debtor against whom a fiat shall issue on his own petition, or on the petition of his detaining creditor, the sum in that behalf mentioned in the Ordinance, 7th and 8th Victoria, No. 5, viz.—10 per cent. on the amount of the net produce, so that such per centage shall not in the whole exceed the sum of Ten Pounds.			
Upon filing every petition, by an insolvent praying to be discharged ...	0	5	0
Upon every fiat... ..	0	5	0
Filing and advertising every declaration of insolvency	0	15	0
For drawing and inserting any other advertisement, besides the expense of advertising when required to be done... ..	0	2	6
Upon receiving and filing every petition against a person having committed an act of insolvency	0	5	0
For every summons of the insolvent, or other person	0	5	0
For every person examined, or document produced	0	1	0
For every examination taken, per folio of ninety words... ..	0	0	6
For taxing costs, same as in the Supreme Court Office.			
For every necessary application in writing, by petition or otherwise to the Supreme Court or a Judge thereof, not herein otherwise mentioned... ..	0	5	0
For every warrant of attachment of moveable property... ..	0	2	6
For every certified extract from, or copy of, proceedings relating to insolvent estates, of less than ninety words	0	2	6
And above that number, per folio	0	0	6
For every inspection of books, papers, or proceedings in each estate, not exceeding half an hour	0	1	0
For every additional half hour... ..	0	1	0
For recording every adjudication of the Court or Commissioner, or making any minute of proceedings at any meeting of creditors...	0	5	0
To Commissioner for presiding at meeting of creditors in estates appearing to be under £100 assets... ..	0	10	0
In estates appearing to be above that sum	1	0	0
For every proof of debt, to be paid by the person offering it	0	1	0
For swearing every affidavit, to be paid by the person sworn	0	1	0
For every affidavit filed, to be paid by the person using it	0	1	0
For every warrant for apprehending an insolvent... ..	0	5	0
For every warrant of commitment of any person	0	7	6
For every fiat annulled	1	1	0
For every petition dismissed, with consent of creditors... ..	1	1	0
For the allowance of every certificate by a Commissioner	0	10	6
For confirmation of the same by the Supreme Court	0	10	6
To tipstaff or officer for bringing up a prisoner before the Court or Commissioners, and taking him back to prison	0	3	0
For enquiring into sufficiency of securities and taking bond, exclusive of costs of preparing	0	10	6

MESSENGER'S FEES.

For making every attachment of person or property—The same as paid for service of civil process of the Supreme Court.			
For making inventory and report to the Commissioner, not exceeding five folios, of ninety words each	0	2	6
For every additional folio... ..	0	0	6

Copy

	£	s.	d.
Copy of ditto	0	2	6
For every additional folio beyond five	0	0	6
Allowance per day to person left in charge by direction of Commissioner, when necessary	0	3	0

The above schedule is to come into operation from the time of the publication thereof in the *Government Gazette*, and the fees therein mentioned are to be paid by the persons, respectively, for whose benefit, or at whose instance, the matters in respect of which they are appointed to be paid, are done.

Provided, that where in the case of any Imprisoned Insolvent Debtor, it shall appear to the Court or Commissioner that such debtor has not the means of paying any such fees, it shall be lawful for the Court or Commissioner to remit the same, or to order that they shall be paid out of the estate of such debtor, as may be thought fit.

Given under my hand this ninth day of March, 1844.

CHARLES COOPER, Judge.

[15th day of August, 1845.

It is ordered that, upon application to the Commissioner by any person claiming to be Mortgagee or equitably entitled to a mortgage of any part of an Insolvent's estate or effects, the Commissioner shall enquire whether such person is a Mortgagee or equitably entitled as aforesaid, and for what consideration, and under what circumstances; and if the Commissioner shall find that such person is a Mortgagee of or equitably entitled to a mortgage of any part of the Insolvent's estate or effects, and no sufficient objection appear to his title to the sum claimed by him under the mortgage, the Commissioner shall then proceed to take account of the principal, interest, and costs, due upon such legal or equitable mortgage, and of the rents and profits received by such Mortgagee, if in possession, and that the Commissioner do then cause due notice to be given in the *South Australian Government Gazette*, and in such other of the public papers as he shall think fit, when and where the said mortgaged premises are to be sold before him, or by public auction at any other place if he shall so think fit, and that such sale be made accordingly: And it is further ordered, that all proper parties shall join in the conveyance to the purchaser, as the Commissioner shall direct: And it is further ordered, that the moneys arising from such sale be applied, in the first place, in payment of the expenses attending such sale, and then in payment and satisfaction of what shall be found due to the Mortgagee for principal, interest, and costs, and that the surplus, if any, be paid to the Assignees; but in case the moneys arising from such sale shall be found insufficient to pay what shall be found due to the Mortgagee, then that the Mortgagee shall be admitted a creditor, under the commission, for the deficiency, and receive dividends, rateably, with the rest of the creditors; but so as not to disturb any dividend already made: And for the better making of such enquiry and taking of such account as aforesaid, and making a title to the purchaser, it is further ordered that all parties shall be examined by the Commissioner, upon interrogatories, or otherwise, as the Commissioner shall think fit, and shall produce to the Commissioner, upon oath, all deeds, papers, and writings, in their respective custody, or power, relating to the estate and effects of such insolvent, as the Commissioner shall direct.

As to proceeding by a Creditor having a Mortgage of any part of Insolvent's estate.

CHARLES COOPER, Judge.

IN THE SUPREME COURT.

The following Fees are authorised to be taken in the Supreme Court in respect of the several matters against which the same are respectively placed.

[20th February, 1850.]

COMMON LAW AND GENERAL JURISDICTION.

	£	s.	d.
Administering oaths of allegiance or office	0	10	6
Admission of any practitioner	5	5	0
On filing articles of clerkship	1	1	0
Assignment of articles	1	1	0
Affixing seal of Court to any commission or document	0	10	6
Every certificate under the hand of a Judge	0	5	0
Every oath administered, whether in Court or by a Judge or Commissioner, except on a trial	0	1	0
If by a Commissioner in the country... ..	0	2	0
If by a Commissioner in the country, not at his own residence or office	0	5	0
If above a mile beyond the Commissioner's residence or office	0	10	6
If above two miles, over and above his actual and necessary travelling expenses	1	1	0
For an exhibit attached to an affidavit	0	1	0
For every exhibit after the first... ..	0	0	6
On reference to the Master, Chief Clerk, or any Commissioner, for each attendance not exceeding one hour	0	10	6
Not exceeding two hours	1	1	0
For every additional hour	0	5	0
For his report or award thereon	1	1	0
The like when above twenty folios, then per folio	0	2	0
Every examination of a witness or other person (including taking down and certifying the same) the like fees.			
If required to attend at any other than his own office or residence, an additional	0	10	6
Every recognizance of whatever kind, (except of prosecutors and witnesses to appear in criminal proceedings)	0	5	0
For each name beyond the first	0	2	6
Signing and sealing every writ in an action not particularly mentioned	0	5	0
Entering appearance	0	2	6
Writ or subpoena including four names	0	3	0
On putting in special bail	0	5	0
Filing exception to bail	0	2	6
On justifying bail	0	5	0
Filing affidavit or document not otherwise charged	0	1	6
Summons to shew cause at Chambers or rule of course	0	2	6
Order on summons	0	2	6
Every rule to show cause	0	3	6
Every rule absolute	0	5	0
For every folio beyond two	0	1	0
Filing every return of writ by the Sheriff	0	1	6
This fee is to be paid when the rule to return is taken out.			
Search for <i>præcipe</i> or appearance	0	0	6
Every other search	0	2	6
Signing interlocutory judgment... ..	0	5	0

Signing

	£	s.	d.
Signing final judgment	0	10	0
Ditto on warrant of attorney	0	15	0
Ditto on old warrant of attorney	1	1	0
Entering satisfaction of judgment on the roll	0	5	0
For filing every pleading, demurrer, or paper writing not specified	0	1	6
Entering every rule for hearing in Court, including demurrers, rules <i>nisi</i> , special cases, returns to writs of <i>habeas corpus</i> , &c....	0	2	6
Office copies, not exceeding two folios, of seventy-two words	0	1	0
For every folio beyond two... ..	0	0	6
For certifying every such copy	0	1	0
Setting down cause for trial	0	10	6
For fee to Jury	0	12	0
Other Court fees, including <i>venire</i> , swearing witnesses, exhibits, tipstaff, and crier	2	0	0

Note.—The Court Fee last mentioned is to be paid in the first instance by the Attorney of the party for whom any verdict or nonsuit shall be entered, and allowed on taxation of costs. When a juror is withdrawn, the Court Fees are to be divided between the parties, and to be paid by their respective Attorneys.

For entering <i>postea</i> on record, per folio	0	1	0
Appointment to tax or compute in any matter	0	1	0
Taxation of costs, whether in action or between attorney and client	0	5	0
If exceeding one hour	0	10	0
When the bill exceeds thirty folios, for every thirty folios above the first thirty	0	5	0
Taxing interlocutory costs	0	2	6
For preparing and examining every writ, exemplification of record, or document not otherwise charged, prepared in the Supreme Court Office, per folio	0	3	0
To tipstaff for render, commitment, or bringing up prisoners by order of the Court, except as a witness in criminal cases	0	10	6
The same fee is to be allowed to the Sheriff or Gaoler, as the case may be, on bringing up persons by order of the Court, or on <i>habeas corpus</i> ...			
To Master or Clerk of the Court, with subpoena, to produce proceedings in Court	0	10	6
For every return and certificate to the Court of Appeals	0	10	6
For money paid into Court, for every 20s.	0	0	3
Striking and reducing special jury	1	1	0
Copy of list	0	2	0
Ditto of reduced list	0	2	0
Entry of any suggestion of record	0	5	0

ECCLESIASTICAL MATTERS.

Swearing and filing every affidavit	0	3	0
Filing every will	0	1	6
Every fiat	0	5	0
Entering caveat	0	5	0
Every act of Court, per folio	0	1	6
Every exhibit	0	1	6
Writ of citation	0	5	0
Filing bond	0	1	6
Fee on sealing probate, or letters of administration, when the effects are sworn to be under £200	0	10	6
When above that amount, and not exceeding £300... ..	1	1	0

When

	£	s.	d.
When above £300	2	2	0
Preparing and engrossing probate, or letters of administration, per folio	0	1	6
Entry in Court book, per folio	0	0	8
Taking account of every debt, including report, if any	0	3	0
<i>Intestacies where effects are collected by order of the Court.</i>			
For every order of the Court to collect	0	7	6
When effects shall appear to be under £50	0	5	0
Every final audit of account, including order to invest assets, under £20	0	5	0
If £20, and under £50	0	7	6
If £50, and under £100	0	10	0
For every £100 above the first... ..	0	2	6
Order to pay out money, if under £20	0	5	0
If £20, and under £50	0	10	0
If £50, and under £100	1	0	0
And on every £100 above the first £100	0	2	6
For every other order... ..	0	5	6

IN EQUITY.

Every appointment or warrant	0	3	0
Certifying any office copy	0	2	6
If under five folios	0	1	0
Filing charge, state of facts, proposals, or other similar matters, same as in Common Law Proceedings.			
For amending every pleading	0	10	0
For every common injunction or writ of attachment	0	10	6
Every special injunction, writ of <i>ne exeat Colonia</i> , sequestration, or writ of assistance	1	1	0

For all matters not enumerated in any one department, the same as for corresponding matters in other departments of the Court; and for all matters not specified in any of the foregoing schedules, the same fees are to be paid as are authorised to be received for the like matters in the High Court of Chancery, and the Courts of Common Law, at Westminster, and in the Consistory Courts of London, respectively.

The fees in the above schedule are to be received from and after the last day of the ensuing term, up to and inclusive of which day the fees now in use are to be received.

CHARLES COOPER, Judge.