

New Zealand.



ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Power to Courts of justice to amend mistakes and supply omissions in warrants, orders, &c.

1892, No. 10.

Title.	AN ACT to enable Courts of Justice to amend Technical Defects in Warrants, Orders, and Judgments, and for the Better Advancement of Justice. [31st August, 1892.]
Preamble.	WHEREAS in many cases where Judges, Magistrates, and Justices of the Peace are by law empowered to issue warrants or make orders or to give judgments great expense and frequent failures of justice have been occasioned by reason that such warrants, orders, or judgments have on appeal, or on application for a writ of <i>habeas corpus</i> , or on removal by <i>certiorari</i> , been quashed or set aside and declared void upon exceptions or objections to the form of the order or judgment, irrespective of the truth and merits of the matters in question: For the remedy thereof:
	BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
Short Title.	1. The Short Title of this Act is “The Courts of Justice (Technical Defects Removal) Act, 1892.”
Power to Courts of justice to amend mistakes and supply omissions in warrants, orders, &c.	2. If, upon the hearing of any appeal in any Court appealed to from any inferior Court against any warrant, order, conviction, or judgment made or given by any such inferior Court, or if upon the return to any writ of <i>certiorari</i> , or if upon the hearing or argument of any motion or rule <i>nisi</i> for a writ of <i>habeas corpus</i> , any objection shall be made on account of any omission or mistake in the drawing-up of such warrant, order, conviction, or judgment, and it shall be shown to the satisfaction of the Court that sufficient grounds were in proof before the Judge, Resident Magistrate, or Justices, as the case may be, issuing such warrant, or making such order or conviction, or giving such judgment, to have authorised the drawing-up and issue thereof free from the said omission or mistake, it shall be lawful for the Court, upon such terms as to payment of costs as it shall think fit, to amend such warrant, order, conviction, or judgment, and to adjudicate

thereupon as if no such omission or mistake had existed: Provided always that no objection on account of any omission or mistake in any such warrant, order, conviction, or judgment brought up upon a return to a writ of *certiorari*, or relied upon on any application for a writ of *habeas corpus*, shall be allowed unless such omission or mistake shall have been specified in the rule for issuing such *certiorari* or *habeas corpus*.