

No. VI.

AN ORDINANCE for instituting Courts of Civil Jurisdiction, to be called "Courts of Requests," in different parts of the Colony of New Zealand and its Dependencies. [5th July, 1841.]

COURTS OF REQUESTS.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland, made and passed in the ninth year of His late Majesty King George the Fourth, intituled "*An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual government thereof, and for other purposes relating thereto,*" it was enacted that it should be lawful for the Governors of New South Wales and Van Diemen's Land respectively, with the advice of their said Legislative Councils, by Laws or Ordinances to be from time to time for that purpose made and enacted as thereafter mentioned, to institute Courts of civil jurisdiction, to be called "Courts of Requests," in different parts of New South Wales and Van Diemen's Land, or the dependencies thereof, as occasion might require, with full power and authority to hear and determine in a summary way all actions plaints and suits for the payment or recovery of any debt damages or matter not exceeding ten pounds sterling, except the matter in question should relate to the title to any lands tenements or hereditaments, or to the taking or demanding of any duty payable to His Majesty, or to any fee of office annual rent or other such matter where rights in future might be bound, or to any general right or duty, and to award costs therein, and the determination and award of such Courts of Requests in all cases within the jurisdiction thereof should be final, and should be carried into execution by attachment and sale of the goods and effects or by corporal arrest of the party or parties against whom such determination or award should be made: And whereas by a certain other Act of the Imperial Parliament of Great Britain and Ireland passed in the second and third year of the reign of Her present Majesty Queen Victoria, intituled "*An*"

Preamble.
2 & 3 Vict.
Act

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Act to amend an Act of the ninth year of the reign of King George the Fourth, to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual government thereof, and for other purposes relating thereto, and to continue the same until the thirty-first day of December, one thousand eight hundred and forty, and thenceforward to the end of the next Session of Parliament," after reciting that, by the said Act passed in the ninth year of King George the Fourth, provision was made for the administration of justice in the said colonies, and further reciting that the provisions of the said Act had by reason of the extension of the said colonies been found in divers respects inapplicable to the circumstances of the said colonies and to the wants of the inhabitants thereof, but the local Legislatures of the said respective colonies had no power to repeal or alter any of the before-mentioned provisions, it was enacted that it should be lawful for the local Legislatures of the said respective colonies, by any Laws or Ordinances to be by them from time to time for that purpose made in manner prescribed by the said Act of the ninth year of King George the Fourth and subject to the conditions and provisions therein contained, to make such provision as to them might seem meet for the better administration of justice and for defining the constitution of Courts of Law and Equity and of juries within the said colonies respectively, or within any present or future dependency thereof respectively, anything in the said recited Act or in any Charter of Justice or Order in Council made and issued in pursuance thereof or in any Law Statute or usage to the contrary thereof in anywise notwithstanding: And whereas it is expedient and necessary that provision be made for the holding of Courts of civil jurisdiction, to be called "Courts of Requests," within the Colony of New Zealand and its dependencies:

Courts of Requests to be holden at certain places.

1. Be it therefore enacted and ordained by His Excellency the Governor of the said Colony of New Zealand, with the advice and consent of the Legislative Council thereof, That from and after the passing of this Ordinance, Courts of civil jurisdiction, to be called "Courts of Requests," shall be holden at and in the following towns or places for the several and respective townships and districts to be included therein under the provisions hereinafter contained, that is to say,—At the towns or districts of Auckland, Port Nicholson, and Russell, in the said Colony; and that such Courts shall be holden at such times at the said several towns or places as the Governor for the time being shall by Proclamation to be issued for that purpose from time to time direct and appoint.

Governor to appoint Commissioners and officers.

2. And be it further enacted and ordained, That it shall and may be lawful for the Governor for the time being and he is hereby authorized and empowered to nominate and appoint Commissioners or a Commissioner and such ministerial or other officers as shall be necessary for the administration of justice in the said Courts respectively and for the execution of the orders and process thereof respectively, and the said Commissioners ministerial and other officers from time to time to remove when and as often as the said Governor shall see fit, and such Commissioners ministerial and other officers shall and may receive for their own respective use such salaries as the Governor of New Zealand shall direct and appoint, which salaries it shall and may be lawful for the said Governor to order and direct by warrant under his hand to be paid from and out of the revenues of New Zealand, and the same shall be the whole remuneration of the said Commissioners ministerial and other officers for and in respect of their said offices, and each Commissioner shall and he is required to take the oath in Schedule A to this Ordinance annexed, and the said oath shall be administered

Governor to order salaries of the Commissioners and officers.

To be whole remuneration.

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administered either at General or Petty Sessions or otherwise by any two Justices of the Peace.

3. And be it further enacted and ordained, That from and immediately after the passing of this Ordinance, and so soon thereafter as the Governor shall issue his Proclamation appointing the several times for holding such Courts as aforesaid, each and every of the said Courts shall have full power and authority and the Commissioners thereof may under the provisions thereof and they are hereby respectively authorized to hear and determine within their respective jurisdictions in a summary way all disputes and differences between party and party in all cases of debt covenant assumpsit actions on the case upon assumpsit or promises trover conversion trespass for goods taken or detain and suits for the recovery of any debt damages or matter not exceeding fifty pounds sterling, except the matter in question should relate to the title of any lands tenements or hereditaments, or to the taking of any duty payable to Her Majesty, or to any fee of office annual rent or other such matter where rights in future might be bound or any general right or duty.

Powers of such Courts

4. And be it further enacted and ordained, That no cause of action which shall exist at any one time, and shall amount in the whole to a sum beyond the sum of fifty pounds as aforesaid, shall be split or divided so as to be made the ground of two or more different actions in order to bring such cases within the jurisdiction created by this Ordinance; but if the Commissioner of the said Court shall find that the plaintiff in any case shall have split his cause of action as aforesaid, he shall dismiss the said action with the ordinary costs of a dismiss, without prejudice however to the plaintiff's right to sue upon such cause of action in the Supreme Court of the said Colony of New Zealand or in such other manner as he lawfully may: Provided also that if such plaintiff shall be satisfied to recover such sum as according to this Ordinance the jurisdiction of the Courts of Requests is made to extend to in full of the whole of such his demand, then the said Commissioner shall and may, if such plaintiff shall satisfactorily prove his case, make and pronounce one decree for such plaintiff for such sum as shall in such case be demanded by the process, so as such sum does not exceed the jurisdiction created by this Ordinance, and the same shall be expressed in such decree to be and shall be in full discharge of the whole of such demand, and shall be a full and complete bar to any other action plaint or suit which may be brought thereon in the same or any Court whatever.

No cause of action to be split, but the Court may decide thereon if plaintiff be satisfied to receive the sum awarded in full of all demands.

5. And be it further enacted and ordained, That nothing in this Ordinance shall extend to any debt being the disputed balance of an unsettled account originally exceeding fifty pounds, nor to any debt or supposed debt for any money or thing won or alleged to have been won at or by means of any horse-race cock-match wager or any kind of chance gaming or play, or to any debt which there had not been a contract acknowledging undertaking or promise to pay within three years before the taking out of the summons.

No jurisdiction in certain cases.

6. And for the better discovery of the truth, and the more speedily obtaining the end of such suits: Be it further enacted and ordained, That it shall and may be lawful for the said Commissioner to examine the plaintiff or plaintiffs defendant or defendants *viva voce* on their several corporal oaths, and that it shall be lawful for the Commissioner to award costs in all actions tried in the aforesaid Court.

Plaintiffs and defendants may be examined on oath, and Commissioner to award costs.

7. And be it further enacted and ordained, That the several proceedings orders decrees and dismisses which shall be taken prosecuted and pronounced in pursuance of this Ordinance, shall be in the form prescribed

Proceedings, orders, &c., to be in form prescribed in Schedule.

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prescribed in Schedule B hereunto annexed or as near thereto as circumstances will admit.

Commissioner may dismiss action with costs &c.

8. And be it further enacted and ordained, That it shall be lawful for any Commissioner appointed under this Ordinance and he is hereby authorized and empowered to dismiss any action or proceeding before him with costs, and either on the merits or without prejudice to further or other proceedings as he shall think fit.

Suits prosecuted in the Supreme Court for causes of action under fifty pounds, and Judge shall think fit to certify that such action ought to have been brought in Court of Requests, defendant to have double costs.

9. And be it further enacted and ordained, That if any action or suit shall be commenced in the Supreme Court of New Zealand for any debt or demand other than hereinbefore excepted not exceeding the sum of fifty pounds sterling, and recoverable by virtue of this Ordinance in any of the said Courts of Requests respectively, the plaintiff or plaintiffs in such action or suit shall not by reason of any verdict for him her or them or otherwise have been entitled to any costs whatsoever, and if the verdict shall be given for the defendant or defendants in such action or suit, and the Judge or Judges before whom the same shall be tried or heard shall think fit to certify that such action or suit ought to have been brought into any of the said Courts of Requests, then such defendant or defendants shall have double costs and shall have such remedy for recovering the same as any defendant or defendants may have for his her or their costs in any cases by law.

Plaintiffs and defendants must attend personally, unless unavoidably prevented.

10. And be it further enacted and ordained, That no person whatever shall be permitted to appear and act in the Courts of Requests in any suit for or in behalf of any plaintiff or defendant in such suit unless it shall be first proved to the satisfaction of the Commissioner of such Court that such plaintiff or defendant is prevented by some unavoidable necessity or some good and sufficient cause from attending such Court in person.

Judgments may be executed anywhere within the Colony.

11. And be it further enacted and ordained, That the judgments decrees and orders of any of the said Courts may and shall be carried into execution in any district or place whatsoever within the said Colony where the defendant his goods or chattels may be found or be met with.

Witnesses not attending and persons guilty of contempt punishable by fine or imprisonment.

12. And be it further enacted and ordained, That all persons summoned to attend any of the said Courts shall attend pursuant to such summons, and shall be subject to the like actions and attachments for disobeying such summons as they would be subject to for disobedience to a subpoena out of the Supreme Court, and also that it shall and may be lawful for any of the said Courts to punish in a summary way, by fine not exceeding twenty pounds or by imprisonment for any time not exceeding two calendar months, any person or persons guilty of any contempt before any such Court.

Witnesses guilty of perjury may be prosecuted for the same.

13. And be it further enacted and ordained, That if it shall appear to the Commissioner of the said Court of Requests that any person examined on oath, or if a Quaker on affirmation, has in any proceeding whatever hereafter to be instituted or in any way connected with the said Courts of Requests committed wilful and corrupt perjury in swearing or affirming in any affidavit or affirmation required to be made before the said Commissioner, then and in each and every such case it shall and may be lawful for the said Commissioner to direct a prosecution for perjury to be forthwith instituted against any such person so falsely swearing or affirming as aforesaid, in order that he or she may be punished according to law.

Appointment of bailiffs, and after judgment, what execution may issue and to whom directed.

14. And be it further enacted and ordained, That each Commissioner for the time being shall and may appoint a sufficient number of proper and responsible persons to act as bailiffs for the execution of the orders and decrees of the said Courts of Requests respectively, and in

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in each and every case where the said Commissioners shall have made any order or decree for the payment of money, it shall and may be lawful for the said Courts, at the prayer of the party prosecuting such order or decree, to issue a precept signed by the Commissioner in the nature of a writ of *feri facias* or *capias ad satisfaciendum*, which precept shall be directed to one or more of such bailiffs so appointed for any of the said Courts, who is and are hereby authorized and empowered to levy the amount thereof off the goods and effects of the defendant, and to arrest the defendant as the case may be: Provided however that each of the said Commissioners is hereby empowered and authorized, when thereto required by the plaintiff in any suit wherein such precept or writ may be issued, to appoint one or more special bailiff or bailiffs to be named by the said plaintiff, to execute such precept or writ upon receiving from such plaintiff full and sufficient security against any improper use or abuse of such precept or writ.

Commissioner may appoint special bailiffs for executing writs in certain cases:

15. And be it further enacted and ordained, That for the purpose of preventing any disputes as to the mode of executing the aforesaid writ or precept of the Commissioner, it be executed in the following manner, that is to say,—That the bailiff is directed in the first instance to levy on the goods and chattels of the defendant, and that in the event of such bailiff not being able to find any goods of the defendant, and the defendant failing to point out to his notice any goods whereon to levy the amount, it shall and may be lawful for the said bailiff to enforce the judgment of the Court by the personal imprisonment of the defendant as hereinafter is mentioned: Provided that if previous to the sale of the property so levied upon a disputed claim shall be made to it, and such claim shall be deposed to before a Magistrate by any party, the bailiff on payment to him of the costs of the levy by such party shall release it from the execution and proceed to enforce the judgment of the Court by levying upon other goods of the defendant if any can be found and pointed out to him, or by arresting the body of the defendant as hereinbefore is directed.

Mode of proceeding in the writ of execution.

Proviso as to disputed claim to goods &c.

16. Provided always and be it further enacted and ordained, That every such defendant who shall be arrested and taken in execution by process of the said Courts as aforesaid, shall and may be imprisoned in any one of Her Majesty's gaols and shall be there detained for a space of time not exceeding three calendar months, unless before the expiration thereof the judgment of the said Courts shall have been satisfied, and in case such judgment shall not then be satisfied, such defendant shall be discharged from such gaol; but it shall be lawful for the complainant at any time within three years after such judgment to take out execution against any estates or effects of such defendant until such judgment shall be fully satisfied.

Imprisonment by process of Court, not to exceed three months.

Liability of future effects.

17. And be it further enacted and ordained, That it shall be lawful for the said Commissioner of the Courts of Requests, whenever it shall appear to him that the levy of the full amount of any judgment in the said Courts at one time may be attended with great distress to the defendant, and that such distress may be avoided or lessened by enlarging the time for satisfying such judgment, to order and direct the amount thereof together with the costs and charges to be levied by instalment at such stated times and in such proportional amounts as shall be expressed in such order and as shall be reasonable and just: Provided always that the time for satisfying any such judgment shall not exceed six months from the time of making such order as aforesaid, and in case any defendant shall fail to pay any such instalment agreeably to such order, in every such case the plaintiff may proceed to take out execution for the amount of such judgment and the costs and

Commissioner may in certain cases order judgments to be paid by instalments.

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charges thereof then remaining due and unsatisfied in like manner as if no such order as aforesaid had been made.

Levy on defendant's goods to be made between sunrise and sunset.

18. Provided however that no judgment of any of the said Courts against the goods and chattels of the defendant in any suit or action brought therein shall be executed at any time after sunset nor before sunrise, and if any officer or person shall execute any such judgment after sunset or before sunrise, such officer or other person shall be subject and liable to a fine of not exceeding ten pounds, which shall be set by the Commissioner of the said Court and enforced by distress and sale of the offender's goods.

Execution not to prejudice landlords.

19. And be it further enacted and ordained, That no execution awarded against the goods of any party or parties shall extend to or be construed to extend to deprive any landlord or landlords of the power vested in such landlord or landlords by an Act passed in the eighth year of the reign of Her late Majesty Queen Anne, intituled "*An Act for the better security of Rents, and to prevent Frauds committed by Tenants,*" of recovering one year's rent by virtue of and in pursuance of the said Act.

8 Anne, cap. 14.

No plaints action or proceedings to be removed.

20. And be it further enacted and ordained, That from and after the passing of this Ordinance no plaint action or other proceeding entered in the said Courts or commenced therein as aforesaid, nor any order or orders decree or decrees or other process or decision to be had thereon by virtue of this Ordinance, shall be removed out of the said Courts by a writ of *recordari facias*, *loquellam*, *certiorari*, or false judgment, or otherwise howsoever, but such order or orders decree or decrees or other decision so to be made by the Commissioner shall be final and conclusive to all intents and purposes whatsoever.

General issue.

21. And be it further enacted and ordained by the authority aforesaid, That in case any action or suit shall at any time hereafter be commenced or brought against any member officer or minister of the said Court of Requests or against any other person or persons for or in pursuance or under the authority of this Ordinance, it shall and may be lawful for such person in every suit or action to plead the general issue and give this Ordinance and the special matter in evidence, and the plaint warrant precept or other necessary proceeding signed by the Commissioner being duly approved in any such suit or action shall be deemed a sufficient proof of the authority of the said Courts of Requests and of all other proceedings in the said Courts previous to the issuing of such warrant precept or proceeding, and in case the plaintiff or plaintiffs in such action or suit shall have a verdict pass against him or them or be nonsuit or discontinue his her or their action or suit, the defendant or defendants shall in any of the said cases be allowed double costs.

Defendants to be summoned in Courts for the districts where they reside, plaintiff may commence and prosecute his suit in district where he resides.

22. And be it further enacted and ordained, That defendants shall in general be summoned only to the Courts which shall be held for the districts where they or some of them reside, excepting in cases where the cause of action has occurred in another district wherein plaintiff resides, in any of which last-mentioned cases it shall be lawful for the plaintiff, if he shall think proper so to do, to commence and prosecute his suit in the Court which shall be held for the district where he himself resides.

Verbal or technical errors not to be material, but may be amended or altered.

23. And be it further enacted and ordained, That no action or proceeding under this Ordinance shall be treated or considered as invalid on account of any verbal or technical error, but all errors or mistakes which have not a tendency to mislead the opposite party shall in all cases be deemed merely verbal or technical and may be amended or altered by the Commissioner for the time being.

Fees to be taken.

24. And be it further enacted and ordained, That in all actions and

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and proceedings under this Ordinance the fees specified in Schedule C to this Ordinance annexed shall be established and be deemed and taken as the lawful fees and emoluments for the discharge of the several duties therein specified, and the Commissioners shall have full power to compel the payment thereof in a summary way by order, and on non-payment by warrant of distress and sale under his hand and seal, and the said fees shall be received and accounted for by the Registrars of the said Courts respectively, and be paid over by them monthly to the Colonial Treasurer for the public uses of the said Colony.

Recovered in summary way.

Registrars to receive and account for fee.

SCHEDULES.

SCHEDULE A.

I, E.F., of _____, in the Colony of New Zealand, Esquire, duly appointed a Commissioner of the Courts of Requests within and for the said Colony, do swear that I will truly faithfully and impartially perform the said office of Commissioner of the Court of Requests, and that I will without favour affection hatred malice or ill-will diligently hear and honestly judge and determine, according to evidence, and to the best of my judgment and ability, upon the several actions plaints applications proceedings and other matters and things brought before me under and by virtue of an Ordinance of the Governor and Legislative Council of the said Colony of New Zealand, passed in the fourth and fifth years of the reign of Her present Majesty Queen Victoria, intituled, "*An Ordinance for instituting Courts of Civil Jurisdiction, to be called Courts of Requests, in different parts of the Colony of New Zealand and its Dependencies.*"

SCHEDULE B.

New Zealand } A.B., of _____, in the Colony of New Zealand, hereby requires entry to
to wit. } be made in the Court of Requests for the township and district of _____,
within the said Colony, of his plaint against C.D., of _____, in the said Colony, for a
sum of _____ pounds _____ shillings and _____ pence, being for [*Here state generally
the cause of action*] in the particulars hereunto annexed fully set forth. And the said
A.B. hereby declares that the said particulars contains a correct full and true statement
of his demand against the said C.D., and that the said C.D. is justly and truly indebted
to him the said A.B. in the sum of _____, and thereupon the said A.B. prayeth that
the said C.D. may be summoned to attend at the next Court of Requests to be holden in
the said township and district to answer such his demand.

Dated this _____ day of _____, one thousand eight hundred and forty _____.

Witness _____ A.B., Plaintiff.

G.H., Registrar.

ORIGINAL SUMMONS.

New Zealand } You are hereby summoned and required to attend the Court of Requests
to wit. } to be holden at the Court House, _____, at nine o'clock in the forenoon
of _____ day of _____ next, then and there to answer the demand of _____ entered
against you in the said Court for the sum of _____ pounds _____ shillings
and _____ pence, being for _____. And herein fail not, or judgment
will be passed and execution issued against you for the said sum and costs. And
you will take notice that if you have any debt or demand to set off against the said
plaintiff's claim, you are hereby required to file or deliver the same at my office at
on or before the _____ day of _____, or you will be precluded from giving evidence
thereof on the trial. And you will further take notice that a plaint containing the partic-
ulars of the plaintiff's demand against you has been filed in my office at _____, and
that you are at liberty to obtain a copy of the same if you shall think proper.

Given under my hand, this _____ day of _____, one thousand eight hundred and _____.

Witness _____

G.H., Registrar.

E.F., Commissioner.

Copy

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COPY SUMMONS.

New Zealand } You are hereby summoned and required to attend the Court of Requests
 to wit. } to be holden at the Court House, , at nine o'clock in the forenoon
 of , the day of next, then and there to answer the demand of ,
 of , entered against you in the said Court for the sum of pounds
 shillings and pence, being for . And herein fail not, or judgment will be passed
 and execution issued against you for the said sum and costs. And you will take notice
 that if you have any debt or demand to set off against the said plaintiff's claim, you
 are hereby required to file or deliver the same at my office, at , on or before the
 day of , or you will be precluded from giving evidence thereof on the
 trial. And you will further take notice that a plaint containing the particulars of the
 plaintiff's demand against you has been filed in my office at , and that you are at
 liberty to obtain a copy of the same if you shall think proper.

Given under my hand, this day of , one thousand eight hundred and .
 Witness
 G.H., Registrar. E.F., Commissioner.

Court of Requests Office.

Between A.B., Plaintiff, and C.D., Defendant.
 New Zealand } THE Commissioner having appointed the day of next to
 to wit. } the above case, I have received his instructions to require your
 attendance on that day, at o'clock in the , and to bring with you any wit-
 nesses you may deem necessary to support your evidence.
 By order of the Commissioner,

G.H., Registrar.

To , in the above case.

SUBPENA.

To
 New Zealand } You and each of you are hereby commanded that, all excuses being laid
 to wit. } aside, you and each of you be and appear in your own proper person
 before the Court of Requests at , on , the day of , at o'clock
 , to testify all and singular what you or either of you know in a certain cause
 now depending and undetermined, between , plaintiff, and , defendant, then
 and there to be tried. And herein fail not at your peril.

Given under my hand, this day of , one thousand eight hundred and .
 E.F., Commissioner.

DECREE IN FAVOUR OF PLAINTIFF.

A.B., Plaintiff; C.D., Defendant.
 New Zealand } It appearing to the Court that the plaintiff hath proved his demand
 to wit. } [wholly or in part,] it is therefore hereby ordered and decreed that the said
 Court of Re- } plaintiff do recover from the said defendant the sum of , together
 quests, Town- } with costs, and the said C.D., the defendant, is hereby ordered to
 ship and Dis- } pay to the said A.B., the plaintiff, the said sum of in full satisfac-
 trict of } tion of the said debt and costs [forthwith on demand thereof, or by the
 following instalments, namely, as the case may be].

Given under my hand and seal, this day of , in the year of our Lord one
 thousand eight hundred and forty .

Debt.....
 Costs.....

£

E.F., Commissioner.

Entered:
 G.H., Registrar.

FORM OF DISMISS.

A.B., Plaintiff; C.D., Defendant.
 New Zealand } It appearing to this Court that the plaintiff entered his plaint and
 to wit. } caused the above defendant to be summoned to attend this Court for
 Court of Re- } [Here state cause of action]. And the said plaintiff having failed to prove
 quests, Town- } his said plaint, it is hereby ordered and decreed by the Court that
 ship and Dis- } the plaint of the said A.B. be and the same is hereby dismissed, and
 trict of } that the said defendant do recover against the said plaintiff the sum of
 for costs. And the said A.B., the plaintiff, is hereby ordered and directed forth-
 with, on demand, to pay to the said C.D., the defendant, the said sum of so
 awarded

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awarded for his costs herein, as aforesaid, otherwise let execution issue to take in execution the goods and chattels of the said A.B. or his body to satisfy the said costs.

Given under my hand and seal, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____

Defendant's Costs, £ _____

Entered :

G.H., Registrar.

E.F., Commissioner.

FORM OF WARRANT ON DECREE OF DISMISS FOR NON-PAYMENT OF COSTS.

I AUTHORIZE and empower _____, one of the Bailiffs of this Court, and his assistants, to execute the above decree.

Given under my hand and seal, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____

Costs.....

Warrant.....

£ _____

E.F., Commissioner.

COURT OF REQUESTS.

Between A.B., Plaintiff, and C.D., Defendant.

To Mr. _____, Bailiff, and his assistants.

New Zealand } You are hereby commanded to levy of the goods and effects of _____, to wit. } of _____, in the Colony of New Zealand, the sum of _____ pounds shillings and _____ pence sterling, which _____, of _____, lately recovered against _____, for _____ damages and costs; and if you shall not find any goods or effects belonging to the said defendant whereof to levy, then you are hereby commanded to take the said defendant and _____ safely lodge in the custody of one of Her Majesty's gaols within one calendar month from the date hereof, to satisfy the said _____, plaintiff, damages and costs, as aforesaid, and have you there this writ.

Given under my hand and seal, this _____ day of _____, one thousand eight hundred and _____

Entered :

G.H., Registrar.

E.F., Commissioner.

£ s. d.

Judgment.....

Costs.....

Subpcena.....

Execution.....

Alias.....

Pluries.....

£ _____ Sterling.

The Pluries.

You are hereby commanded, as before you were commanded [*and so follow the above form*].

day of _____

184 .

A.B., Plaintiff; C.D., Defendant.

Court of Requests, } You are hereby authorized to discharge out of your custody the above-named defendant, as far as regards the execution, in the above case.

New Zealand } to wit.

G.H., Registrar.

To the Sheriff of New Zealand, or any Deputy Sheriff thereof.

SCHEDULE C.

	s.	d.
For entering every plaint, action, &c., and particulars of demand	2	6
Entering every appearance and defence... ..	1	0
Summons for defendant and copy	2	0
Copy for plaintiff, per folio	0	6
Entering notice of hearing	1	0
Copy and service on plaintiff and defendant, each	1	6
Any notice required during the course of proceedings	1	0
Fee on hearing and adjudication where the sum to be recovered shall not exceed £10	2	6
Exceeding £10 and not £20	3	6
Above £20 to £50	5	0
		Each

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	s.	d.
Each summons of witness and copy	1	6
Drawing and signing order for costs, decree, or dismiss, each	2	6
Every oath of party or witness examined	1	0
Commissioner's warrant to bailiff for executing decree	5	0
Bailiff executing any decree or order where the sum shall not exceed £10	2	6
Exceeding £10 and not £20	5	0
Above £20 to £50	10	0
Copies of any other proceedings, per folio	0	6

And 3d. in the pound on the amount recovered under execution, to include all charges.
 Allowance by way of costs to party in whose favour decree or order is made for the attendance and loss of time of himself and witnesses, not exceeding ten shillings per diem, as ordered by Commissioner.