

New Zealand.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. 18.

ANALYSIS.

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AN ACT to amend the Practice and Procedure Title. of the Supreme Court.

[4th October 1866.]

WHEREAS it is expedient to amend the practice and procedure of Preamble.
the Supreme Court in certain particulars

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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.

I. The Short Title of this Act shall be “The Supreme Court Practice and Procedure Amendment Act 1866.”

SERVICE OF PROCEEDINGS ON CORPORATIONS.

Service of proceedings on corporations.

II. In any proceedings in the Supreme Court of New Zealand against any corporation or incorporated company the said Court or any Judge thereof may upon motion of course grounded upon affidavit order that service of any declaration rule summons or process or notice in any such proceeding upon any officer manager or agent of such corporation or incorporated company shall be deemed good and effectual service upon such corporation or incorporated company a copy of such order being served with such declaration rule summons order process or notice under such terms and conditions as to such Court or Judge respectively shall seem fit and such further proceedings may be had upon a service made conformable to such order as might be taken against an individual resident in New Zealand liable to such proceeding duly served with such declaration bill rule summons process or notice Provided that the said Court may upon application made by such corporation or incorporated company or such officer manager or agent revoke vary or alter such order as to the said Court shall seem fit and order by whom the costs arising from such application shall be paid Nothing in this Act contained shall be deemed or taken to prevent the effect which any power of attorney has or would have under any existing law nor to prevent any power which the Supreme Court now has of directing effective service of any process or notice upon any corporation incorporated company or members of a public company or any power which any person now has of proceeding against them respectively.

DATING RULES AND ORDERS.

Dating rules and orders.

III. Every rule of Court shall be dated the day of the week month and year on which the same is made without reference to any other time or date.

ARBITRATIONS AND REFERENCES.

Power to Court or Judge to direct arbitration before trial.

IV. In any action in the Supreme Court if it be made appear at any time after the service of the writ and declaration to the satisfaction of the Court or a Judge thereof upon the application of either party that the matter in dispute consists wholly or in part of matters of mere account which cannot conveniently be tried in the ordinary way it shall be lawful for such Court or Judge upon such application if they or he think fit to decide such matter in a summary manner or to order that such matter either wholly or in part be referred to an arbitrator appointed by the parties or to an officer of the Court or in country causes to the Judge of any District Court or a Resident Magistrate upon such terms as to costs and otherwise as such Court or Judge shall think reasonable and the decision or order of such Court or Judge or the award or certificate of such referee shall have the same force and effect and be enforceable by the same process as the finding of a jury upon the matter referred.

Special case may be stated and question of fact tried.

V. If it shall appear to the Court or a Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law fit to be decided by the Court or upon a question of fact fit to be decided by a jury or by a Judge upon the consent

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of both parties as provided by the twenty-second and twenty-third sections of "The Supreme Court Act 1860" it shall be lawful for such Court or Judge to direct a case to be stated or an issue or issues to be tried and the decision of the Court upon such case and the finding of the jury or Judge upon such issue or issues shall be taken and acted upon by the arbitrator as conclusive.

VI. It shall be lawful for the arbitrator upon any compulsory reference under this Act or upon any reference by consent of parties where the submission is or may be made a rule of the Supreme Court if he shall think fit and if it is not provided to the contrary to state his award as to the whole or any part thereof in the form of a special case for the opinion of the Court and when an action is referred judgment if so ordered may be entered according to the opinion of the Court.

Arbitrator may state special case.

VII. If upon the trial of any issue of fact by a Judge under the said sections of "The Supreme Court Act 1860" it shall appear to the Judge that the questions arising thereon involve matter of account which cannot conveniently be tried before him it shall be lawful for him at his discretion to order that such matter of account be referred to an arbitrator appointed by the parties or to an officer of the Court or in country causes to a Judge of any District Court or to a Resident Magistrate upon such terms as to costs and otherwise as such Judge shall think reasonable and the award or certificate of such referee shall have the same effect as hereinbefore provided as to the award or certificate of a referee before trial and it shall be competent for the Judge to proceed to try and dispose of any other matters in question not referred in like manner as if no reference had been made.

Power to Judge to direct arbitration at time of trial when issues of fact left to his decision.

VIII. The proceedings upon any such arbitration as aforesaid shall except otherwise directed hereby or by the submission or document authorizing the reference be conducted in like manner and subject to the same rules and enactments as to the power of the arbitrator and of the Court the attendance of witnesses the production of documents enforcing or setting aside the award and otherwise as upon a reference made by consent under a rule of Court or Judge's order.

Proceedings before and power of such arbitrator.

IX. In any case where reference shall be made to arbitration as aforesaid the Court or a Judge 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 said arbitrator upon such terms as to costs and otherwise as to the said Court or Judge may seem proper.

Power to send back to arbitrator.

X. All applications to set aside any award made on a compulsory reference under this Act shall and may be made within thirty days next following the publication of the award to the parties unless made in vacation and then shall be made at the first sitting in Banco after the expiration of thirty days next following the publication of the award to the parties and if no such application is made or if no rule is granted thereon or if any rule granted thereon is afterwards discharged such award shall be final between the parties.

Application to set aside the award.

XI. Any award made on a compulsory reference under this Act may by authority of a Judge on such terms as to him seem reasonable be enforced at any time after seven days from the time of publication notwithstanding that the time for moving to set it aside has not elapsed.

Enforcing of awards within period for setting them aside.

XII. Whenever the parties to any deed or instrument in writing to be hereafter made or executed or any of them shall agree that any then existing or future differences between them or any of them shall be

If action commenced by one party after all have agreed to arbitration Court or Judge may stay proceedings.

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referred to arbitration and any one or more of the parties so agreeing or any person or persons claiming through or under him or them shall nevertheless commence any action at law or suit in equity against the other party or parties or any of them or against any person or persons claiming through or under him or them in respect of the matters so agreed to be referred or any of them it shall be lawful for the Court in which such action or suit is brought or a Judge thereof on application by the defendant or defendants before plea upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid and that the defendant was at the time of the bringing of such action or suit and still is ready and willing to join and concur in all acts necessary and proper for causing such matters so to be decided by arbitration to make a rule or order staying all proceedings in such action or suit on such terms as to costs and otherwise as to such Court or Judge may seem fit Provided always that any such rule or order may at any time afterwards be discharged or varied as justice may require.

On failure of parties or arbitrators Judge may appoint single arbitrator or umpire.

XIII. If in any case of arbitration the document authorizing the reference provide that the reference shall be to a single arbitrator and all the parties do not after differences have arisen concur in the appointment of an arbitrator or if any appointed arbitrator refuse to act or become incapable of acting or die and the terms of such document do not show that it was intended that such vacancy should not be supplied and the parties do not concur in appointing a new one or if where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator such parties or arbitrators do not appoint an umpire or third arbitrator or if any appointed umpire or third arbitrator refuse to act or become incapable of acting or die and the terms of the document authorizing the reference do not show that it was intended that such a vacancy should not be supplied and the parties or arbitrators respectively do not appoint a new one then in every such instance any party may serve the remaining parties or the arbitrators as the case may be with a written notice to appoint an arbitrator umpire or third arbitrator respectively and if within seven clear days after such notice shall have been served no arbitrator umpire or third arbitrator be appointed it shall be lawful for any Judge of the Supreme Court upon summons to be taken out by the party having served such notice as aforesaid to appoint an arbitrator umpire or third arbitrator as the case may be and such arbitrator umpire and third arbitrator respectively shall have the like power to act in the reference and make an award as if he had been appointed by the consent of all parties.

When reference is to two arbitrators and one party fail to appoint other party may appoint arbitrator to act alone.

XIV. When the reference is or is intended to be to two arbitrators one appointed by each party it shall be lawful for either party in the case of the death refusal to act or incapacity of any arbitrator appointed by him to substitute a new arbitrator unless the document authorizing the reference show that it was intended that the vacancy should not be supplied and if on such a reference one party fail to appoint an arbitrator either originally or by way of substitution as aforesaid for seven clear days after the other party shall have appointed an arbitrator and shall have served the party so failing to appoint with notice in writing to make the appointment the party who has appointed an arbitrator may appoint such arbitrator to act as sole arbitrator in the reference and an award made by him shall be binding on both parties as if the appointment had been by consent provided however that the Court or a Judge may revoke such appointment on such terms as shall seem just.

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XV. When the reference is to two arbitrators and the terms of the document authorizing it do not show that it was intended that there should not be an umpire or provide otherwise for the appointment of an umpire the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award unless they be called upon by notice as aforesaid to make the appointment sooner.

Two arbitrators may appoint umpire.

XVI. The arbitrator acting under any such document or compulsory order of reference as aforesaid or under any order referring the award back shall make his award under his hand and (unless such document or order respectively shall contain a different limit of time) within three months after he shall have been appointed and shall have entered on the reference or shall have been called upon to act by a notice in writing from any party but the parties may by consent in writing enlarge the term for making the award and it shall be lawful for the Supreme Court when the arbitrator is acting under a compulsory order and also when the arbitrator is acting under a document which is or may be made a rule or order of the Supreme Court or for any Judge thereof for good cause to be stated in the rule or order for enlargement from time to time to enlarge the term for making the award and if no period be stated for the enlargement in such consent or order for enlargement it shall be deemed to be an enlargement for one month and in any case where an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators if the latter shall have allowed their time or their extended time to expire without making an award or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

Award to be made in three months unless parties or Court enlarge time.

XVII. When any award made on such submission document or order of reference as aforesaid directs that possession of any lands or tenements capable of being the subject of an action for possession of land shall be delivered to any party either forthwith or at any future time or that any such party is entitled to the possession of any such lands or tenements it shall be lawful for the Supreme Court where the document authorizing the reference is or is made a rule or order of the Supreme Court to order any party to the reference who shall be in possession of any such lands and tenements or any person in possession of the same claiming under or put in possession by him since the making of the document authorizing the reference to deliver possession of the same to the party entitled thereto pursuant to the award and such rule or order to deliver possession shall have the effect of a judgment in an action for possession of land against every such party or person named in it and execution may issue and possession shall be delivered by the Sheriff as on a judgment in an action for possession of land.

Rule to deliver possession of land pursuant to award to be enforced as a judgment in ejectment.

XVIII. Every agreement or submission to arbitration by consent whether by deed or instrument in writing not under seal may be made a rule of the Supreme Court on the application of any party thereto unless such agreement or submission contain words purporting that the parties intend that it should not be made a rule of Court.

Agreement or submission in writing may be made rule of Court unless a contrary intention appear.

INTERROGATORIES.

XIX. In all causes in the Supreme Court by order of the Court or a Judge the plaintiff may with the declaration and the defendant may with the plea or either of them by leave of the Court or a Judge may at any othertime after the issue of the writ deliver to the opposite party or his attorney (provided such party if not a body corporate would be liable to

Power to deliver written interrogatories to opposite party.

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be called and examined as a witness upon such matter) interrogatories in writing upon any matter as to which discovery may be sought and require such party or in the case of a body corporate any of the officers of such body corporate within ten days to answer the questions in writing by affidavit to be sworn and filed in the ordinary way and any party or officer omitting without just cause sufficiently to answer all questions as to which a discovery may be sought within the above time or such extended time as the Court or Judge shall allow shall be deemed to have committed a contempt of the Court and shall be liable to be proceeded against accordingly.

Affidavits by party proposing to interrogate and his attorney.

XX. The application for such rule or order shall be made upon an affidavit of the party proposing to interrogate and his attorney or agent or in the case of a body corporate of their attorney or agent stating that the deponents or deponent believe or believes that the party proposing to interrogate whether plaintiff or defendant will derive material benefit in the cause from the discovery which he seeks that there is a good cause of action or defence upon the merits and if the application be made on the part of the defendant that the discovery is not sought for the purpose of delay Provided that where it shall happen from unavoidable circumstances that the plaintiff or defendant cannot join in such affidavit the Court or Judge may if they or he think fit upon affidavit of such circumstances by which the party is prevented from so joining therein allow and order that the interrogatories may be delivered without such affidavit.

Oral examination of parties when to be allowed.

XXI. In case of omission without just cause to answer sufficiently such written interrogatories it shall be lawful for the Court or a Judge at their or his discretion to direct an oral examination of the interrogated party as to such points as they or he may direct before a Judge or Registrar and the Court or Judge may by such rule or order or any subsequent rule or order command the attendance of such party or parties before the person appointed to take such examination for the purpose of being orally examined as aforesaid or the production of any writings or other documents to be mentioned in such rule or order and may impose therein such terms as to such examination and the costs of the application and of the proceedings thereon and otherwise as to such Court or Judge shall seem just.

Proceedings upon such rule or order.

XXII. Such rule or order shall have the same force and effect and may be proceeded upon in like manner as an order made under an Act passed in the first year of the reign of His late Majesty King William the Fourth intituled "An Act to enable Courts of Law to order the Examination of Witnesses upon Interrogatories or otherwise."

Depositions upon such examinations to be returned to Registrar's office.

XXIII. Whenever by virtue of this Act an examination of any witness or witnesses has been taken before a Judge of the Supreme Court or before a Registrar the depositions taken down by such examiner shall be returned to and kept in the Registrar's office and office copies of such depositions may be given out and the depositions may be otherwise used in the same manner as in the case of depositions taken under the hereinbefore-mentioned Act passed in the first year of the reign of His late Majesty King William the Fourth.

Examiner may make special report to the Court.

XXIV. It shall be lawful for every Judge or Registrar named in any such rule or order as aforesaid for taking examinations under this Act and he is hereby required to make if need be a special report to the Court in which such proceedings are pending touching such examination and the conduct or absence of any witness or other person thereon or relating thereto and the Court is hereby authorized to institute such proceedings and make such order or orders upon such report as justice may require and as may be instituted and made in any case of contempt of the Court.

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XXV. The costs of every application for any rule or order to be made for the examination of witnesses by virtue of this Act and of the rule or order and proceedings thereon shall be in the discretion of the Court or Judge by whom such rule or order is made.

Costs of rule and examination to be in the discretion of the Court.

XXVI. Any person who shall upon any examination upon oath or affirmation or in any affidavit in proceedings under this Act wilfully and corruptly give false evidence or wilfully and corruptly swear or affirm anything which shall be false being convicted thereof shall be liable to the penalties of wilful and corrupt perjury.

False evidence.

RELIEF AGAINST FORFEITURE.

XXVII. The Supreme Court shall have power to relieve against a forfeiture for breach of a covenant or condition to insure against loss or damage by fire where no loss or damage by fire has happened and the breach has in the opinion of the Court been committed through accident or mistake or otherwise without fraud or gross negligence and there is an insurance on foot at the time of the application to the Court in conformity with the covenant to insure upon such terms as to the Court may seem fit.

Relief against forfeiture for breach of contract to insure in certain cases.

XXVIII. The Court shall not have power under this Act to give relief against forfeiture for breach of covenant or condition to insure against loss or damage by fire to the same person more than once in respect of the same covenant or condition nor shall it have power to grant any such relief under this Act where a forfeiture under the covenant in respect of which relief is sought shall have been already waived out of Court in favour of the person seeking relief.

Court not to relieve more than once in respect of the same covenant.

XXIX. In the case of any action for the possession of land for a forfeiture brought for non-payment of rent the Supreme Court or a Judge thereof shall have power upon rule or summons to give relief in a summary manner but subject to appeal as hereinafter mentioned up to and within the like time after execution executed and subject to the same terms and conditions in all respects as to payment of rent costs and otherwise as the said Court would in its equitable jurisdiction in an action or any other proceeding for specific relief and if the lessee his executors administrators or assigns shall upon such proceeding be relieved he and they shall hold the demised lands according to the lease thereof made without any new lease.

Relief against forfeiture for non-payment of rent.

XXX. In the case of any action for possession of land for a forfeiture for breach of a covenant or condition to insure against loss or damage by fire the Court or a Judge shall have power upon rule or summons to give relief in a summary manner but subject to appeal as hereinafter mentioned in all cases in which such relief may be obtained in the said Court under the provisions contained in the twenty-seventh and twenty-eighth sections of this Act and upon such terms as would be imposed by the Court in such case.

Relief against forfeiture for non-insuring.

XXXI. Where any such relief as aforesaid shall be granted the Court or a Judge shall direct a minute or record thereof to be made by indorsement on the lease or otherwise.

Minute of relief granted.

XXXII. Any order made by a Judge upon an application for summary relief under the twenty-ninth or thirtieth sections of this Act shall be subject to an appeal to the Court and may be discharged varied or set aside by the Court upon such terms as the Court shall think fit on application made thereto by any party dissatisfied with such order.

Appeal to the Court from order of Judge.

XXXIII. It shall be lawful for the party against whom the Court makes any rule or order under the twenty-ninth or thirtieth sections of this Act to appeal from such rule or order to the Court of Appeal of

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New Zealand in like manner as if an appeal against a rule or order for such relief made under this Act were mentioned in and expressly given by the twenty-fourth section of "The Court of Appeal Act 1862."

What cases the preceding provisions apply to.

XXXIV. The twenty-seventh to the thirty-third sections of this Act inclusive shall be applicable to leases for a term of years absolute or determinable on a life or lives or otherwise and also to a lease for the life of the lessee or the life of any other person.

INTERPLEADER.

Interpleader may be granted though titles have not a common origin.

XXXV. Where an action has been commenced in the Supreme Court in respect of a claim for the recovery of money or goods not being an action for specific relief or where goods or chattels have been taken or are intended to be taken in execution under process issued from the Supreme Court and the defendant in such action or the Sheriff or other officer has applied for relief under the five hundred and forty-sixth rule of the rules of the Supreme Court which came into operation on the first day of January one thousand eight hundred and fifty-seven and the provisions of an Act made and passed in the session of Parliament held in the first and second year of the reign of His late Majesty King William the Fourth intituled "An Act to enable Courts of Law to give relief against adverse claims made upon persons having no interest in the subject of such claims" it shall be lawful for the Court or a Judge to whom such application is made to exercise all the powers and authorities given to them by this Act and the hereinbefore mentioned rules of Court and the said Act passed in the session of Parliament held in the first and second years of the reign of His late Majesty King William the Fourth though the titles of the claimants to the money goods or chattels in question or to the proceeds or value thereof have not a common origin but are adverse to and independent of one another.

Court or Judge may direct sale of goods seized in execution.

XXXVI. When goods or chattels have been seized in execution by a Sheriff or other officer under process of the Supreme Court and some third person claims to be entitled under a bill of sale or otherwise to such goods or chattels by way of security for a debt the Court or a Judge may order a sale of the whole or part thereof upon such terms as to payment of the whole or part of the secured debt or otherwise as they or he shall think fit and may direct the application of the proceeds of such sale in such manner and upon such terms as to such Court or Judge may seem just.

Power to Court or Judge to decide summarily in certain cases.

XXXVII. Upon the hearing of any rule or order calling upon persons to appear and state the nature and particulars of their claims it shall be lawful for the Court or Judge wherever from the smallness of the amount in dispute or of the value of the goods seized it shall appear to them or him desirable and right so to do at the request of either party to dispose of the merits of the respective claims of such parties and to determine the same in a summary manner upon such terms as they or he shall think fit to impose and to make such other rules and orders therein as to costs and all other matters as may be just.

Special case may be stated where facts undisputed.

XXXVIII. In all cases of interpleader proceedings where the question is one of law and the facts are not in dispute the Judge shall be at liberty at his discretion to decide the question without directing an action or issue and if he shall think it desirable to order that a special case be stated for the opinion of the Court.

Proceedings on special case in Court below and in error.

XXXIX. The proceedings upon such case shall as nearly as may be be the same as upon a special case stated under the four hundred and forty-first four hundred and forty-second four hundred and forty-third rules of the said rules of the Supreme Court and error may be

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brought upon a judgment upon such case and the provisions of "The Court of Appeal Act 1862" as to bringing error upon a special case shall apply to the proceedings in error upon a special case under this Act.

XL. The judgment in any such action or issue as may be directed by the Court or Judge in any interpleader proceedings and the decision of the Court or Judge in a summary manner shall be final and conclusive against the parties and all persons claiming by from or under them.

Judgment and decision when to be final.

XLI. All rules orders matters and decisions to be made and done in interpleader proceedings under this Act (excepting only any affidavits) may together with the declaration in the cause if any be entered of record with a note in the margin expressing the true date of such entry to the end that the same may be evidence in future times if required and to secure and enforce the payment of costs directed by any such rule or order and every such rule or order so entered shall have the force and effect of a judgment in the Supreme Court.

Rules orders &c. made in interpleader proceedings may be entered of record and made evidence.

PROCEDURE AND PRACTICE AS TO PARTIES AND SET-OFF.

XLII. The joinder of too many plaintiffs shall not be fatal but every action may be brought in the name of all the persons in whom the legal right may be supposed to exist and judgment may be given in favour of the plaintiffs by whom the action is brought or of one or more of them or in case of any question of misjoinder being raised then in favour of such one or more of them as shall be adjudged by the Court to be entitled to recover Provided always that the defendant though unsuccessful shall be entitled to his costs occasioned by joining any person or persons in whose favour judgment is not given unless otherwise ordered by the Court or a Judge.

Joinder as plaintiffs of all persons supposed to be legally entitled.

XLIII. Upon the trial of such cause a defendant who has therein pleaded a set-off may obtain the benefit of his set-off by proving either that all the parties named as plaintiffs are indebted to him notwithstanding that one or more of such plaintiffs was or were improperly joined or on proving that the plaintiff or plaintiffs who establish their right to maintain the cause is or are indebted to him.

Defendant to have benefit of set-off though plaintiffs improperly joined.

XLIV. No other action shall be brought against the defendant by any person so joined as plaintiff in respect of the same cause of action.

No other action for same claim.

ATTACHMENT OF DEBTS.

XLV. In proceedings to obtain an attachment of debts under "The Law Amendment Act 1856" the Judge may in his discretion refuse to interfere where from the smallness of the amount to be recovered or of the debt sought to be attached or otherwise the remedy sought would be worthless or vexatious.

Judge may refuse to interfere in proceedings to attach debts.

XLVI. Whenever in proceedings to obtain an attachment of debts under the Act above mentioned it is suggested by the garnishee that the debt sought to be attached belongs to some third person who has a lien or charge upon it the Judge may order such third person to appear before him and state the nature and particulars of his claim upon such debt.

Proceedings when third person has a lien.

XLVII. After hearing the allegations of such third person under such order and of any other person whom by the same or any subsequent order the Judge may think fit to call before him or in case of such third person not appearing before him upon such summons the Judge may order execution to issue to levy the amount due from such garnishee or the judgment creditor to proceed against the garnishee according to the provisions of "The Law Amendment Act

Judge may bar claim of third person and make orders.

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1856" and he may bar the claim of such third person or make such other order as he shall think fit upon such terms in all cases with respect to the lien or charge (if any) of such third person and to costs as he shall think just and reasonable.

MISCELLANEOUS.

Amendments.

XLVIII. It shall be lawful for the Supreme Court and every Judge thereof and any Judge sitting at a Circuit Court or holding a sitting for trial of civil cases at all times to amend all defects and errors in any proceedings under the provisions of this Act whether there is anything in writing to amend by or not and whether the defect or error be that of the party applying to amend or not and all such amendments may be made with or without costs and upon such terms as to the Court or Judge may seem fit and all such amendments as may be necessary for the purpose of determining in the existing suit the real question in controversy between the parties shall be so made if duly applied for.

General rules may be made by the Judge.

XLIX. It shall be lawful for the Judges of the said Court or any three or more of them from time to time to make all such general rules or orders for the effectual execution of this Act and of the intention and object thereof and for fixing the costs to be allowed for and in respect of the matters herein contained and the performance thereof as in their judgment shall be necessary or proper and for that purpose to meet from time to time as occasion may require Provided that nothing herein contained shall be construed to restrain the authority or limit the jurisdiction of the said Court or of the Judges thereof to make rules or orders or otherwise to regulate and dispose of the business therein.

New forms of writs and other proceedings.

L. Such new or altered forms of proceedings may be issued entered and taken as may by the Judges of the said Court or any three or more of them be deemed necessary or expedient for giving effect to the provisions hereinbefore contained and in such forms as the Judges of such Court respectively shall from time to time think fit to order and such writs and proceedings shall be acted upon and enforced in such and the same manner as writs and proceedings of the said Court are now acted upon and enforced or as near thereto as the circumstances of the case will admit and any existing writ or proceeding the form of which shall be in any manner altered in pursuance of this Act shall nevertheless be of the same force and virtue as if no alteration had been made therein except as far as the effect thereof may be varied by this Act.

Interpretation clause.

LI. In the construction of this Act the word "Court" shall mean the Supreme Court of New Zealand and the term "Registrar" shall include "Deputy Registrar."

Commencement of Act.

LII. This Act shall come into operation on the first day of November one thousand eight hundred and sixty-six.

WELLINGTON, NEW ZEALAND :

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