

467

New Zealand.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. —.

ANALYSIS.

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| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Application of Act.<br/>3. Period after service within which application for leave to appear and defend may be made.</p> | <p>4. Form of writ amended.<br/>5. Declaration to be delivered after appearance.<br/>6. Act to come into operation on the first of November 1866.</p> |
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A BILL INTITULED

**AN ACT to amend "The Summary Procedure on Bills Act 1862."** Title.

**WHEREAS** it is expedient to amend "The Summary Procedure on Bills Act 1862" Preamble.

**BE IT THEREFORE ENACTED** by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

I. The Short Title of this Act shall be "The Summary Procedure on Bills Act Amendment Act 1866." Short Title.

II. This Act shall apply to all actions commenced after the coming into operation of this Act by virtue of "The Summary Procedure on Bills Act 1862" by writs of summons in the special form contained in Schedule A. to the said Act as amended by this Act. Application of Act.

III. Where the defendant resides at the time of the service of any such writ within fifty miles of the Supreme Court House in the town or city at which according to the rules of the Supreme Court for the time being in force the defendant would have to deliver his pleadings in the action if the writ were in the ordinary form the period within which application may be made under the third section of the said Act to a Judge or Registrar of the Supreme Court for leave to appear to any such writ and to defend the action shall be twelve days from the service thereof inclusive of the day of such service and where the defendant resides at the time of such service beyond the distance of fifty miles from such Court House the period within which such application may be made shall be eighteen days from such service inclusive of the day of such service. Period after service within which application for leave to appear and defend may be made.

IV. In lieu of the words following that is to say—

"This writ was issued by \_\_\_\_\_ of \_\_\_\_\_ solicitor for the plaintiff or this writ was issued in person by A. B. who resides at (*mention the district town or city and street where the plaintiff resides* If this be more than one mile from the Court House of the Province in which the writ is issued add) and whose address for service of pleading is at (*mentioning some office within one mile of such Court House*)"

Form of writ amended.

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*Summary Procedure on Bills.*

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Where they occur in the Schedule A. to the said Act there shall be substituted after the words "*indorsement to be made on the writ before service thereof*" the following words that is to say—

This writ was issued by \_\_\_\_\_ of \_\_\_\_\_ solicitor for the plaintiff (*where necessary add*) whose agent is of \_\_\_\_\_ (*mentioning the name and address of some solicitor carrying on business at the place where the pleading would have to be delivered if leave should be given to defend*) or this writ was issued in person by A. B. who resides at \_\_\_\_\_ (*mention the district town or city and street where the plaintiff resides* *If this be more than one mile from the Supreme Court House in the town at which according to the rules of the Supreme Court for the time being in force the defendant would if the writ of summons were in the ordinary form have to deliver his pleadings add*) whose address for service of pleadings is at \_\_\_\_\_ (*mentioning some house or office within one mile of such Supreme Court House.*)

Declaration to be delivered after appearance.

V. It shall not be necessary to annex to any such writ a copy of a declaration but if leave be given to the defendant to appear to any such writ and defend the action the plaintiff must if appearance be entered and he wish to proceed with the action deliver at the defendant's address for service which shall be stated in his appearance if he appear in person or at the office of his solicitor if he appear by solicitor a copy of a declaration in the ordinary form and the Judge or Registrar who shall give leave to appear shall allow to the defendant such number of days to plead after delivery of the declaration as he shall think fit.

Act to come into operation on the first of November 1866.

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