

46

No. 97.

Rule 46.

RETURN TO DISTRESS WARRANT WHERE NO EFFECTS.

Magistrate's Court, }
held at . . .)

I, _____, of _____, do hereby certify unto the Magistrate's Court sitting at _____ that by virtue of this warrant I have made diligent search for the goods and chattels of the within-named _____, and that I can find no sufficient goods and chattels of the said _____ whereon to levy the sums within mentioned.

Dated at _____, this _____ day of _____, 19_____.

[To be indorsed on Nos. 91, 92, 93, 94, and 95.]

No. 98.

Sec. 122.

New Zealand. }
"The Magistrates' Courts } ORDER TO RETURN SPECIFIC GOODS, AND IMPRISONMENT IN DEFAULT.
Act, 1908." } Plaintiff No. _____

In the Magistrate's Court, held at _____

Between _____, plaintiff,
and _____, defendant.

WHEREAS _____, of _____, the defendant, was on the _____ day of _____, 19_____, duly adjudged or ordered by the Magistrate's Court sitting at _____ to return to the plaintiff certain specific goods wrongfully detained by the said defendant—that is to say, [Here specify them]: And whereas the said goods have not been returned according to the said judgment: And whereas a warrant was on the _____ day of _____ issued to the Bailiff of the Court commanding him to seize the said goods, and deliver them to the plaintiff: And whereas the Bailiff has now certified to the Court that he has demanded the said goods, but has been unable to find, obtain possession of, or seize the same: Now, therefore, it is ordered that the said goods be returned by the defendant to the plaintiff forthwith; and, if the defendant refuses or neglects to return the goods for twenty-four hours after service on him of a sealed copy of this order, that he be imprisoned in the prison at _____ for the space of _____, unless he shall in the meantime cause the goods so detained to be returned to the plaintiff.

Dated at _____, this _____ day of _____, 19_____.

(L.S.)

Stipendiary Magistrate.

Hours of attendance at the office of the Clerk on _____, from _____ till _____, except on _____, when the office will be closed at _____.

No. 99.

Sec. 122.

New Zealand. }
"The Magistrates' Courts } WARRANT OF COMMITTAL FOR REFUSAL TO RETURN SPECIFIC GOODS.
Act, 1908." } Plaintiff No. _____

In the Magistrate's Court, held at _____

Between _____, plaintiff,
and _____, defendant.

To _____, Bailiff of the Magistrate's Court, _____, and to the Gaoler of the prison at _____

WHEREAS on the _____ day of _____, 19_____, the plaintiff entered a plaint in accordance with "The Magistrates' Courts Act, 1908," in the Magistrate's Court at _____, claiming the return or recovery of certain specific goods—viz., [Here specify them]: And whereas on the hearing of the said claim on the _____ day of _____, 19_____, judgment was given by _____, Esquire, a Stipendiary Magistrate under the said Act, in favour of the plaintiff for the recovery of the said goods, and damages for their detention: And whereas a warrant under the hand of the said Stipendiary Magistrate was issued to the Bailiff of the Court requiring him to demand and seize the said goods: And whereas the Bailiff has certified to the said Stipendiary Magistrate that he has demanded the said goods, and that he was unable to find, obtain possession of, or seize the same: And whereas the said Stipendiary Magistrate, on the application of the plaintiff, on the _____ day of _____, 19_____, ordered the immediate return of the said goods, and by the same order it was further ordered that if the defendant should refuse or neglect to return the said goods after service on him of a sealed duplicate of the said order he should be imprisoned in the prison at _____ for the space of _____ days, unless he should in the meantime cause the said goods to be returned to the plaintiff: And whereas it has been proved to me, the undersigned Stipendiary Magistrate, that a sealed duplicate of the said order was on the _____ day of _____, 19_____, served on the defendant, but that he has not returned the said goods to the plaintiff as required by the said order: Now, therefore, I command you, the said Bailiff, to arrest and apprehend the said defendant, _____, and him safely convey and deliver to the Gaoler of the prison at _____, and you, the said Gaoler, to receive _____ into the said prison, and there to imprison him for the space of _____ days, unless the said _____ shall in the meantime cause the said goods to be returned to the plaintiff.

Given under my hand and the seal of the Court, at _____, this _____ day of _____, 19_____,
Stipendiary Magistrate.

No. 100.

Secs. 169, 172;
Rule 40.

New Zealand. }
"The Magistrates' Courts } SUMMONS TO A TENANT OR OTHER PERSON HOLDING OVER.
Act, 1908." } Plaintiff No. _____

In the Magistrate's Court, held at _____

Between _____, plaintiff,
and _____, defendant.

You are hereby summoned to appear at the Magistrate's Court to be held at _____ on the _____ day of _____, 19_____, at the hour of _____ in the forenoon, to answer the claim of the plaintiff