

THIRD SCHEDULE

FORMS FOR USE IN WARDEN'S COURT.

[The forms being numbered on from the last number in the First Schedule.]

Form 66 (Reg. 110).

Under the Mining Act, 1926.

PLAINT-BOOK.

WARDEN'S Court of the Mining District, holden at

Date of Entry of Plaintiff.	No. of Plaintiff.	Plaintiff.	Residence.	Occupation.	Defendant.	Residence.	Occupation.	Substance of Suit and Nature of Relief.	Amount sued for.	Date of hearing.	Initials of Bailiff.	Date of Receipt by Bailiff.	Name of Foreign Court to which Summons sent.	Date on which sent.	Date of Return from Foreign Court.

Form 67 (Reg. 110).

Under the Mining Act, 1926.

RECORD-BOOK.

No. of Plaintiff.	Date of Plaintiff.	Plaintiff.		Defendant.		Nature of Relief sought.	Amount of Demand pecuniary.	Decision, and stating whether heard before Assessors or not.	Date when and Name of Person to whom Certificate of Decision given.	Date of Order in Suit.	Memorandum.	Date of Notice of Appeal, if any received.	General Remarks and Observations by Warden.
		Name.	Address.	Name.	Address.								

Form 68 (Reg. 111).

Under the Mining Act, 1926.

STATEMENT OF CLAIM.

No. . . . .

In the Warden's Court of the Mining District, holden at

Between A. B. [Name in full], of [Residence and occupation], plaintiff, and

C. D. [Name in full], of [Residence and occupation], defendant.

THE plaintiff sues the defendant, and says—

(1.) [Here set out in paragraphs, consecutively numbered, clearly and concisely, the basis of the plaintiff's claim.]

Wherefore the plaintiff claims as follows:—

(a.) [Here set out in paragraphs, consecutively numbered, clearly and concisely, the relief claimed by the plaintiff, including (if necessary) the amount in money for which judgment is sought.]

The plaintiff's address for service is:

Date and time of filing statement of claim:

, Clerk.

Form 69 (Reg. 111).

Under the Mining Act, 1926.

SUMMONS TO DEFENDANT.

No. of the year 19 . . . . .

In the Warden's Court of the Mining District, holden at

Between . . . . ., plaintiff, and . . . . ., defendant.

You [If more than one defendant, add and each of you], the above-named defendant, are hereby summoned to attend at the Warden's Court of the Mining District, to be

holden at the Courthouse at . . . . ., on . . . . . day, the . . . . . day of . . . . ., 19 . . . . ., at the hour of . . . . . o'clock in the . . . . . noon, to answer the plaintiff's statement of claim, copy whereof is annexed hereto.

Herein fail not, or the case will be heard and determined in your absence.

Debt or claim (if any) £

Cost of summons . . . . .

Extra mileage . . . . .

Subpoenas . . . . .

Plaint fee . . . . .

£

Given under my hand and the seal of the Warden's Court, at . . . . ., this . . . . . day of . . . . ., 19 . . . . .

, Clerk of the Court.

Hours of attendance at the office of the Clerk at . . . . . : From . . . . . till . . . . ., except on . . . . ., when the office will be closed at . . . . ., and on . . . . ., when the office will be closed all day.

This summons was sued out by the plaintiff [or . . . . ., solicitor (or registered agent) for the plaintiff], whose address for service is . . . . .

NOTICE.

[To be noted or endorsed on the summons, and on each duplicate thereof].

To the defendant.

If you pay to the Clerk of the Court the debt and costs as stated in the summons, and give notice to the plaintiff, or his solicitor or recognized agent, at least twenty-four hours before the day of hearing, the action will be stayed; but you may pay the same at any time before the hearing, subject to the payment of further costs.

If you rely on a counterclaim by way of defence, you must file a copy with the Clerk of the Court and serve a copy on the plaintiff, or his solicitor or registered agent, at least twenty-four hours before the time appointed for the hearing of the suit.

Summons for witnesses and for the production of documents will be issued on application at the office of the Clerk.

Form 70 (Reg. 111).

Under the Mining Act, 1926.

AFFIDAVIT OF SERVICE OF SUMMONS TO BE ENDORSED ON COURT COPY.

I [Name, residence, and occupation] do swear that I served the within-named . . . . . with a summons, a true copy of which is within written, marked "A," together with a copy of the statement of claim hereunto annexed, marked "B," by delivering the same to him personally [If summons served otherwise than personally, state precisely mode of service] at . . . . ., on . . . . ., the . . . . . day of . . . . ., 19 . . . . .

[Signature of deponent.]

Sworn at . . . . ., this . . . . . day of . . . . ., 19 . . . . . before me—

, Warden.

[Solicitor of the Supreme Court, Justice of the Peace, or Clerk.]

Form 71 (Reg. 111).

Under the Mining Act, 1926.

SUMMONS TO WITNESS TO PRODUCE.

No. of the year 19 . . . . .

In the Warden's Court of the Mining District, holden at

Between . . . . ., plaintiff, and . . . . ., defendant.

To [Name in full, residence, and occupation of witness].

You are hereby commanded to attend at the Warden's Court of the Mining District, holden at . . . . . on . . . . ., the . . . . . day of . . . . ., 19 . . . . ., at the hour of . . . . . o'clock in the . . . . . noon, to give evidence on behalf of the plaintiff [or defendant], and then and there to have and produce [State any particular documents required], and all other books, papers, writings, and other documents related to the said action which may be in your custody, possession, or power. Herein fail not at your peril.

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

, Clerk of the Court.