or on a guarantee, whether under seal or not, when the claim | on the guarantee against the principal is in respect of such debt, or liquidated demand, bill, cheque, or note."

The said Rule 23 is further amended by omitting from the

last paragraph thereof all the words after the words "the action shall cease."

The said rules are further amended by adding the following

66. THIRD PARTY NOTICE.

The notice to a third party as provided by section 14 of the Magistrates' Courts Amendment Act, 1927, may be in the form No. 134.

Appendix A to the regulations under the said Act is hereby amended by adding the following form thereto:-

> THIRD PARTY NOTICE. New Zealand.

The Magistrates' Courts Amendment

ΓNo. 134.

Act, 1927. Notice by Defendant to Third Party.

In the Magistrates' Court

Plaint No.

held at

Between and

, of [Address and occupation] plaintiff, of [Address and occupation] defendant.

To , of [Address and occupation].

Take notice that this action has been brought by the plaintiff against the defendant [Here set out substance of claim] as set out in the statement of claim filed in the action, a copy of which is annexed hereto.

The defendant claims

And take notice that this action will be heard at the Magistrates' Court, , on the day of , 19 , at the hour of o'clock in the forenoon, and if you wish to appear and dispute the plaintiff's claim in this action as against the defendant, you must file a notice of intention to defend within five clear days after service of this notice. In default of you so filing such a notice of intention to defend you shall not be allowed to defend except

by leave of the Court granted on special grounds and on such terms as to costs and otherwise as the Court thinks fit, and if you do not defend you shall be deemed to admit the validity of the judgment obtained against such defendant, whether obtained by consent or otherwise.

[Defendant or Solicitor for the Defendant.]

(Note.—This notice must be served at least seven clear

days before the date of hearing.)
Appendix A to the regulations under the said Act is further amended by inserting in form No. 32 in the said Appendix a

second paragraph as follows:—
"And further take notice that, notwithstanding such payment, the defendant denies his liability.

Appendix D to the regulations under the said Act is hereby amended as follows:

(a) By deleting the words "Not exceeding £200" in the

(a) By deleting the words "Not exceeding £200" in the eighth column thereof, and substituting in lieu thereof the words "Over £150."
(b) By deleting the figure "5" in the column headed "Not exceeding £5" opposite to the words "Writ of arrest, and execution within one mile," and also opposite the words "Warrant of Committal, and execution within one mile," and substituting in lieu thereof the figure "4."
(c) By deleting the word "two" from the following paragraph:—

graph:—

"Service of any summons, process, or notice not otherwise provided for, unless served by the parties within two miles, 2s." and substituting in lieu thereof the word "one."

(d) By adding thereto the following paragraph: "Service by registered letter of any summons, notice, or other process, where the person to be served resides more than five miles from the Courthouse from which service is to be effected, in respect of each person to be served, 2s."

F. D. THOMSON, Clerk of the Executive Council.

Amending Table of Fees to be taken in respect of Proceedings in the Magistrates' Courts under the Imprisonment for Debt Limitation Act, 1908.

## CHARLES FERGUSSON, Governor-General.

### ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this 24th day of March, 1928.

# Present:

THE RIGHT HONOURABLE J. G. COATES, P.C., PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers and authorities conferred upon him by the Imprisonment for Debt Limitation Act, 1908 (hereinafter called the said Act), His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby revoke the table of fees as prescribed in Appendix B to the rules and regulations made under the said Act by Order in Council dated the inith day of August, one thousand nine hundred and twenty, and gazetted on the twelfth day of August, one thousand nine hundred and twenty, and referred to in rule number forty-four of the said rules and regulations, and in lieu thereof doth hereby prescribe the table of fees set forth in the Schedule hereto as the fees to be taken in respect of proceedings under the said Act; and doth declare that this Order in Council shall take effect as from the first day of April, one thousand nine hundred and twenty-eight.

#### SCHEDULE.

### APPENDIX B.

Table of Fees to be taken in the Magistrates' Courts under the Imprisonment for Debt Limitation Act, 1908.

		On Amount unpaid not exceeding—						Over
		£5.	£10.	£20.	£50.	£100.	£150.	£150.
C		s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Summons, hearing, and order Summons for each witness	• •	$\begin{array}{ccc} 6 & 0 \\ 3 & 0 \end{array}$	$\begin{array}{ccc} 10 & 0 \\ 3 & 0 \end{array}$	$\begin{array}{ccc} 20 & 0 \\ 3 & 0 \end{array}$	$\begin{bmatrix} 25 & 0 \\ 3 & 0 \end{bmatrix}$	$\begin{array}{cccc} 35 & 0 \\ 3 & 0 \end{array}$	40 0 3 0	45 0 3 0
Adjournment of hearing on application of party	either	$\begin{array}{ccc} 3 & 0 \\ 2 & 0 \end{array}$	3 0	3 0	4 0	4 0	5 0	5 0
Warrant of committal		4 0	5 0	7 0	10 0	15 0	20 0	25 0
Certificate of order for discharge		4 0	5 0	6 0	8 0	10 0	15 0	20 0
Filing copy of order or judgment		3 0	3 0	3 0	3 0	3 0	3 0	3 0
Solicitors' fees for appearance		·	15 6	21 0	31 6	42 0	52 6	63 0

Mileage for service of any summons or order, for the first eight miles beyond one mile from the Courthouse or policestation from which service is to be effected, Is. per mile; and for each additional mile 6d. per mile, to the residence of defendant or the place where service takes place; or such sum as may be fixed by the Magistrate in any exceptional

Mileage for execution of any warrant, for the first eight miles beyond one from the Courthouse from which the warrant is issued, ls. per mile, and for each additional mile 6d. per mile, to the residence of defendant; or such sum as may be fixed by the Magistrate in any exceptional case; and actual expenses of bailiff and defendant from the place of arrest to the prison named in the warrant, and of the bailiff from the said prison to his residence.