

No. VIII.

WRITS OF INQUIRY
AND TRIAL.

An Act to restore Writs of Inquiry and Writs of Trial and to authorize the establishment of separate Scales of Costs. [17th January, 1857.]

Preamble.
(Sundry Acts
recited.)

WHEREAS by the Act of fourth Victoria number twenty-two section twenty-six the issue of Writs of Inquiry in actions and of Writs of Trial was provided for in cases of debt or damage not exceeding fifty pounds and by the Acts of fifth Victoria number nine section twenty the tenth Victoria number ten sections fifteen sixteen and seventeen and the fifteenth Victoria number three sections ten and eleven the course of proceeding thereon and the practice in relation thereto respectively were regulated—but by the Act of twelfth Victoria number one section four the said twentieth section of the fifth Victoria number nine was repealed so that no such Writ if issued would now be effectual for the purposes contemplated by the first recited enactment Be it therefore and it is hereby enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in this present Parliament assembled and by the authority of the same as follows :—

Enactment defeating
Writs of Trial &c.
repealed.

1. After the passing of this Act the said fourth section of the Act of twelfth Victoria number one so far as the same relates to the aforesaid twentieth section of the Act of fifth Victoria number nine shall be and the same is hereby repealed.

Remedy extended.

2. After the passing of this Act Writs of Inquiry and of Trial respectively may be issued if a Judge shall see fit (in cases otherwise within the fourth Victoria number twenty-two section twenty-six) although the debt or matter exceeds fifty pounds provided the same does not exceed one hundred pounds.

Three Scales of
Costs.

3. After the passing of this Act it shall be lawful for the Judges of the Supreme Court if they shall see fit so to do to establish three separate Scales of Costs in actions having regard severally to the amount sued for or the value of the matter sought to be recovered Provided that the lowest Scale shall extend to all cases not exceeding fifty pounds the second to all cases above fifty and not exceeding one hundred pounds and the highest to all other cases.