

AN ACT to consolidate the Law relating to the Protection and Recovery of Crown Property and the Enforcement of Claims against the Crown.

CROWN SUITS.

[19th September, 1881.]

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

1. The Short Title of this Act is “The Crown Suits Act, 1881.”

Short Title.

2. It shall come into operation on the first day of October, one thousand eight hundred and eighty-one; and is divided into Parts as follow:—

Date of coming into operation.

PART I.—Recovery of Property and Debts by the Crown.

PART II.—Mode of enforcing Claims against the Crown.

PART III.—General Provisions.

3. In this Act, if not inconsistent with the context,—

Interpretation.

“Court” means the Supreme Court, and includes any Judge of such Court;

“Law Officer” means the Attorney- or Solicitor-General of New Zealand.

## PART I.

### RECOVERY OF PROPERTY AND DEBTS BY THE CROWN.

4. Upon the commencement of this Act all debts, damages, duties, sums of money, land, or goods due, payable, or belonging to Her Majesty shall be sued for and recovered by the means and in the manner hereinafter mentioned.

Mode of recovering Crown debts.

But nothing herein shall prevent her Majesty from commencing and prosecuting proceedings for the recovery of any debt, damages, duty, sum of money, land, or goods, in any Court of competent jurisdiction, in accordance with the practice and procedure of such Court.

Saving of other modes of recovering such debts, &amp;c.

Nor shall this Act interfere with or restrict any special power or authority that now is or hereafter may be vested in Her said Majesty, or any person on her behalf, in respect of all or any of the matters in this section mentioned.

Act not to restrict special powers.

5. When any fine shall be imposed upon any person otherwise than by a judgment or conviction of some Court or Justice, a Judge of the Court by

Procedure to recover fines imposed otherwise than by

<p>judgment or conviction.</p> <p>First Schedule.</p>	<p>which or the Justice by whom such fine shall be imposed, if the same be not immediately paid, shall, by writing under his hand in the form numbered one (1) in the First Schedule hereto or to the like effect, certify that fact, together with the name and place of abode or business of the person on whom such fine shall have been so imposed, and the cause and amount of such fine, and shall deliver or send by the post such writing to a Law Officer.</p>
<p>Duty of Law Officer thereon.</p>	<p>Upon receipt thereof, the Law Officer shall cause a final judgment to be signed in the Court for the amount of such fine, and a sum not exceeding five pounds for costs.</p>
<p>Form of judgment.</p>	<p>Every such judgment may be in the form numbered two (2) in the First Schedule hereto, or to the like effect, and no writ of error or appeal shall lie or be had therefrom.</p>
<p>Debts due upon recognizance to be recoverable by judgment.</p>	<p>6. When any person shall have entered into any recognizance to Her Majesty, and such recognizance shall be forfeited, a Judge of the Court before which or the Justice before whom the same shall be forfeited may cause such recognizance to be estreated, and every such estreat shall be effected as follows, that is to say,—</p>
<p>Procedure thereon.</p>	<p>Such Judge or Justice shall, by writing under his hand in the form numbered three (3) in the First Schedule hereto or to the like effect, certify that such forfeiture has taken place, and shall deliver or send by the post the said recognizance and writing to a Law Officer, and upon receipt thereof the Law Officer shall cause a final judgment to be signed in the Court for the amount of such recognizance and a sum not exceeding five pounds for costs.</p>
<p>Form of judgment.</p>	<p>Every such judgment may be in the form numbered four (4) in the First Schedule hereto or to the like effect, and no writ of error or appeal shall lie or be had therefrom.</p>
<p>Persons may be appointed in each judicial district to act for Law Officers in certain cases.</p>	<p>7. The Governor may from time to time appoint for each judicial district in the colony a person, being a barrister or solicitor of the Court, to act in the judicial district for which such person shall be appointed in the name and on behalf of a Law Officer in all such matters as by the fifth and sixth sections of this Act are to be done by such Law Officers, or either of them.</p>
<p>Certificates of fines imposed to be sent to such person.</p>	<p>On any such appointment being made and gazetted, all certificates made under the fifth section of this Act of all fines imposed within the judicial district for which any such person shall be appointed shall be sent to him instead of to a Law Officer, and he shall cause the final judgment to be signed thereon in the form mentioned in the fifth section of this Act :</p>
<p>Recognizances and certificates to be sent to such person.</p>	<p>And all recognizances forfeited within the judicial district for which any such person shall be appointed shall, together with the certificate mentioned in the sixth section of this Act, be sent to him, and he shall cause the final judgment to be signed thereon on behalf of a Law Officer, in the form mentioned in the sixth section of this Act.</p>
<p>Judgments may be vacated by Supreme Court, or a Judge thereof.</p>	<p>8. When any final judgment shall have been signed under the provisions hereinbefore contained, the Court, whether execution shall have been issued upon such judgment or not, may order satisfaction to be entered upon such judgment :</p>
<p>Proviso.</p>	<p>Provided that no such order shall be so made except upon a rule <i>nisi</i> or summons calling upon the Law Officers or one of them to show cause ; nor unless it shall be proved by affidavit to the satisfaction of such Court either that the said judgment has been satisfied, or that, according to equity and good conscience and the real merits and justice of the case, the defendant ought not to be required to satisfy the same,</p>

9. When any debt, duty, or sum of money shall be due to Her Majesty otherwise than upon or by virtue of any recognizance, Her Majesty may cause to be sued out of the Court a writ, to be called a writ of *capias ad respondendum*.

Mode of recovering other debts and duties.

Every such writ may be in the form numbered five (5) in the First Schedule hereto or to the like effect, and shall be executed by the Sheriff or other officer or person to whom the same may be directed, and shall be deemed and taken to be the commencement of a Crown suit.

10. Her Majesty may order the Sheriff, or other officer or person to whom such writ may be directed, not to arrest any one or more of the defendants, but to serve a copy thereof only on such defendant or defendants, which order shall be duly obeyed by such Sheriff or other officer or person, and such service shall be of the same force and effect as the service of a writ of summons in any personal action between subject and subject.

Sheriff may be ordered not to arrest defendant.

11. No such writ shall be issued except upon a fiat under the hand of a Law Officer in the form numbered six (6) in the First Schedule hereto or to the like effect, stating the mode in which the same (so far as regards the execution or service thereof) is to be indorsed; and before signing any such fiat the said Law Officer shall, by due inquiry in that behalf, satisfy himself that such indorsement is reasonable and proper under the circumstances of the case.

Writ not to issue except upon fiat of a Law Officer.

12. If any person shall be arrested under or by virtue of any such writ as last aforesaid, and the Sheriff, or other officer or person to whom the same may be directed, shall take bail from such person, such Sheriff or other officer or person, at the request of a Law Officer, shall assign to Her Majesty the bail-bond taken from such person by indorsing and attesting the same under his hand and seal in the presence of two or more credible witnesses, and if such bail-bond be forfeited such process shall thereupon issue as on bonds originally made to Her Majesty.

Bail-bonds in Crown suits may be assigned to Her Majesty.

13. All such steps and proceedings as are mentioned in or upon any writ issued under this Part of this Act, or in any notice issued according to the course and practice for the time being of the Court, shall and may, *mutatis mutandis*, be had and taken in the same manner as if the same were expressly directed by this Act.

Proceedings indorsed on writ may be taken

14. In lieu of the declaration or other statement of claim in a civil suit between subject and subject, an information shall be filed or delivered, as the case may be, by a Law Officer, for and on behalf of Her Majesty; and in such information the cause of complaint shall be set forth in the same manner and form as nearly as may be as in any such declaration or statement as aforesaid.

Information to be filed in lieu of declaration.

Every such information shall commence and conclude in the form numbered seven (7) in the First Schedule hereto or to the like effect.

15. The time, form, and manner of process and proceeding in any Crown suit, except where it is otherwise provided by this Part of this Act, shall be the same as nearly as may be as, by any law or rule of practice or pleading now or hereafter to be in force in the Court, is or shall be directed in any civil action between subject and subject.

Proceedings in Crown writs to be same as in ordinary actions.

16. In all pleadings and proceedings under this Part of this Act, and in all affidavits, notices, consents, summonses, and rules to be used therein, the title of the cause or proceedings shall be stated to be "The Queen against [*the person sued* (naming him)]," and no other title whatsoever shall be necessary; and Her Majesty shall be entitled to full costs of suit in all cases in which a plaintiff in any civil action between subject and subject would be entitled thereto.

Title of cause and proceedings.

Costs.

17. When any person, against whom any proceedings under this Part of this Act shall be instituted in the Court, shall be disabled by poverty from making

Persons may defend in *forma pauperis*.

defence thereto, it shall be competent for such person to petition the Court on affidavit verifying such disability, and the Court, on being satisfied of the truth of the facts alleged in such affidavit, may assign counsel and solicitor to such person, and the counsel and solicitor so assigned are hereby required to act for such person without fee.

Practice in motions for new trial, &c.

**18.** A motion for a new trial, or to enter a verdict, or in arrest of judgment, or for judgment *non obstante veredicto*, shall be allowed and be made and granted in the same manner and upon the same terms in all respects as, by any law or rule of practice now or hereafter to be in force, is or shall be directed in any civil action between subject and subject.

How possession of land may be recovered.

**19.** The possession of land belonging to Her Majesty shall and may be recovered and obtained by proceedings in an action for possession of land in the same form as nearly as may be as in an action to recover possession of land between subject and subject.

Possession of goods, &c., may be recovered as other debts due to the Crown.

The possession of goods, or damages for detaining, taking, damaging, or converting them, or for trespassing upon land, shall and may be recovered in the same manner as is hereinbefore directed with respect to any debt, duty, or sum of money, due to Her Majesty otherwise than upon or by virtue of a recognizance.

What writs of execution may issue in actions for detention of goods or to recover possession of land.

**20.** In all Crown suits in the nature of actions to recover possession of lands or goods, such writs of execution as, by any law or rule of practice now or hereafter to be in force, are or can be issued in any civil action of the same nature between subject and subject for the recovery of land, goods, or writings, shall and may be issued on behalf of Her Majesty, and, where such writ or any part of any such writ is or may be a *feri facias*, such part may in future consist of the writ next hereinafter mentioned.

Execution in other cases.

**21.** All sums recovered by Her Majesty by any judgment under this Part of this Act shall and may be levied and recovered by virtue of a writ to be called a *feri capias*, and every such last-mentioned writ may be in the form numbered eight (8) in the First Schedule hereto or to the like effect :

Recovery of fees and expenses thereon.

And the Sheriff, on behalf of Her Majesty, may levy the poundage fees and expenses of execution over and above the sum recovered, and shall have all such rights, powers, and remedies for obtaining and compelling satisfaction of any judgment as, by any law now or hereafter to be in force, are or shall be available in a civil action between subject and subject.

Lien of real estate may be filed.

**22.** A memorandum of the commencement of any proceedings under this Part of this Act, in the form numbered nine (9) in the First Schedule hereto under the hand of a Law Officer, may be filed with the Registrar of Deeds and District Land Registrar in any one or more districts of the colony, without any map or plan thereon, the particulars whereof shall be by such Registrar entered in a book to be called "The Registry of Crown Debts."

Effect of lien.

Every such memorandum so filed shall create a lien upon and have precedence of all unregistered claims against any land of the defendant, or beneficial interest of the defendant in land, in the district of the Registrar in whose office such memorandum shall be so filed, for the sum which shall be recovered in the course of such proceedings and the costs thereof.

Lien on personal estate may be filed.

**23.** A memorandum of the commencement of any proceedings under this Part of this Act, in the form numbered ten (10) in the First Schedule hereto, under the hand of a Law Officer, may be filed in the office of the Registrar of the Court in any one or more judicial district or districts of the colony.

Effect of lien.

Every memorandum so filed shall create a lien upon and have precedence over all other debts against the personal estate of the defendant within the

judicial district wherein such memorandum shall be filed, for the sum which shall be recovered and the costs of such proceedings.

**24.** In all informations, actions, suits, and all other legal proceedings to be hereafter instituted before any Court or tribunal by or on behalf of the Crown against any corporation or person or persons in respect of any lands, tenements, or hereditaments, or of any goods or chattels belonging or accruing to the Crown, or in respect of any sum or sums of money due and owing to Her Majesty, a Law Officer shall be entitled to recover costs for and on behalf of Her Majesty, where judgment shall be given for the Crown, in the same manner and under the same rules, regulations, and provisions as are or may be in force touching the payment or receipt of costs in proceedings between subject and subject, and such costs shall be paid into the Public Account, and form part of the Consolidated Fund.

In Crown suits, where Crown successful, costs to be recovered by Crown.

**25.** If, in any such information, action, suit, or other proceeding, judgment shall be given against the Crown, the defendant or defendants shall be entitled to recover costs in like manner, and subject to the same rules and provisions, as though such proceedings had been between subject and subject.

Defendant entitled to costs where Crown unsuccessful.

The Colonial Treasurer, upon the warrant of the Governor, which he is hereby required to issue, shall pay such costs out of any moneys which may be voted by the General Assembly for that purpose.

Costs to be paid out of moneys voted by General Assembly.

## PART II.

### MODE OF ENFORCING CLAIMS AGAINST THE CROWN.

**26.** When any person has any claim or demand against Her Majesty the Queen within the Colony of New Zealand, such person may set forth in a petition the particulars of his claim or demand, as nearly as may be, in the same manner as in a declaration or statement of claim in an ordinary action in the Court.

Persons having claims against the Crown may proceed by petition.

**27.** Such petition shall be filed in the Court in the district in which the cause of action, claim, or demand shall have arisen or mainly arisen, in order that such Court may proceed to hear and determine the same as hereinafter mentioned, and the filing of such petition in the manner aforesaid shall be the commencement of the suit:

In what district petition to be filed.

Provided that no person shall be entitled to file any such petition in respect of any cause of action which arose prior to the eighth day of December, one thousand eight hundred and seventy-seven, without the previous consent of the Governor thereto.

**28.** No such petition shall be so filed unless and until one month's previous notice in writing has been given to, or left at the office of, or forwarded by post to, a Law Officer, signed by the party intending to file such petition, his solicitor or agent, in which notice the claim or demand, and the nature of the relief sought, shall be explicitly stated, together with the name of the Court in which it is intended to file such petition.

Notice of filing petition to be sent to a Law Officer.

**29.** The proceedings on any petition filed under this Part of this Act shall be conducted in the same manner, and subject as nearly as may be to the same rules of practice, as an ordinary action between subject and subject; but an office copy of such petition shall be delivered at the office of a Law Officer, and such delivery shall be equivalent to service of the writ and declaration in an ordinary action.

How proceedings on a petition to be conducted.

**30.** A Law Officer, or such person being a solicitor of the Supreme Court of New Zealand as shall from time to time be appointed by him for the purpose,

Time for pleading to petition.

may, for and on behalf of Her said Majesty, appear to plead or demur to such petition at any time within twenty-eight days after such delivery as aforesaid of a copy thereof, or such further time as the Court may allow.

Law Officer may plead and demur at same time, and may select place of trial.

And a Law Officer or such solicitor as aforesaid may plead and demur at the same time to any such petition or any other pleading thereon without leave of the Court, and a Law Officer shall have the right to select the place of trial of the issues raised.

Form and date of petition and proceedings.

**31.** All pleadings after the delivery of such petition shall be respectively delivered between the petitioner and a Law Officer or such solicitor to be appointed as aforesaid, and every such petition and pleadings respectively shall and may be in the form numbered one (1) in the Second Schedule hereto or to the like effect, and shall be entitled of the said Court, and of the day and of the month and year when the same is filed or delivered, and shall bear no other time or date.

Second Schedule.

Court may give judgment on petition, and allow costs, as in ordinary action.

**32.** The said Court shall give such judgment, order, or decree in any such petition as it would give and pronounce in any action between subject and subject, and a writ of error or appeal from any such judgment, order, or decree of the said Court in any action between subject and subject; and the costs of suit shall follow on either side as in ordinary cases between other suitors.

No execution to issue against Crown, but certificate of amount awarded to issue.

**33.** Except as hereinafter mentioned, no execution or attachment, or process in the nature thereof, shall be issued out of the said Court in any such action; but, after any such judgment, order, or decree as aforesaid against the Crown shall have been given or pronounced, the Registrar of the said Court, at the place where the same shall have been given, shall give to the petitioner a certificate in the form numbered two (2) in the Second Schedule hereto or to the like effect.

Effect of such certificate.

**34.** On receipt of such certificate it shall be lawful for the Governor to cause to be paid, out of any money especially appropriated by the General Assembly to the purpose, such damages as may, under the authority of this Part of this Act, be assessed to or in favour of any such petitioner, and any costs which may be adjudged or awarded to him by the said Court, and also to perform any decree or order which may be pronounced or made by the said Court.

Execution on behalf of Her Majesty.

**35.** Notwithstanding anything hereinbefore contained, Her Majesty may enforce any such judgment, order, or decree as aforesaid against the petitioner by execution, attachment, or other process in the same manner as a defendant in any action or suit between subject and subject could or might enforce the same.

Statutes and rules in certain cases to be applicable.

**36.** So far as the same may be applicable, the laws, statutes, and rules in force, or that may hereafter be in force, as to pleading, evidence, hearing and trial, security for costs, amendment, arbitration, special cases, the means of procuring and taking evidence, set-off, limitations, appeal, and proceedings in error, and all other statutes available as between plaintiffs and defendants in personal actions between subject and subject, and the practice and course of procedure of the Court in its legal and equitable jurisdiction respectively for the time being in reference to such suits and personal actions, shall, unless the Court shall otherwise order, be applicable and apply and extend to proceedings on a petition under this Part of this Act.

What claims and demands are within Act.

**37.** No claim or demand shall be made upon or against Her Majesty under this Part of this Act unless the same shall be founded upon and arise out of some one of the causes of action hereinafter mentioned, and for which cause of action a remedy would lie if the person against whom the same could be enforced were a subject of Her Majesty:—

- (1.) Breach of any contract entered into by or under the lawful authority of the Governor on behalf of Her Majesty, or of Her Majesty's Executive Government in the colony, whether such authority be express or implied :
- (2.) A wrong or damage, independent of contract, done or suffered by or under any such authority as aforesaid, in, upon, or in connection with a public work, as hereinafter defined :
- (3.) For the purposes of this provision, "public work" means any railway, tramway, road, bridge, electric telegraph, or other work of a like nature used by the Government of the colony or constructed by such Government out of moneys appropriated by the General Assembly, and the revenues derived from which form part of the general revenue of the colony.

**38.** Where any person has any claim or demand which is within the jurisdiction of any inferior Court, he may apply to a Law Officer for his consent to the hearing and determination of such claim and demand in any such Court to be named in the application ; and, if such consent shall be so given, the claim or demand may be commenced, heard, and determined in such inferior Court, in like manner in all respects as in suits between subject and subject, and in all other respects, and so far as applicable, the provisions of this Part of this Act shall apply to such suits.

Where claim within jurisdiction of inferior Court, same may be heard there with consent of a Law Officer.

**39.** No person shall be entitled to prosecute or enforce any claim under this Part of this Act unless the petition setting forth the relief sought shall be filed within twelve months after the claim or demand has arisen.

Limitation of time within which petition may be filed.

**40.** Nothing in this Part of this Act shall apply to claims or causes of action which have arisen before the commencement of this Act ; nor shall this Act be deemed to give any person any further or better right or remedy in respect of any such claim or demand than he would have had or been entitled to under any law in force at the time of the commencement of this Act, and under which such claim or demand could have been enforced.

Act not to have retrospective effect.

### PART III.

#### GENERAL PROVISIONS.

**41.** The Judges of the Court or any two of them may make such rules as they may think necessary for regulating and conducting the practice and mode of procedure under any part of this Act in all instances in which the practice and mode of procedure in civil actions between subject and subject is or shall be applicable.

Rules of practice and procedure.

**42.** Nothing in this Act shall repeal or affect any of the provisions of "The Government Contractors Arbitration Act, 1872."

Saving of certain enactments and rights.

Nor shall anything in this Act be deemed to interfere with or affect any enactment that now is or hereafter may be in force, whereby Her Majesty, or any of her officers or servants, is or may be exempt from liability for anything done under or in pursuance of any such enactment ; nor affect any power, authority, or liability which may be vested in or imposed upon Her Majesty or any of her officers or servants under any such enactment.

**43.** Wherever in any Act now in force reference is made to any Act hereby repealed, such first mentioned Act shall take effect and operate as if reference had been made therein to this Act instead of to such repealed Act.

References to repealed Acts to apply to this Act.

**44.** The several Acts mentioned in the Third Schedule hereto are hereby repealed. But nothing herein contained shall affect anything lawfully done or commenced, or any certificate given or judgment signed, under any of the said

Repeals.

repealed Acts before the coming into operation of this Act; and all proceedings of whatever kind by or on behalf of or against Her Majesty, commenced before the coming into operation of this Act, may be prosecuted and continued as if this Act had not been passed.

Schedules.

## SCHEDULES.

## FIRST SCHEDULE.

Sec. 5.

## FORM (1).

THIS is to certify to the Law Officers of the Crown that at the \_\_\_\_\_, this day holden at \_\_\_\_\_, the several persons whose names and places of abode or business are specified in the Schedule below were fined the several sums set opposite to their respective names in the said Schedule, and the cause of such fine is duly and truly set forth in the same Schedule.

## SCHEDULE.

Christian Name and Surname at full length.	Place of Abode or Business.	Cause of Fine.	Amount.		
			£	s.	d.
		Behaving and conducting himself in a disorderly manner in Court.			
Total ... .. £					

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18 .  
Judge [or Justice].

Sec. 5.

## FORM (2).

No. .

In the Supreme Court of New Zealand.

(to wit). Be it remembered that F.W., Esquire, Attorney- [or Solicitor-] General of our Lady the Queen, for and on behalf of our said Lady the Queen, gives the Court here to understand and be informed that at the \_\_\_\_\_ of the \_\_\_\_\_, holden at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, before \_\_\_\_\_ of our said Lady the Queen, assigned to keep the peace, a fine of \_\_\_\_\_ was imposed and inflicted upon A.B., for that he the said A.B. [behaved and conducted himself in a disorderly manner in the said Court, or as the case may be] as by the certificate of the said F.G.F. now filed of record appears. Therefore, on the \_\_\_\_\_ day of \_\_\_\_\_, it is considered by the Court here that our Lady the Queen do recover against the said A.B. the said sum of \_\_\_\_\_, and also the sum of \_\_\_\_\_ pounds for costs, making together the sum of \_\_\_\_\_.

Sec. 6.

## FORM (3).

THIS is to certify to the Law Officers of the Crown that, at the \_\_\_\_\_ this day holden at \_\_\_\_\_, the recognizances hereunto annexed were forfeited, and were then and there caused to be estreated.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18 .  
Judge [or Justice].



## FORM (4).

Sec. 6.

In the Supreme Court of New Zealand.

(to wit). Be it remembered that F.W., Attorney- [or Solicitor-] General of our Lady the Queen, for and on behalf of our said Lady the Queen, gives the Court here to understand and be informed that at the holden at , on the day of , before J.G.F., Esquire, the recognizance of one A.B., by which he acknowledged to owe to our said Lady the Queen the sum of , was forfeited and estreated as by the said recognizance and the certificate of the said J.G.F. now filed of record appears. Therefore, on the day of , it is considered by the Court here that our said Lady the Queen do recover against the said A.B. the said sum of , and also the sum of pounds for costs, making together the sum of .

## FORM (5).

Sec. 9.

No. .

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To the Sheriff of the , Greeting: We command you that you forthwith take A.B., of &c., C.D., of &c., and E.F., of &c., if they shall be found in your bailiwick, and them safely keep until they shall have given you bail or made deposit with you according to law in this suit in like manner as in actions between our subjects about to leave the colony, or until they shall by other lawful means be discharged from your custody. And we do further command you that, on execution of this writ, you deliver a copy hereof to the said A.B., C.D., and E.F., who are hereby required to take notice that within eight days after their arrest, inclusive of the day of such arrest, they should cause an appearance to be entered and special bail to be put in for them in our Supreme Court at at our suit in this action, and that, in default of their so doing, such proceedings may be had and taken as are mentioned in the warning indorsed hereon. And we do further command you that immediately after the execution hereof you do return this writ to our said Court, together with the manner in which you shall have executed the same, and the day of the execution hereof. Witness , of , our Supreme Court at , the day of , in the year of our Lord one thousand eight hundred and .

[To be indorsed:]

*A Warning to Defendants.*

If a defendant (whether he has given or made deposit or not) shall omit to enter an appearance as required by the within writ, Her Majesty may proceed to judgment and execution.

If a defendant, having given bail on the arrest, shall omit to put in special bail, as required by the within writ, Her Majesty may proceed against the Sheriff or on the bail-bond.

*Notice to the Sheriff.*

Bail for £ , by order of the Attorney- [or Solicitor-] General; and if that amount, together with £ for costs, be paid at , within four days from the service hereof, further proceedings will be stayed. Deliver a copy to but do not arrest the within-named C.D.

The within-named A.B. was arrested by me on , the day of , 18 , and the within-named E.F. was arrested by me on , the day of , 18 , and the within-named C.D. was personally served by me on , the day of , 18 .

Sec. 11.

FORM (6).

In the Supreme Court of New Zealand.

The Queen *against* A.B., of &c., and C.D., of &c.

LET a writ of *capias ad respondendum* issue in this suit to hold to bail for pounds, with an indorsement thereon [not] to arrest the above-named A.B. [*or as the case may be*].

Dated this            day of            , 18 .

F.W.,  
Attorney- [*or Solicitor-*] General.

Sec. 14.

FORM (7).

In the Supreme Court of New Zealand.

The            day of            , in the year of our Lord .  
, (to wit). F.W., Esquire, Attorney- [*or Solicitor-*] General of our Lady the Queen, for and on behalf of our said Lady the Queen, sues E.F. and G.H., who have been arrested to answer our said Lady the Queen by a writ issued on the            day of            .

And also for &c. [*Proceed as usual with the second and subsequent counts if any.*] And our said Lady the Queen claims [            pounds, *or, if the suit is to recover specific goods*] a return of the said goods or their value, and            pounds for their detention.

Sec. 21.

FORM (8).

No. .

VICTORIA, by the Grace of God of the United Kingdom of Great Britain Queen, Defender of the Faith: To the Sheriff of the            , Greeting: We command you that you take C.D., if he shall be found in your bailiwick, and him safely keep so that you may have his body before our Supreme Court at immediately after the execution hereof, to satisfy us            pounds which lately in our said Court we recovered against the said C.D., whereof the said C.D. is convicted, together with the sum of            for interest upon the said sum at the rate of eight pounds for every one hundred pounds by the year until this day. And we do further command you that of the real and personal estate of the said C.D., in your bailiwick, you cause to be made the said sums, and have the same before our said Court immediately after the execution hereof to be rendered to us, and in what you shall have executed this writ make appear to our said Court immediately after the execution hereof, and have there then this writ. Witness at            , this            day of            , in the year of our Lord one thousand eight hundred and            .

[*To be indorsed:*]

Levy [the whole *or* £            ] besides sheriff's poundage, officers' fees, and other incidental expenses.

When the full amount is levied the defendant may be discharged without further authority, but if the full amount is not levied the defendant can only be discharged by the Court or a Judge, or by the written authority of the Attorney- [*or Solicitor-*] General.

The defendant is a            , and resides at            ,

## FORM (9).

Sec. 22.

The Queen against .  
 PROCEEDINGS to recover the sum of £ [or certain goods, or the sum of  
 ] have been commenced in the Supreme Court of New Zealand at  
 against , of , the defendant above-named.

F.W.,  
 Attorney- [or Solicitor-] General.

## FORM (10).

Sec. 23.

The Queen against .  
 PROCEEDINGS to recover the sum of £ [or certain goods, or the sum of  
 £ ] have been commenced against , of , the defendant above-  
 named.

F.W.,  
 Attorney- [or Solicitor-] General.

## SECOND SCHEDULE.

## FORM (1).

Sec. 31.

In the Supreme Court of New Zealand.

To the Queen's Most Excellent Majesty.

Your faithful subject A.B., of , in the County [or Borough] of ,  
 humbly showeth :

THAT &c. [Here set forth the grounds on which petitioner claims relief]. Your  
 suppliant therefore most humbly prays that your Majesty will be most graciously  
 pleased to order that right be done in this matter, and that your Majesty's  
 Attorney- [or Solicitor-] General in New Zealand may be required to answer the  
 same, and that your suppliant may henceforth prosecute his complaint in the  
 said Court, and take such other proceedings as may be necessary. And your  
 suppliant as in duty bound shall ever pray. A.B.

*Plea.*

Sec. 31.

In the Supreme Court of New Zealand.

The day , 18 .  
 A.B. } F.W., Esquire, Attorney- [or Solicitor-] General of our Lady the  
 v. } Queen for the Colony of New Zealand, for and on behalf of our  
 The Queen. } said Lady the Queen, saith that &c.

## FORM (2).

Sec. 33.

In the Supreme Court of New Zealand.

A.B. } I do hereby certify that A.B., of &c., did on the day of  
 v. } , in the Supreme Court at , in the Colony of New  
 The Queen. } Zealand, obtain a judgment [order or decree] of the said Court  
 in his favour, and that by such judgment [order or decree] the sum of  
 was awarded to him.

Dated this day of 18 .

[L.S.]

A.S.A.,  
 Registrar of the Supreme Court of  
 New Zealand at .

Sec. 44.

## THIRD SCHEDULE.

1858, No. 3.—The Crown Costs Act, 1858.

1866, No. 7.—The Crown Debts Act, 1866.

1871, No. 49.—The Crown Redress Act, 1871.

1877, No. 39.—The Crown Redress Act, 1877.