

Legislative Council.

21<sup>o</sup> VICTORIÆ, 1857.

A B I L L

To abolish Suits in Equity by Rule Nisi and to enable one Judge to sit in certain cases in Banco.

WHEREAS the institution of Suits in Equity by *Rule Nisi* as Preamble authorized by the Act 12 Victoria No. 1 in the ninth section 12 Vict., No. 1, s 9. thereof has been found by experience to be inconvenient and the proceedings therein are expensive and otherwise not beneficial to suitors And whereas the pressure of the business in the Supreme Court usually heard and determined in Banco would be greatly relieved if a single Judge were enabled to dispose of that business in a separate Court notwithstanding the simultaneous sitting in Banco of the other Judges or two of them Be it therefore 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 Parliament assembled and by the authority of the same as follows :—

1. From the time of the passing of this Act the ninth section of the said Act 12 Victoria No. 1 shall be repealed except as to Suits by *Rule Nisi* already instituted—all proceedings in which may be continued as if this Act had not been passed. The recited section repealed.

2. Provided that any such Suit now pending may by Order of the Court and on such terms as to Appeal or otherwise as shall seem just be heard and decided and all Orders in respect thereof be made before and by the Primary Equity Judge only. Proviso Pending Suits.

3. Provided also that after the passing of this Act the Primary Equity Judge may in any Suit however instituted permit any Plaintiff or Defendant (upon an *ex parte* application for that purpose) to proceed by Rule or Summons to show Cause instead of by Petition or to proceed by Summons as in Chambers before the Master instead of by Warrant. Certain cases of Rule or Summons to show cause.

One Judge may hold a Court in Insolvency.

4. After the passing of this Act the Supreme Court may be holden by one Judge for all the purposes of the Act passed in the fifth year of Her Majesty commonly called the Insolvent Act and of the Acts passed for amending the same notwithstanding that the Court holden before two or more Judges may be at the same time sitting in Banco or that two 5 Judges may be simultaneously sitting for the trial of Issues Civil or Criminal.

Proviso Appeals.

5. Provided that in any case of Appeal from the decision of the Chief Commissioner the Judge sitting in Insolvency may adjourn the Appeal to be heard and decided before and by two Judges or the full Court 10 if he shall think fit.

One Judge may do certain acts in Term.

6. After the passing of this Act the Supreme Court may be holden by one Judge alone for the granting of Probates and Letters of Administration or Letters ad Colligendum and the disposal of all Motions and Matters in relation thereto and for the disposal of all Returns of Fines and 15 Estreated Recognizances and Applications for and Returns to Writs of *Habeas Corpus* and cases under the Justices' Acts of 1850 and 1853 notwithstanding that it may be Term time or that the Court holden before two or more Judges may be at the same time sitting in Banco.