

A BILL

To expedite Suits and Proceedings in Equity and to facilitate the despatch of Business in the Supreme Court in Banco.

WHEREAS the institution of Suits in Equity by *Rule Nisi* 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 dilatory and expensive And whereas the pressure of business
5 in the Supreme Court in Banco would be relieved if a single Judge
were enabled to dispose of certain portions 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
10 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 From the time of the passing of this Act the ninth section of The recited section repealed.
the said Act 12 Victoria No. 1 shall be repealed except as to Suits by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
15 as if this Act had not been passed.

2. Provided that by consent of the Parties the Court may direct Proviso Pending Suits.
any such Suit now pending to be heard and decided and all Orders in
respect thereof to be made before and by the Primary Judge in Equity
but subject in every such case to Appeal from such Judge to the Court.

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

One Judge may
hold a Court in
Insolvency.

4. After the passing of this Act the Supreme Court may be holden by one Judge alone 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. 5

Proviso Appeals.

5. Provided that every Appeal from the decision of the Chief Commissioner respecting the allowance or disallowance of a Certificate shall be heard and decided before and by two or more Judges.

Ecclesiastical
Jurisdiction.

6. After the passing of this Act the Supreme Court may be holden before and by the Primary Judge in Equity for the granting of Probates 10 and Letters of Administration or Letters ad Colligendum and the disposal of all Motions and Matters in relation thereto.

Certain other
Matters in Banco.

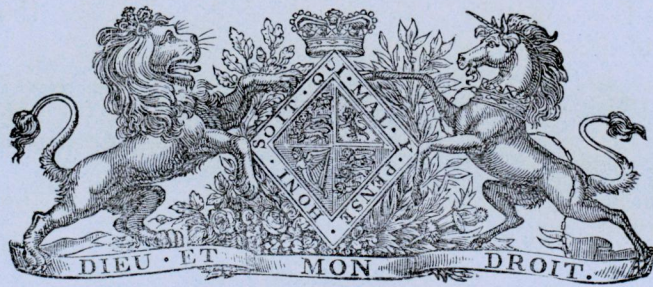
7. After the passing of this Act the Supreme Court may be holden by one Judge alone for the disposal of all Returns of Fines and Estreated Recognizances and Applications for and Returns to Writs of *Habeas* 15 *Corpus* and Cases under the Justices' Acts of 1850 and 1853 notwithstanding that it may be Term time or that the Court holden before two or more Judges may be at the same time sitting in Banco.

This PUBLIC BILL having been this day passed by the LEGISLATIVE COUNCIL, is ready for presentation to the LEGISLATIVE ASSEMBLY, for its concurrence.

Legislative Council Chamber,
Sydney, 10th September, 1858. }

WM. MACPHERSON,
Clerk of the Legislative Council.

New South Wales.



ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. .

An Act to expedite Suits and Proceedings in Equity and to facilitate the despatch of Business in the Supreme Court in Banco.

WHEREAS the institution of Suits in Equity by *Rule Nisi* Preamble. authorized by the Act 12 Victoria No. 1 in the ninth section 12 Vic. No. 1 s. 9. thereof has been found by experience to be inconvenient and the proceedings therein are dilatory and expensive And whereas the pressure of business

5 in the Supreme Court in Banco would be relieved if a single Judge were enabled to dispose of certain portions 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

10 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

15 as if this Act had not been passed. The recited section repealed.

2. Provided that by consent of the Parties the Court may direct any such Suit now pending to be heard and decided and all Orders in respect thereof to be made before and by the Primary Judge in Equity but subject in every such case to Appeal from such Judge to the Court. Proviso Pending Suits.

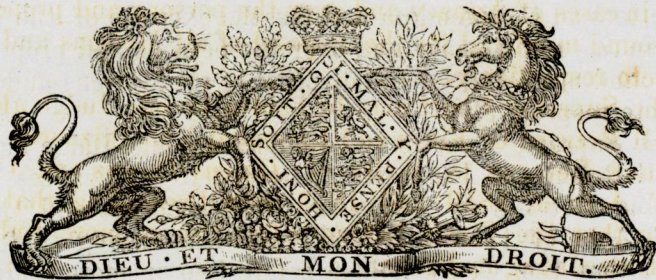
20 3. The Primary Judge may in any Suit permit the Plaintiff or Defendant (upon an *ex parte* application for that purpose) to proceed by Rule or Summons to shew Cause instead of by Petition and to proceed by Summons as in Chambers before the Master instead of by Warrant. Certain cases of Rule or Summons to shew cause.

25 4. The Supreme Court may be holden by one Judge alone 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. One Judge may hold a Court in Insolvency.

Equity and Banco Business Expediting Act.—1858.

5. Provided that every Appeal from the decision of the Chief Proviso Appeals.
Commissioner respecting the allowance or disallowance of a Certificate
shall be heard and decided before and by two or more Judges.
6. The Supreme Court may be holden before and by the Primary Ecclesiastical and
Lunacy Jurisdiction.
5 Judge in Equity for the granting of Probates and Letters of Adminis-
tration or Letters ad Colligendum and for the exercise of the jurisdiction
of the Court in cases of Lunacy and over the persons and property of such
as are of unsound mind and for the disposal of all Motions and Matters in
relation thereto respectively.
- 10 7. The Supreme Court may be holden by one Judge alone for the Certain other
Matters in Banco.
disposal of all Returns of Fines and Estreated Recognizances and Appli-
cations 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
15 at the same time sitting in Banco.
8. This Act may be cited for all purposes as the "Equity and Short Title.
" Banco Business expediting Act."
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New South Wales.



ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XIV.

An Act to expedite Suits and Proceedings in Equity and to facilitate the despatch of Business in the Supreme Court in Banco. [Assented to, 2nd November, 1858.]

WHEREAS the institution of Suits in Equity by Rule Nisi authorized by the Act 12 Victoria No. 1 in the ninth section thereof has been found by experience to be inconvenient and the proceedings therein are dilatory and expensive And whereas the pressure of business in the Supreme Court in Banco would be relieved if a single Judge were enabled to dispose of certain portions 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 by consent of the Parties the Court may direct any such Suit now pending to be heard and decided and all Orders in respect thereof to be made before and by the Primary Judge in Equity but subject in every such case to Appeal from such Judge to the Court. Proviso Pending Suits.

3. The Primary Judge may in any Suit permit the Plaintiff or Defendant (upon an ex parte application for that purpose) to proceed by Rule or Summons to shew Cause instead of by Petition and to proceed by Summons as in Chambers before the Master instead of by Warrant. Certain cases of Rule or Summons to shew cause.

4. The Supreme Court may be holden by one Judge alone 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. One Judge may hold a Court in Insolvency.

Equity and Banco Business Expediting Act.—1858.

Proviso Appeals.

5. Provided that every Appeal from the decision of the Chief Commissioner respecting the allowance or disallowance of a Certificate shall be heard and decided before and by two or more Judges.

Ecclesiastical and Lunacy Jurisdiction.

6. The Supreme Court may be holden before and by the Primary Judge in Equity for the granting of Probates and Letters of Administration or Letters ad Colligendum and for the exercise of the jurisdiction of the Court in cases of Lunacy and over the persons and property of such as are of unsound mind and for the disposal of all Motions and Matters in relation thereto respectively.

Certain other Matters in Banco.

7. The Supreme Court may be holden by one Judge alone for the disposal of all Returns of Fines and 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.

Short Title.

8. This Act may be cited for all purposes as the "Equity and Banco Business expediting Act."

By Authority : WILLIAM HANSON, Government Printer, Sydney, 1858.