

A BILL

To amend the practice of the Supreme Court as to New Trials.

WHEREAS it is expedient to amend the practice of the Supreme Court with respect to New Trials Be it 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. Notwithstanding any rule of practice now in force in the Supreme Court a plaintiff or defendant having obtained a verdict shall be entitled to sign judgment and issue execution in fourteen days unless the Judge who tries the cause or some other Judge or the Court shall order execution to issue at an earlier or later period with or without terms Provided that no such order shall be made by a single Judge during the sittings of the Supreme Court in Term.
Execution to issue fourteen days after verdict.
2. After the passing of this Act no motion for a New Trial or to enter a verdict or a nonsuit nor any motion in arrest of judgment or for judgment *non obstante veredicto* shall be granted by the Supreme Court except after a rule to shew cause shall have been obtained from the Court the service of which rule shall operate as a stay of proceedings unless otherwise ordered by the Court and only one Counsel shall be heard upon the motion for such rule.
Rule for new trial to be obtained by motion.
3. No motion for a New Trial or inquiry or to enter a verdict or nonsuit or in arrest of judgment or for judgment *non obstante veredicto* shall be allowed after the expiration of the first four days of the ensuing Term unless entered in a list of postponed motions by leave of the Court.
Time within which motion for new trial &c. must be made.
4. No affidavit shall be used in support of a motion for a New Trial or inquiry in any case unless such affidavit shall have been made within the time limited for the making such motion without the special permission of the Court for that purpose.
Affidavits when to be filed.

Notice of postponed motion.

5. That if such motion as aforesaid be entered in such list of postponed motions notice shall be given of it to the opposite party otherwise judgment signed on behalf of the opposite party shall be deemed regular.

Grounds of motion to be stated.

6. In every Rule *Nisi* for a new trial or to enter a verdict or non-suit the grounds upon which such rule shall have been granted shall be shortly stated therein and upon the hearing thereof no other grounds but those stated therein shall be allowed to be argued.

Restitution may be ordered.

7. Notwithstanding any judgment signed or execution issued in pursuance of this Act it shall be lawful for the Court to order such judgment to be vacated and execution to be stayed or set aside and to enter an arrest of judgment or grant a new trial or new inquiry as justice may appear to require and thereupon the party affected by such writ of execution shall be restored to all that he may have lost thereby in such manner as on the reversal of a judgment on appeal or otherwise as the Court may think fit to direct.

Reading Evidence from Judge's Notes.

8. When a new trial or inquiry is granted it shall be lawful for the Court either at the time such new trial is granted or upon application afterwards to order that the evidence of any witness examined at the previous trial may be read at the subsequent trial from the Judge's notes if such witness shall at the time of such subsequent trial be dead or absent from the Colony or incapable of attending from illness or if from any other cause such order should seem to the Court desirable.

Not to apply to pending proceedings.

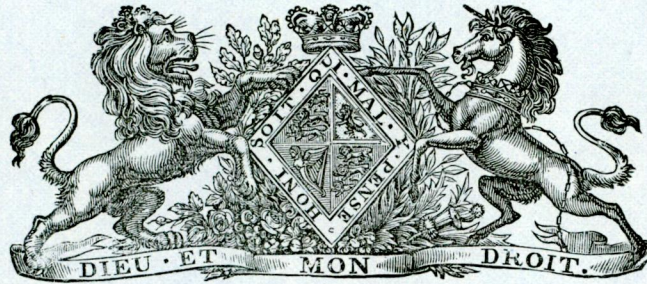
9. This Act shall not apply to cases in which a certificate of Counsel pursuant to the rules of practice now in force shall have been granted before the passing thereof.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY, for its concurrence.

Legislative Council Chamber, }
Sydney, 25 April, 1860.

R. O'CONNOR,
Clerk of the Legislative Council.

New South Wales.



ANNO VICESIMO TERTIO.

VICTORIÆ REGINÆ.

No. .

An Act to amend the practice of the Supreme Court as to New Trials.

WHEREAS it is expedient to amend the practice of the Supreme Court with respect to New Trials Be it 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. Notwithstanding any rule or practice now in force in the Supreme Court a plaintiff or defendant having obtained a verdict shall be entitled to issue execution in fourteen days unless the Judge who tries the cause or some other Judge or the Court shall order execution to issue at an earlier or later period with or without terms.

2. After the passing of this Act no verdict nonsuit or assessment of damages shall be set aside nor any New Trial or new assessment of damages be ordered nor any verdict or nonsuit entered nor any motion in arrest of judgment or for judgment *non obstante veredicto* or for a *venire de novo* or a repleader be granted by the Supreme Court except after a rule to shew cause shall have been obtained from the Court the service of which rule shall operate as a stay of proceedings unless otherwise ordered by the Court and only one Counsel shall be heard upon the motion for such rule to shew cause.

3. No motion for any such rule to shew cause shall be allowed after the expiration of the first four days of the ensuing Term unless entered in a list of postponed motions by leave of the Court or else by special leave of the Court.

4. This Act shall not apply to cases in which a certificate of Counsel pursuant to the rules or practice now in force shall have been granted before the passing thereof.

THE STATE OF SOUTH CAROLINA
IN SENATE
January 15, 1878.

REPORT



OF THE

COMMISSIONERS OF THE GENERAL LAND OFFICE

FOR THE YEAR 1877.

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