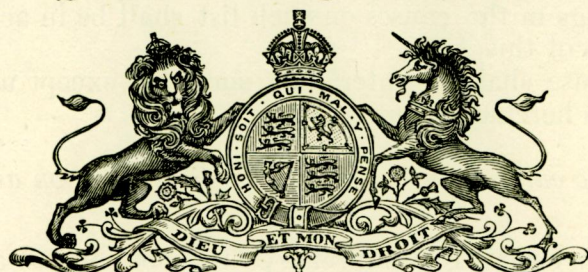


New South Wales.



ANNO TERTIO

EDWARDI VII REGIS.

Act No. 19, 1903.

An Act to provide a more expeditious method for the trial of commercial causes; and for purposes consequent on or incidental to that object. [Assented to, 5th December, 1903.]

BE it enacted by the King'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:—

Preliminary.

1. This Act may be cited as the "Commercial Causes Act, Short title. 1903."

2. In this Act, unless the context otherwise requires,—
"Judge" means a Judge of the Supreme Court.
"Prescribed" means prescribed by rules of court.
"Prothonotary" means the Prothonotary of the Supreme Court.
"Rules of court" includes forms.

Definitions.

3.

Commercial Causes.

Commercial causes.

3. Commercial causes include causes arising out of the ordinary transactions of merchants and traders; amongst others those relating to the construction of mercantile documents, export or import of merchandise, affreightment, insurance, banking and mercantile agency and mercantile usages.

List of causes to be kept by Prothonotary.

A list of commercial causes to be kept.

4. A list of commercial causes shall be kept by the Prothonotary. All proceedings in the causes on such list shall be in accordance with the provisions of this Act.

No cause shall be entered on such list except upon the order of a Judge as hereinafter provided.

When cause entered on list, Judge to give direction as to mode of trial, &c.

Either party may apply to have action placed on such list.

5. Either party to a Supreme Court common-law action may, by summons in the form prescribed, at any time after the commencement of such action, call upon the other party to show cause before a Judge in chambers why such action should not be entered in the said list.

The Judge may order the action to be so entered, and from such order there shall be no appeal. Such Judge or any other Judge shall, by such or a subsequent order, give such directions as in his opinion are expedient for the speedy determination of the questions in the action really at issue between the parties.

Directions.

6. To effect this purpose the Judge may inter alia do any or all of the following things—

- (a) dispense with pleadings;
- (b) dispense with the technical rules of evidence for proving any matter which is not bona fide in dispute, also with such rules as might cause expense and delay arising from commissions to take evidence and otherwise; and, without limiting the generality of this power, dispense with the proof of handwriting, documents, the identity of parties or parcels, or of authority;
- (c) require particulars of the cause of action, of the grounds of defence, or of any other circumstance connected with the cause to be served within a specified time by either party;
- (d) order mutual discoveries and inspection;
- (e) require either party to make admissions with respect to any question of fact involved in the cause;
- (f) settle the issues for trial;
- (g) order every cause to be tried without a jury unless a jury shall be demanded by either party;
- (h) state a case on matters of law for the Full Court.

Commercial Causes.

7. The parties may, if they so desire, agree that the verdict of the jury or the decision of the Judge in a commercial cause shall be final. Jury's verdict or Judge's decision may be final.

Supplemental.

8. The Judges or any three of them, of whom the Chief Justice, Rules of court. or, in his absence from the State, the senior puisne Judge, shall be one, may make rules of court for carrying this Act into effect, and in particular for all or any of the following matters—

- (a) for regulating the sittings of the court to try commercial causes;
- (b) for regulating the pleading, practice, and procedure in such causes and the costs of proceedings therein.

9. Subject to this Act and the rules made thereunder, all enactments and rules of court in force at the time of the commencement of this Act relating to actions at law shall apply to commercial causes: Rules of court now in force.

Provided that where any provisions in respect of the practice or procedure of the Supreme Court are contained in any Act, rules of court may be made for modifying such provisions in respect to commercial causes to any extent that may be deemed necessary. Additional power as to regulation of practice and procedure by rules of court.

10. Nothing in this Act shall extend to or affect any action pending at the commencement of this Act, unless both parties to the action consent thereto. Saving.

[3d.]

By Authority: WILLIAM APPEGATE GULLICK, Government Printer, Sydney, 1903.

Continued

17. The parties may stipulate in their contract that the venue of the lawsuit shall be in the county of the defendant.

18. The venue of the lawsuit shall be in the county of the defendant unless the parties stipulate otherwise in their contract.

19. Subject to the Act and the rules of the court, the venue of the lawsuit shall be in the county of the defendant unless the parties stipulate otherwise in their contract.

20. Notwithstanding the Act, the venue of the lawsuit shall be in the county of the defendant unless the parties stipulate otherwise in their contract.

BY AUTHORITY OF THE COURT, I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN MY OFFICE.

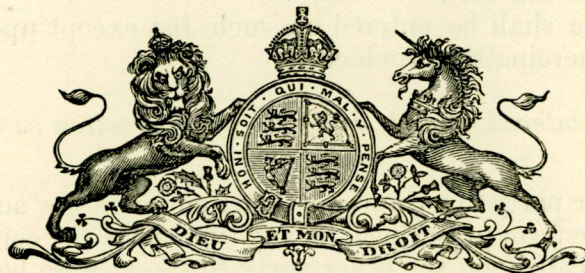
[Signature]

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council Chamber,
Sydney, 26th November, 1903.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO TERTIO

EDWARDI VII REGIS.

Act No. 19, 1903.

An Act to provide a more expeditious method for the trial of commercial causes; and for purposes consequent on or incidental to that object. [Assented to, 5th December, 1903.]

BE it enacted by the King'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:—

Preliminary.

1. This Act may be cited as the "Commercial Causes Act, Short title. 1903."

2. In this Act, unless the context otherwise requires,—
"Judge" means a Judge of the Supreme Court.
"Prescribed" means prescribed by rules of court.
"Prothonotary" means the Prothonotary of the Supreme Court.
"Rules of court" includes forms.

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List of causes to be kept by Prothonotary.

A list of commercial causes to be kept.

4. A list of commercial causes shall be kept by the Prothonotary. All proceedings in the causes on such list shall be in accordance with the provisions of this Act.

No cause shall be entered on such list except upon the order of a Judge as hereinafter provided.

When cause entered on list, Judge to give direction as to mode of trial, &c.

Either party may apply to have action placed on such list.

5. Either party to a Supreme Court common-law action may, by summons in the form prescribed, at any time after the commencement of such action, call upon the other party to show cause before a Judge in chambers why such action should not be entered in the said list.

The Judge may order the action to be so entered, and from such order there shall be no appeal. Such Judge or any other Judge shall, by such or a subsequent order, give such directions as in his opinion are expedient for the speedy determination of the questions in the action really at issue between the parties.

Directions.

6. To effect this purpose the Judge may inter alia do any or all of the following things—

- (a) dispense with pleadings ;
- (b) dispense with the technical rules of evidence for proving any matter which is not bona fide in dispute, also with such rules as might cause expense and delay arising from commissions to take evidence and otherwise ; and, without limiting the generality of this power, dispense with the proof of handwriting, documents, the identity of parties or parcels, or of authority ;
- (c) require particulars of the cause of action, of the grounds of defence, or of any other circumstance connected with the cause to be served within a specified time by either party ;
- (d) order mutual discoveries and inspection ;
- (e) require either party to make admissions with respect to any question of fact involved in the cause ;
- (f) settle the issues for trial ;
- (g) order every cause to be tried without a jury unless a jury shall be demanded by either party ;
- (h) state a case on matters of law for the Full Court.

Commercial Causes.

7. The parties may, if they so desire, agree that the verdict of the jury or the decision of the Judge in a commercial cause shall be final. Jury's verdict or Judge's decision may be final.

Supplemental.

8. The Judges or any three of them, of whom the Chief Justice, Rules of court. or, in his absence from the State, the senior puisne Judge, shall be one, may make rules of court for carrying this Act into effect, and in particular for all or any of the following matters—

- (a) for regulating the sittings of the court to try commercial causes;
- (b) for regulating the pleading, practice, and procedure in such causes and the costs of proceedings therein.

9. Subject to this Act and the rules made thereunder, all enactments and rules of court in force at the time of the commencement of this Act relating to actions at law shall apply to commercial causes: Rules of court now in force.

Provided that where any provisions in respect of the practice or procedure of the Supreme Court are contained in any Act, rules of court may be made for modifying such provisions in respect to commercial causes to any extent that may be deemed necessary. Additional power as to regulation of practice and procedure by rules of court.

10. Nothing in this Act shall extend to or affect any action pending at the commencement of this Act, unless both parties to the action consent thereto. Saving.

In the name and on the behalf of His Majesty I assent to this Act.

HARRY H. RAWSON,
Governor.

*State Government House,
Sydney, 5th December, 1903.*

Commercial Causes.

7. The parties may, if they so desire, agree that the verdict of the jury on the decision of the Judge in a commercial cause shall be final.

Supplemental.

8. The Judges or any three of them, or when the Chief Justice, or in his absence from the State, the senior Justice, shall be one, may make rules of court for carrying this Act into effect, and in particular for all or any of the following matters—

- (a) for regulating the sittings of the court to try commercial causes;
- (b) for regulating the pleading practice and procedure in such causes and the costs of proceeding therein.

9. Subject to this Act and the rules made thereunder, all general laws and rules of court in force at the time of the commencement of this Act relating to actions at law shall apply to commercial causes: Provided that where any provisions in respect of the practice or procedure of the Supreme Court are contained in any Act, rules of court, or regulations, such provisions in respect to commercial causes may be made for such cases as may be deemed necessary.

10. Nothing in this Act shall extend to or affect any action pending at the commencement of this Act, unless both parties to the action consent thereto.

In witness whereof on the behalf of His Majesty I caused to this Act.

HARRY H. LAWSON,
Governor.

State Government House,
Sydney, 27th December, 1903.

COMMERCIAL CAUSES BILL.

SCHEDULE of the Amendment referred to in Message of November, 1903.

Page 2, clause 6, lines 40 to 42. *Omit* "the trial to be either with or without a jury,
" or that special issues be tried by jury " *insert* " every cause to be tried with-
" out a jury unless a jury shall be demanded by either party "

CONSTITUTIONAL PROVISIONS

Section 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their Offices during good Behaviour, but no Appointment shall be made, and no Person shall continue in Office, who has not attained to the Age of thirty Years, and been seven Years a Citizen of the United States, and who, when appointed, shall have been fourteen Years a Citizen of one of the States.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under the Authority of the United States; to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States may be a Party; to Controversies between two or more States; between a State and Citizens of another State; between Citizens of different States; between Citizens of the same State claiming Lands under Grants of different States, and between a State, or Citizens thereof, and foreign States, Citizens or Subjects.

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.

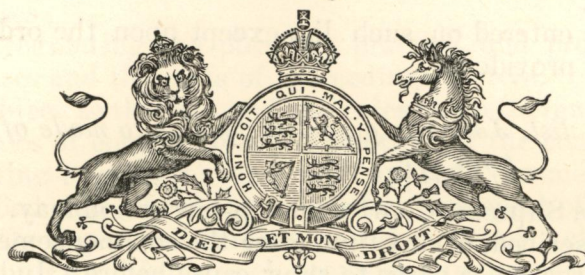
*Legislative Council Chamber,
Sydney, 8th October, 1903.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with an Amendment.

*Legislative Assembly Chamber,
Sydney, November, 1903.* } *Acting Clerk of the Legislative Assembly.*

New South Wales.



ANNO TERTIO

EDWARDI VII REGIS.

Act No. , 1903.

An Act to provide a more expeditious method for the trial of commercial causes; and for purposes consequent on or incidental to that object.

BE it enacted by the King'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:—

5

Preliminary.

1. This Act may be cited as the "Commercial Causes Act, Short title.
1903."

2. In this Act, unless the context otherwise requires,—
"Judge" means a Judge of the Supreme Court. Definitions.
"Prescribed" means prescribed by rules of court.
10 "Prothonotary" means the Prothonotary of the Supreme Court.
"Rules of court" includes forms.

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C 94—

3.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Commercial Causes.

3. Commercial causes include causes arising out of the ordinary transactions of merchants and traders ; amongst others those relating to the construction of mercantile documents, export or import of merchandise, affreightment, insurance, banking and mercantile agency and mercantile usages. Commercial causes.

List of causes to be kept by Prothonotary.

4. A list of commercial causes shall be kept by the Prothonotary. All proceedings in the causes on such list shall be in accordance with the provisions of this Act. A list of commercial causes to be kept.

10 No cause shall be entered on such list except upon the order of a Judge as hereinafter provided.

When cause entered on list, Judge to give direction as to mode of trial, &c.

15 5. Either party to a Supreme Court common-law action may, by summons in the form prescribed, at any time after the commencement of such action, call upon the other party to show cause before a Judge in chambers why such action should not be entered in the said list. Either party may apply to have action placed on such list.

The Judge may order the action to be so entered, and from such order there shall be no appeal. Such Judge or any other Judge shall, by such or a subsequent order, give such directions as in his opinion are expedient for the speedy determination of the questions in the action really at issue between the parties.

6. To effect this purpose the Judge may inter alia do any or all of the following things— Directions.

- 25 (a) dispense with pleadings ;
- (b) dispense with the technical rules of evidence for proving any matter which is not bona fide in dispute, also with such rules as might cause expense and delay arising from commissions to take evidence and otherwise ; and, without limiting the generality of this power, dispense with the proof of handwriting, documents, the identity of parties or parcels, or of authority ;
- 30 (c) require particulars of the cause of action, of the grounds of defence, or of any other circumstance connected with the cause to be served within a specified time by either party ;
- 35 (d) order mutual discoveries and inspection ;
- (e) require either party to make admissions with respect to any question of fact involved in the cause ;
- 40 (f) settle the issues for trial ;
- (g) order the trial to be either with or without a jury, or that special issues be tried by jury, **every cause to be tried without a jury unless a jury shall be demanded by either party, or that special issues be tried by jury ;**
- (h) state a case on matters of law for the Full Court. 7.

Commercial Causes.

7. The parties may, if they so desire, agree that the verdict of the jury or the decision of the Judge in a commercial cause shall be final. Jury's verdict or Judge's decision may be final.

Supplemental.

5 8. The Judges or any three of them, of whom the Chief Justice, Rules of court.
or, in his absence from the State, the senior puisne Judge, shall be one,
may make rules of court for carrying this Act into effect, and in
particular for all or any of the following matters—

10 (a) for regulating the sittings of the court to try commercial
causes;

(b) for regulating the pleading, practice, and procedure in such
causes and the costs of proceedings therein.

15 9. Subject to this Act and the rules made thereunder, all enact- Rules of court now
ments and rules of court in force at the time of the commencement of in force.
this Act relating to actions at law shall apply to commercial causes :

Provided that where any provisions in respect of the practice or Additional power as
procedure of the Supreme Court are contained in any Act, rules of court to regulation of
may be made for modifying such provisions in respect to commercial practice and
causes to any extent that may be deemed necessary. procedure by rules of
court.

20 10. Nothing in this Act shall extend to or affect any action Saving.
pending at the commencement of this Act, unless both parties to the
action consent thereto.

Commercial Code

7. If the parties agree that the verdict of the jury or the decision of the judge in a commercial cause shall be final, the court shall not set it aside.

Section 8

8. The judges or any three of them, of whom the Chief Justice or in his absence from the State, the senior judge judge shall be one, may make rules of court for carrying this Act into effect, and in particular for all or any of the following matters—

(a) for regulating the sittings of the courts to try commercial causes;

(b) for regulating the pleading, practice, and procedure in such causes and the costs of proceedings therein.

9. Subject to this Act and the rules made thereunder, all enactments and rules of court in force at the time of the commencement of this Act relating to actions at law shall apply to commercial causes:

Provided that where any provision in respect of the practice or procedure of the Superior Courts is contained in any Act, rules of court, or other law, such provisions in respect of commercial causes to any extent that may be deemed necessary.

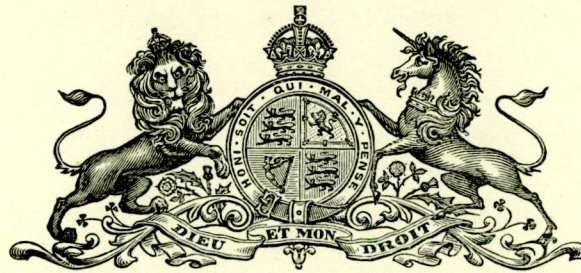
10. Nothing in this Act shall extend to or affect any action then pending at the commencement of this Act, unless both parties to the action consent thereto.

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, 8th October, 1903.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO TERTIO

EDWARDI VII REGIS.

Act No. , 1903.

An Act to provide a more expeditious method for the trial of commercial causes ; and for purposes consequent on or incidental to that object.

BE it enacted by the King'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 :—

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Commercial Causes.

3. Commercial causes include causes arising out of the ordinary transactions of merchants and traders ; amongst others those relating to the construction of mercantile documents, export or import of merchandise, affreightment, insurance, banking and mercantile agency and mercantile usages. Commercial causes.

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4. A list of commercial causes shall be kept by the Prothonotary. All proceedings in the causes on such list shall be in accordance with the provisions of this Act. A list of commercial causes to be kept.

10 No cause shall be entered on such list except upon the order of a Judge as hereinafter provided.

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15 5. Either party to a Supreme Court common-law action may, by summons in the form prescribed, at any time after the commencement of such action, call upon the other party to show cause before a Judge in chambers why such action should not be entered in the said list. Either party may apply to have action placed on such list.

20 The Judge may order the action to be so entered, and from such order there shall be no appeal. Such Judge or any other Judge shall, by such or a subsequent order, give such directions as in his opinion are expedient for the speedy determination of the questions in the action really at issue between the parties.

6. To effect this purpose the Judge may inter alia do any or all of the following things— Directions.

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 30 generality of this power, dispense with the proof of handwriting, documents, the identity of parties or parcels, or of authority ;
 (c) require particulars of the cause of action, of the grounds of defence, or of any other circumstance connected with the
 35 cause to be served within a specified time by either party ;
 (d) order mutual discoveries and inspection ;
 (e) require either party to make admissions with respect to any question of fact involved in the cause ;
 (f) settle the issues for trial ;
 40 (g) order the trial to be either with or without a jury, or that special issues be tried by jury ;
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Supplemental.

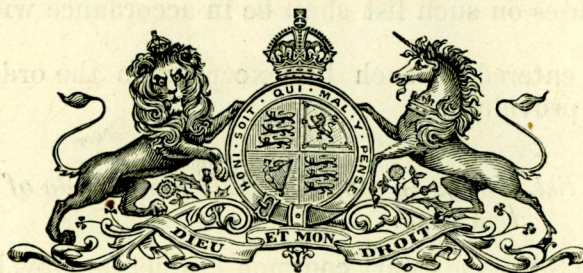
- 5 8. The Judges or any three of them, of whom the Chief Justice, Rules of court.
or, in his absence from the State, the senior puisne Judge, shall be one,
may make rules of court for carrying this Act into effect, and in
particular for all or any of the following matters—
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causes;
- (b) for regulating the pleading, practice, and procedure in such
causes and the costs of proceedings therein.
- 15 9. Subject to this Act and the rules made thereunder, all enact- Rules of court now
in force.
ments and rules of court in force at the time of the commencement of
this Act relating to actions at law shall apply to commercial causes :
- Provided that where any provisions in respect of the practice or Additional power as
to regulation of
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procedure of the Supreme Court are contained in any Act, rules of court
may be made for modifying such provisions in respect to commercial
causes to any extent that may be deemed necessary.
- 20 10. Nothing in this Act shall extend to or affect any action Saving.
pending at the commencement of this Act, unless both parties to the
action consent thereto.

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, October, 1903. }*

Clerk of the Parliaments.

New South Wales.



ANNO TERTIO

EDWARDI VII REGIS.

Act No. , 1903.

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5. Either party to a Supreme Court common-law action may, by summons in the form prescribed, at any time after the commencement of such action, call upon the other party to show cause before a Judge in chambers why such action should not be entered in the said list. Either party may apply to have action placed on such list.

The Judge may order the action to be so entered, and from such order there shall be no appeal. Such Judge or any other Judge shall, by such or a subsequent order, give such directions as in his opinion are expedient for the speedy determination of the questions in the action really at issue between the parties.

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(b) dispense with the technical rules of evidence for proving any matter which is not bona fide in dispute, also with such rules as might cause expense and delay arising from commissions to take evidence and otherwise ; and, without limiting the generality of this power, dispense with the proof of handwriting, documents, the identity of parties or parcels, or of authority ;

30 (c) require particulars of the cause of action, of the grounds of defence, or of any other circumstance connected with the cause to be served within a specified time by either party ;

35 (d) order mutual discoveries and inspection ;

(e) require either party to make admissions with respect to any question of fact involved in the cause ;

40 (f) settle the issues for trial ;

(g) order the trial to be either with or without a jury, or that special issues be tried by jury ;

(h) state a case on matters of law for the Full Court. 7.

Commercial Causes.

7. The parties may, if they so desire, agree that the verdict of the jury or the decision of the Judge in a commercial cause shall be final. Jury's verdict or Judge's decision may be final.

Supplemental.

5 8. The Judges or any three of them, of whom the Chief Justice, Rules of court.
or, in his absence from the State, the senior puisne Judge, shall be one,
may make rules of court for carrying this Act into effect, and in
particular for all or any of the following matters—

10 (a) for regulating the sittings of the court to try commercial
causes;

(b) for regulating the pleading, practice, and procedure in such
causes and the costs of proceedings therein.

15 9. Subject to this Act and the rules made thereunder, all enact- Rules of court now
in force.
ments and rules of court in force at the time of the commencement of
this Act relating to actions at law shall apply to commercial causes :

Provided that where any provisions in respect of the practice or Additional power as
to regulation of
practice and
procedure by rules of
court.
procedure of the Supreme Court are contained in any Act, rules of court
may be made for modifying such provisions in respect to commercial
causes to any extent that may be deemed necessary.

20 10. Nothing in this Act shall extend to or affect any action Saving.
pending at the commencement of this Act, unless both parties to the
action consent thereto.

The parties may, by their so doing, be deemed to have agreed that the verdict of the jury on the facts in the judgment shall be final.

Application

8. The rules may apply to those of them, of whom the Chief Justice has directed, as he may think fit, the rules may be applied to any other cases for all or any of the following matters:

(a) for regulating the sitting of the court in any particular case; (b) for regulating the practice, procedure, and proceedings in any particular case; (c) for regulating the costs of proceedings in any particular case.

9. Subject to this Act and the rules made thereunder, all courts, judges, and officers of courts in force at the time of the commencement of this Act shall apply the law relating to commercial causes.

10. Nothing in this Act shall extend to or affect any rule or order made for the purpose of giving effect to any provision in force at the commencement of this Act, unless such rule or order is made for the purpose of giving effect to any provision in force at the commencement of this Act.

11. Nothing in this Act shall extend to or affect any rule or order made for the purpose of giving effect to any provision in force at the commencement of this Act, unless such rule or order is made for the purpose of giving effect to any provision in force at the commencement of this Act.

Legislative Council.

No. , 1903.

A BILL

To provide a more expeditious method for the trial of commercial causes; and for purposes consequent on or incidental to that object.

[MR. WISE;—30 September, 1903.]

BE it enacted by the King'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:—

5 *Preliminary.*

1. This Act may be cited as the "Commercial Causes Act, Short title.
1903."

2. In this Act, unless the context otherwise requires,—

Definitions.

"Judge" means a Judge of the Supreme Court.

10 "Prescribed" means prescribed by rules of court.

"Prothonotary" means the Prothonotary of the Supreme Court.

"Rules of court" includes forms.

Commercial causes.

3. Commercial causes include causes arising out of the ordinary transactions of merchants and traders ; amongst others those relating to the construction of mercantile documents, export or import of merchandise, affreightment, insurance, banking and mercantile agency and mercantile usages.

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List of causes to be kept by Prothonotary.

A list of commercial causes to be kept.

4. A list of commercial causes shall be kept by the Prothonotary. All proceedings in the causes on such list shall be in accordance with the provisions of this Act.

No cause shall be entered on such list except upon the order 10 of a Judge as hereinafter provided.

When cause entered on list, Judge to give direction as to mode of trial, &c.

Either party may apply to have action placed on such list.

5. Either party to a Supreme Court common-law action may, by summons in the form prescribed, at any time after the commencement 15 of such action, call upon the other party to show cause before a Judge in chambers why such action should not be entered in the said list.

The Judge may order the action to be so entered, and from such order there shall be no appeal. Such Judge or any other Judge shall, by such or a subsequent order, give such directions as in his 20 opinion are expedient for the speedy determination of the questions in the action really at issue between the parties.

Directions.

6. To effect this purpose the Judge may inter alia do any or all of the following things—

- (a) dispense with pleadings ; 25
- (b) dispense with the technical rules of evidence for proving any matter which is not bona fide in dispute, also with such rules as might cause expense and delay arising from commissions to take evidence and otherwise ; and, without limiting the generality of this power, dispense with the proof of hand- 30 writing, documents, the identity of parties or parcels, or of authority ;
- (c) require particulars of the cause of action, of the grounds of defence, or of any other circumstance connected with the cause to be served within a specified time by either party ; 35
- (d) order mutual discoveries and inspection ;
- (e) require either party to make admissions with respect to any question of fact involved in the cause ;
- (f) settle the issues for trial ;
- (g) order the trial to be either with or without a jury, or that 40 special issues be tried by jury ;
- (h) state a case on matters of law for the Full Court. 7.

7. The parties may, if they so desire, agree that the verdict of the jury or the decision of the Judge in a commercial cause shall be final. Jury's verdict or Judge's decision may be final.

Supplemental.

5 8. The Judges or any three of them, of whom the Chief Justice, Rules of court. or, in his absence from the State, the senior puisne Judge, shall be one, may make rules of court for carrying this Act into effect, and in particular for all or any of the following matters—

- 10 (a) for regulating the sittings of the court to try commercial causes;
- (b) for regulating the pleading, practice, and procedure in such causes and the costs of proceedings therein.

9. Subject to this Act and the rules made thereunder, all enactments and rules of court in force at the time of the commencement of Rules of court now in force. this Act relating to actions at law shall apply to commercial causes :

15 Provided that where any provisions in respect of the practice or procedure of the Supreme Court are contained in any Act, rules of court may be made for modifying such provisions in respect to commercial causes to any extent that may be deemed necessary. Additional power as to regulation of practice and procedure by rules of court.

20 10. Nothing in this Act shall extend to or affect any action pending at the commencement of this Act, unless both parties to the action consent thereto. Saving.

Commonwealth of Massachusetts

That the said Board of Commissioners of the Public Health and Safety be and they are authorized to make and execute such rules and regulations as may be necessary and proper to carry into effect the provisions of the Act in that behalf made.

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