



S U P P L E M E N T  
TO THE  
V I C T O R I A  
G O V E R N M E N T G A Z E T T E

OF WEDNESDAY, FEBRUARY 23, 1853.

Published by Authority.

No. 10.]

FRIDAY, FEBRUARY 25.

[1853.]

RULES AND REGULATIONS OF THE  
COUNTY COURT OF GRANT, AND  
THE NORTH EASTERN COUNTY  
COURT.

WHEREAS pursuant to an Act of the Lieutenant Governor and Legislative Council of the Colony of Victoria made and passed in the sixteenth year of the reign of Her present Majesty Queen Victoria, intituled, "*An Act to make provision for the better Administration of Justice in County Courts in the Colony of Victoria*" (assented to 23rd September, 1852), His Excellency the Lieutenant Governor by proclamation in the *Government Gazette* of the 5th day of January, 1853, established (among others) two Local Courts, to be called respectively "The County Court of Grant," and "The North Eastern County Court," and defined the limits and boundaries of the jurisdiction of the same respectively; and whereas it is amongst other things enacted in the said Act, "That it shall be lawful for the Judge of any County Court from time to time to make and prescribe such Rules and Regulations touching and concerning the forms of process and pleading, the taking the examination of witnesses and allowing the same as evidence, the mode of executing all process of the Court, the admission of counsel and attorneys, the fees to be lawfully demanded in such Court or by the attorneys practising therein, and the practise and manner of proceeding in all actions to be brought therein, and all other matters and things whatsoever for the conduct and dispatch of business in such Court as he may deem applicable and advantageous,

No. 10.—FEBRUARY 25TH, 1853.—1.

"and such Rules from time to time to amend, alter, or revoke: Provided however that every such Rule shall be forwarded by the said Judge to the Prothonotary or other proper officer of the Supreme Court of the said Colony, to be by him laid before the Judges of such Court, who shall have power to allow or disallow the same; and no such Rule or Regulation shall have effect until it shall have been published in the *Government Gazette*; and every Rule when so allowed and published as aforesaid, shall have the like force and effect as if the same had been inserted in this Act." In pursuance of such power the following Rules and Regulations are made and prescribed for each of such Courts by Robert Williams Pohlman, Esq., Judge of such Courts, and allowed by their Honors the Judges of the Supreme Court of the said Colony.

No. 1.

The Schedule of Forms and Scale of Fees hereunto annexed shall form part of these Rules.

No. 2.—Forms to be used.

The Forms shall be used as far as they may be applicable, but may be modified to meet the circumstances of each case.

No. 3.—Undefended cases above £10.

At the hearing of cases where the amount sought to be recovered shall exceed £10, the undefended cases will be heard first, and according to their number in the Cause Book.

No. 4.—Actions to be classified.

Actions shall be divided into two classes: Actions on Contract; and, Actions for Wrong.

All technical distinctions of Forms of Action under each respective class shall be unnecessary; and the term "Damages" shall be held to include Debt, or Demand, as well as Damage, or Damages.

**No. 5.—Clear Days.**

In computation of time, Days shall be interpreted to mean Clear Days, and Sundays and Holidays shall be counted, unless it be required that any act be performed on such days, in which case such act shall be done on the day following any such Sunday or Holiday.

**No. 6.—Plaint. Summons and Service.**

In all cases the Plaints shall be entered at least fourteen days, and the Summons issuing thereupon shall be served together with a Copy of the Plaint and particulars at least ten days prior to the day appointed for the sitting of the Court.

**No. 7.—Mileage to be paid.**

No Summons or Process shall be served by the Bailiff of the Court unless the Mileage Fees, where payable, shall have been previously paid into court by the party suing out the same.

**No. 8.—Service on Soldiers or Marines.**

When the Defendant shall be living or serving on board any Ship or Vessel, or quartered in any Barracks or Cantonment within the jurisdiction of the Court, or serving Her Majesty as a Soldier, Sailor, or Marine, it shall be sufficient to deliver the Summons or other process of the Court to the senior Officer on board, or to the person who may at the time appear to have charge of such Ship or Vessel, or to the Adjutant of the Corps, or any Officer or Sergeant of the Company to which such Soldier or Marine shall belong or be attached.

**No. 9.—Initial of Christian Name.**

If the Initial only of the Christian name of any person be known to either party to any action, it shall be sufficient in any process or pleading to describe such person by the Initial and by his surname.

**No. 10.—Assignees, &c., to be sued as Parties.**

The character of Trustees or of Trustees or Assignees of an Insolvent or Bankrupt, or of Executor or of Administrator, or of persons authorised by Act of Parliament or Council to sue and be sued as nominal parties, shall be taken to be admitted unless denied by plea in writing.

**No. 11.—Partners how sued.**

If Two or more persons jointly sued be partners in trade, service on any one shall be sufficient.

**No. 12.—Defences.**

Defences or Pleas shall be filed five days before the time appointed for the Sitting of the Court, and in cases in which money is paid into Court by Defendant, it must be paid in at the time of filing the Defence or Plea.

**No. 13.—Plea of Tender not to avail without Payment.**

A Plea of Tender before action brought shall not avail as a Defence unless the amount be paid into Court.

**No. 14.—Payment admitted.**

Payment admitted by Plaintiff's Bill of Particulars need not be pleaded.

**No. 15.—Plea denying Handwriting to be sworn to.**

It shall not be necessary for the Plaintiff to prove the Handwriting of any party to a Bill of

Exchange or Promissory Note, Deed, Agreement or Contract in writing made the subject of Plaint unless the handwriting be denied by Plea, and every such Plea must be accompanied by an affidavit of the truth thereof.

**No. 16.—Cases to be called on as entered.**

At each Sitting of the Court, Numerical Lists of the Cases, undefended and defended, shall be prepared by the Registrar of the Court, such Lists to be kept according to the time and order in which the Summonses are taken out; and each Plaintiff shall be required to attend and prosecute his suit at the time and in the order in which his case is called on for hearing.

**No. 17.—Motion for New Trial.**

No motion for a New Trial will be entertained unless notice is given of intention to move before rising of the Court.

**No. 18.—Record Book to be kept.**

The Registrar shall keep a Record Book for causes under £10, and a Record Book for causes exceeding £10, which Books he shall always have in Court upon the trial of the causes, and in which he shall enter all proceedings in the several actions; and also a Cash Book and an Order Book, in which shall be kept a distinct account of all proceedings.

**No. 19.—Material Witness. Postponement.**

If it shall appear to the Court upon oath that any person who is a material witness for either party in any case, doth not attend at the hearing thereof, and that reasonable diligence has been exercised in endeavouring to procure his attendance, the Judge shall at his discretion and upon such terms as he may deem fit, either postpone the hearing to another day then to be appointed by him, or else shall take the examination of such witnesses as appear, and suspend the further hearing of the case to another day.

**No. 20.—Examination of Witnesses "de bene esse."**

Examination of Witnesses *de bene esse* may be taken at any time after plea filed either before the Judge or by the Registrar as may be ordered in each case.

**No. 21.—Interest.**

When the Judgment shall be upon a debt payable with Interest thereon, Interest may be given up to the day of the date of the judgment of the Court, such Interest being calculated at a rate not exceeding 8 per cent.

**No. 22.—Execution of Process. Levy to whom to be paid.**

In every case of an Execution for damages and costs, or for costs only, and of the same respectively being paid to the Registrar, the amount shall be, on demand, paid out by such Registrar to the order of the Suitor to whom the same was awarded, if he shall not have had an attorney, and in such case to the order of such attorney only, and not to the party or his order.

**No. 23.—Execution when to be sued out.**

There shall be two days between the last day of the sitting of the Court and the day on which a party shall be entitled to take out a Writ of Execution, unless the Judge shall certify under his hand that in his opinion execution ought to issue forthwith.

No. 24.—*Goods levied out of Town. Mode of proceeding.*

When any goods are levied upon, in any place not being situated in or being part of any town, the bailiff shall if required by the person whose goods are being levied upon, and on payment of the expense of removal by such person, remove the goods so levied upon to the next town for sale; and in all cases of any sale not being conducted in a town, the bailiff shall post a written notice of such intended sale at the Court House or some convenient public place in the next town, two days previous to such sale taking place.

No. 25.—*Reviving Judgment.*

Notice of intention to apply to revive any judgment, decree or order shall be served, and the service thereof proved within the like time, and in like manner respectively as summonses under rule No. 28.

No. 26.—*When Original shown.*

It shall not be necessary to the service of any notice, summons, particulars, order or rule, that the original should be shown, unless sight thereof be demanded, except in cases where it may be necessary to proceed by attachment.

No. 27.—*Special Summons.*

No Special Summons shall be issued without an affidavit, and every summons or notice shall contain a note of the objection or matter intended to be supported at the hearing.

No. 28.—*Service of Special Summons.*

Special Summons and Notices shall be served one day before the time appointed for the hearing of the matter therein stated.

No. 29.—*Attornies.*

In all cases in which a party appears by Attorney without Counsel, the Attorney shall conduct the case in person, and not by his Clerk or another Attorney.

No. 30.—*Attornies. Filing Bill of Costs.*

Every Attorney at the time of filing his Bill of Costs shall give notice to the opposite party, or his Attorney, if he appear by one, that he will within two days (stating the day and hour), proceed to tax the same before the Registrar of the Court, and should such party or his Attorney neglect to attend at such taxation, the Registrar shall tax the Bill.

It shall be lawful, however, for the Judge at any time on reasonable cause shown, to order a review of or fresh taxation of costs, either generally or in respect of particular items.

No. 31.—*Searches.*

Parties shall be at liberty by themselves or their Attornies to search the Registrar's Office, and to take any copy of such parts of the proceeding as relate to their own causes.

No. 32.—*Unnecessary Witnesses.*

Costs of unnecessary witnesses will not be allowed on taxation.

No. 33.

All costs shall be taxed by the Registrar.

Given under my hand at Melbourne,  
this 18th day of February, A.D.  
1853.

ROBERT WILLIAMS POHLMAN,  
Judge of the County Court of Grant,  
and of the North Eastern County  
Court.

Allowed this 22nd day of February, A.D. 1853.

REDMOND BARRY,  
EDWARD E. WILLIAMS,  
Judges of the Supreme Court  
of the Colony of Victoria.

*SCHEDULE OF FEES.*

ATTORNEY'S COSTS IN CAUSES FOR SUMS  
EXCEEDING TEN POUNDS.

*For the Plaintiff.*

	£	s.	d.
Letter before Action (if sent).....	0	2	0
Instruction to sue .....	0	6	8
Issuing Writ of Summons, Drawing and copying Plaintiff and Bill of Particulars	0	7	6
If above four folios of ninety words, 1s. per folio, in addition			
Attending searching if Summons served and if Plea or Defence filed, and to bespeak Copy thereof .....	0	3	4
Each Subpœna, including not more than Five Names exclusive of service.....	0	1	0
Copy and service on each Witness in Town .....	0	2	0
Attending Court on Trial, not exceed- ing .....	5	0	0
Obtaining an Appointment to Tax Costs by Registrar .....	0	3	4
Copy and Service of such Appointment	0	3	0
Drawing Bill of Costs and Copy, not exceeding.....	0	3	0
Copy for Defendant or his Attorney...	0	2	0
Paid Taxing .....	0	3	0
Attending Taxing Costs.....	0	6	8
Affidavit of increase (when necessary)	0	5	0
Issuing Execution .....	0	3	0
Preparing Brief where Counsel em- ployed .....	0	13	4

ATTORNEY'S COSTS IN CAUSES FOR SUMS  
EXCEEDING TEN POUNDS.

*For the Defendant.*

	£	s.	d.
Instructions for plea or defence .....	0	6	8
Attending searching if Plaintiff filed and to bespeak a Copy .....	0	3	4
Drawing Plea, Set off or Defence, and Copy, if not exceeding four folios ...	0	7	6
If exceeding four folios, per folio .....	0	1	0
Every Subpœna, exclusive of service...	0	1	0
Copy and service on each Witness in Town .....	0	2	0
Attending Court on Trial, not exceeding	5	0	0
Obtaining an appointment to tax Costs	0	3	4
Copy and service of such Appointment	0	3	4
Paid Taxing .....	0	3	0
Attending Taxing Costs.....	0	6	8
Issuing Execution .....	0	3	0
Affidavit of increase (when necessary)	0	5	0
<i>Allowance to Witnesses.</i>			
Gentlemen and Professional Men per day, not exceeding ...	1	1	0
Tradesmen and Clerks, do .....	0	10	6
Laborers and Mechanics, do .....	0	7	6
Travelling Expenses, per Mile, one way beyond five Miles from the place where the Court sits .....	0	1	6

MISCELLANEOUS.

	£	s.	d.
For attending on Judge on a Special Summons, not exceeding .....	0	13	4

	£	s.	d.
Drawing Special Affidavit or other necessary Documents, exceeding three folios, per folio of ninety words .....	0	1	0
Fair Copy of ditto, per ditto .....	0	0	6
Drawing and copying any Common Affidavits .....	0	4	0
Drawing Summons or Order, or any other necessary Documents, not exceeding three folios .....	0	3	0
Making Fair Copy thereof .....	0	1	0
Every common attendance .....	0	3	4
Drawing and entering Order .....	0	5	0
Attending to get same signed by the Judge .....	0	3	4
Copy and Service .....	0	3	4
Attending to demand performance of Order, &c. ....	0	3	4

#### Assessors' Fund.

That in the trial of all cases in which the attendance of Assessors is required, a fee of 2s. 6d. as a fee of office, to be entitled the "Assessors' Fund," shall be paid to the Registrar of each Court by the party prevailing in the suit, to be charged as costs in the case against the opposite party; which fee shall be paid at the hearing of the case, or before the party so prevailing is entitled to an execution on the Judgment obtained by him.

#### OFFICE FEES.

The fees payable in the Office of the Registrar shall be according to the amount sued for as regulated by the undermentioned scale, that is to say:—

	£	s.	d.
For every search or Copy .....	0	0	6
When the sum sued for does not exceed £5 .....	0	3	0
For entering every Plaint .....	0	3	0
For Writ of Execution .....	0	3	0
Between £5 and £10 .....	0	6	0
Execution .....	0	3	0
Between £10 and £20 .....	0	10	0
Execution .....	0	5	0
Between £20 and £50 .....	0	15	0
Execution .....	0	6	0
Taxing Costs .....	0	3	0

#### BAILIFF'S FEES.

	£	s.	d.
Levy or Caption fee .....	0	1	0
Conveying a Debtor to Gaol, per mile .....	0	1	0
Possession money, (if person left in charge,) not exceeding per day .....	0	10	0
Mileage on Summons, or other process executed by Bailiffs of the Court, commencing five miles beyond the limits of the (Towns of Geelong or Kilmore, as the case may be,) or place where Court is holden, per mile .....	0	1	0
Where execution is served by Special Bailiff, no mileage allowed.			

#### SCHEDULE OF FORMS

REFERRED TO IN THE ABOVE RULES.

##### PLAINT.

*In the County Court* } Between A. B.,  
of } of  
Plaintiff and C. D., of Defendant.  
A. B., of (or by E. F. his  
Attorney) complains of C. D., of in an  
action (on Contract or a wrong) For that

(here state the facts constituting the cause of action, as for instance in an action for Work and Labour, or other simple contract debt, "The Plaintiff says that he has performed work "and labour for the Defendant according to a "bill of particulars annexed, and he seeks to "recover the amount of such bill in this action." [or] The Plaintiff says that the Defendant wrongfully detains from him one horse of the value of £40; [or] that the Defendant wrongfully entered and remained on his land.)

##### Particulars of Plaintiff's demand.

The following are the particulars of the Plaintiff's demand in this action.

C. D. Dr. to A. B.,  
Signed, A. B.

##### Set out the items.

Note.—In all actions a bill of particulars shall be annexed, in which all just credits should be admitted.

##### Summons.

*In the County Court* }  
of }  
No.

Between A. B., Plaintiff,  
and  
C. D., Defendant.

You are hereby summoned to appear at a County Court, to be holden at on the day of 185, at the hour of in the forenoon; to answer the Plaintiff to a claim (for a wrong or upon a contract) the particulars of which are hereunto annexed.

Given under the seal of the said Court, this day of 185.

Claim £  
Costs £

Registrar.

To the above named defendant.

NOTE.—If you have any defence to the demand, or admit the whole or part thereof, the defence or admission, accompanied by payment of the amount thereof into Court, must be made respectively five days before the day of appearance.

Endorsed]

*County Court of*

No. Plaintiff.

v.

Defendant.  
Sittings, 185.

maketh Oath that he served the within Summons on the within named Defendant, by delivering on the day of 185.

Sworn at

this

day of 185, before me.  
Registrar of the County Court.

##### DEFENCE.

*In the County Court* } A. B.,  
of } of  
No. Plaintiff,  
v.  
C. D., of

Defendant.

TAKE NOTICE that upon the hearing of this Cause the Defendant intends to give in evidence and rely upon the following grounds of defence in answer to this action.

Dated this day of 185.  
(Signed)

To A. B., the above-named Plaintiff  
(Here state the defence, as for instance)—  
1st.—Infancy.  
2nd.—Coverture.  
3rd.—Statute of Limitations, &c., &c.  
4th.—That the Defendant is a certificated  
insolvent, &c., &c.  
5th.—Payment.  
6th.—Tender.  
7th.—Set off.

Or such other Defence as may be intended to be  
relied on, in ordinary language, with particulars.

WRIT OF EXECUTION, OR FIERI FACIAS.  
*Execution against Goods, Effects, and Personal  
Property.*

No.  
*In the County Court* } A. B., Plaintiff,  
of } v.  
} C. D., Defendant.  
TO Bailiff of the County Court of  
and to the  
Deputy Bailiffs duly authorised and appointed to  
execute the process of this Court, and to each  
and every of them.

WHEREAS at a County Court duly holden  
at on the day of 185 , before  
Esq., the Judge of the said  
Court, the said Plaintiff, by the Judgment of the  
said Court in a certain suit wherein the said  
Court had Jurisdiction, recovered against the  
said Defendant the sum of pounds  
shillings and pence, for certain damages by  
him sustained, together with the Costs of this  
Suit by the said Plaintiff in that behalf expended  
amounting in the whole to the sum of pounds  
shillings and pence. And whereas the  
said sum has not been paid, these are therefore  
to require you forthwith to make and levy by  
distress and sale of the goods, chattels, choses in  
action and other personal property of the said  
Defendant, within the jurisdiction of this Court,  
of or to which the above Defendant is or may be  
possessed or entitled, or which he can either at  
law or equity assign or dispose of, (except the  
wearing apparel and bedding of the Defendant  
and his family, and his tools and implements of  
trade, not exceeding in the whole £10), and also  
to seize any monies, bank notes, cheques, bills of  
exchange, promissory notes, orders for the pay-  
ment of monies, or other negotiable securities the  
property of the said Defendant, which may be  
there found, or such part or so much thereof as  
may be sufficient for the satisfying of this execu-  
tion and the costs of making and satisfying the  
same. And what you shall do herein certify  
and return to the Court at the expiration of  
one calendar month from the date hereof, or  
immediately after the writ shall be executed,  
if that shall sooner happen.

Given under the Seal of the Court, this  
day of 185

£ s. d. By the Court.

Damages.....  
Costs .....  
Execution .....

Registrar.

Total.....

N.B.—Bailiff to certify at back, &c.  
No. 10.—FEBRUARY 25TH, 1853.—2.

*Reference to Arbitration.*  
*In the County Court* }

of  
Upon its being notified to me by the written  
Memorandum of Agreement, signed by both par-  
ties (or their agent) and naming the Arbitrators  
that the said parties have agreed to refer the  
matter in dispute to arbitration, I order that the  
same be referred to A. B., of , and C. D.,  
of , (the Arbitrators so named as afore-  
said) whose award to be made before the  
day of 185 , and Judgment in accordance  
therewith shall be given.

Dated this day of 185  
Judge of the said Court.

*Interpleader's Notice under s. 65.*

To C. D., Bailiff,  
*In the County Court of* }  
in the }  
*Colony of Victoria.*

A. B., Plaintiff,

v.  
E. F., Defendant.

You are hereby directed to stay the Sale of the  
goods and chattels of the (Plaintiff or Defendant  
as the case may be) in this case until further  
order.

Given under the Seal of the Court, this  
day of 185

A. B., Registrar.

WRIT OF EXECUTION AGAINST THE BODY, OR  
CAPIAS AD SATISFACIENDUM.

*In the County Court of* } A. B., Plaintiff,  
v.  
} C. D., Defendant.

TO Bailiff of the County Court of  
in the Colony of Victoria, and to  
Deputy Bailiffs duly authorised and appointed to  
execute the process of this Court.

And to the Keeper of the Gaol of in  
the County of and to each and every of  
them

WHEREAS at a County Court duly holden  
at on the day of 185 , the  
above-named in a certain suit wherein  
the said Court had jurisdiction, recovered against  
the above named the sum of  
pounds shillings and pence for his  
damages (or costs as the case may be,) together  
with the sum of pounds shillings  
and pence, the costs of the said suit,  
amounting together to the sum of pounds  
shillings and pence, and whereas  
the said not having been paid the  
said sum of pounds shillings and  
pence, it was ordered by a special order of the  
Judge of the said County Court bearing date on  
the day of 185 That the said  
should be arrested in execution accord-  
ing to the provisions of the Act of Council in  
that case made and provided, until the said  
judgment and costs (or costs, as the case may be),  
and the costs of this execution, amounting alto-  
gether to the sum of pounds shillings  
and pence should be paid, or until he  
should be discharged by due course of law.

These are therefore to require you the said Bailiff to take the said and to deliver him to the keeper of the said gaol, and you the said keeper of the said gaol are hereby required to receive the said and him safely to keep in the said gaol of until the said sum of pounds shillings and pence be duly paid, or until he be sooner discharged by due course of law. For which this shall be your sufficient warrant.

Given under the Seal of this Court, this day of 185

Registrar.

£ s. d.  
Judgment.....  
Costs.....  
Execution.....

SPECIAL WRIT OF EXECUTION, OR FIERI FACIAS.  
To the Registrar for the Sale of Lands, Tenements, and Hereditaments.

In the County Court of } A. B., Plaintiff,  
v.  
C. D., Defendant.

TO Registrar of the County Court of

In pursuance and by virtue of a Judgment (order, decision, as the case may be), of the County Court of made on the day of 185, you are hereby required by yourself or your deputies to levy of all and singular the lands, tenements, and hereditaments of the said within the jurisdiction of this Court, the sum of pounds shillings and pence, being the amount of damages, together with the costs of the suit, (or being the amount of Costs) which by the said judgment or order of the Court has been recovered against the said by the said and to seize and take under this Writ, and to cause to be sold all and singular the said lands, tenements, and hereditaments within the jurisdiction of this Court, of or to which the Defendant in the said Writ named, is or may be seized, or entitled, or which he can either at law or in equity assign or dispose of.

And what you shall do herein certify and return to this Court at the expiration of one calendar month from the date hereof, or immediately after this Writ shall be executed, if that shall sooner happen.

Given under the Seal of this Court, this day of 185

By the Court,  
Registrar.

£ s. d.  
Damages.....  
Costs .....

PRECEPT OR AUTHORITY BY THE REGISTRAR TO DEPUTIES FOR THE SALE OF LANDS, TENEMENTS AND HEREDITAMENTS, AND WHICH MAY BE ENDORSED ON THE PRECEDING FORM.

In the County Court of }

TO

In pursuance and by virtue of the Writ of Execution within, I do hereby appoint and duly authorise you under my hand and seal as my

deputy to seize and take, and to cause to be sold all and singular the lands, tenements, and hereditaments within the jurisdiction of this Court, of or to which the may be seized or entitled, or which he can either at law or in equity assign or dispose of.

Given under my Hand and Seal, this day of 185

CONSENT TO GIVE THE COURT JURISDICTION.  
In the County Court of }

Between A. B., Plaintiff,  
and C. D., Defendant.

Memorandum that the undersigned being (the parties or attorneys of the parties in this cause), knowing that the sum sought to be recovered in this action exceeds the sum of £50, do hereby consent and agree that that the above named County Court shall have power to try the same.

Dated

E. F., Plaintiff (or Attorney  
for Plaintiff.)  
G. H., Defendant (or Attorney  
for Defendant.)

SUMMONS TO ASSESSORS.

In the County Court of }

To of  
You are hereby summoned to appear and serve as an Assessor in this Court, at on the day of 185, at the hour of in the forenoon, upon the trial of several cases to be then and there tried by Assessors, and in default of attendance you will be liable to a fine of £10, by the 19th section of the 16th Victoria, No. 11.

Given under the Seal of the Court this day of 185

Registrar.

ORDER FOR COSTS OF NONSUIT.

In the County Court of }

A. B., Plaintiff,  
v.

C. D., Defendant

It appearing to the Court here that the Plaintiff herein has failed to appear on the day of (being the day appointed for the trial of this cause,) to prosecute the same against the Defendant (or failed to prove his demand, as the case may be), it is awarded and ordered by the Judge of the said Court, that the sum of £ shall be paid by the plaintiff to the defendant forthwith (on or before the day of 185) by way of costs and satisfaction for his trouble and attendance of himself and witnesses in that behalf.

Given under the Seal of this Court this day of 185

Registrar.

By the Court.

AGREEMENT UPON TERMS.

In the County Court of }

A. B., Plaintiff,  
C. D., Defendant.

It is hereby agreed by and between A. B., the above named Plaintiff, and C. D., the above named Defendant, in the Presence of the Re-

gistrar of the Court that Judgment be entered for the Plaintiff for the sum of £       payable as follows, that is to say,—

Dated

C. D.  
A. B.

Signed in the presence of me  
Memorandum.—Judgment entered up on the said agreement this       day of       Registrar.

#### SUBPÆNA.

In the County Court }  
of       }  
A. B.       of       Plaintiff,  
and  
C. D.       of       Defendant.  
To       (not more than 5 names.)

You are hereby severally required to attend at the Court House at       on the       day of       185       at the hour of       o'clock in the forenoon, to give evidence in the above cause in behalf of the above named       and then and there produce       and all other books, papers, writings, and other documents relating to the said action which may be in your custody, possession, or power.

In default of your attendance without sufficient excuse, you will be liable to be punished in a summary way for contempt, by imprisonment for six months or fine of £50, under the statute of 16 Vic., No. 11, sec. 70.

Given under the Seal of the Court this       day of       185

Registrar.

#### ORDER UPON DISOBEDIENCE OF SUBPÆNA.

In the County Court of       }  
A. B.       of       Plaintiff.  
and  
C. D.       of       Defendant.

Whereas it has been made to appear to the Court that       was duly served with a subpoena to appear as a witness in this action at the County Court of       at       on the       day of       185       (or to produce, as the case may be) and that payment (or a tender of payment) of his reasonable expenses was duly made to him the said       and whereas the said       did neglect to appear and give evidence, &c.,       in obedience to the said subpoena or (having appeared in pursuance of the said subpoena did wilfully refuse to be sworn or answer a lawful question without sufficient excuse) in the said action (or to produce any papers, &c.)

Now I, Judge of the said Court, do hereby order that the said       shall pay the sum of       for such neglect (or refusal) to the Registrar of this Court on or before the       day of       185       and that such fine shall go to Her Majesty for the public uses of the Colony and in support of the Government thereof. And I do further order that if such fine be not paid within the time hereinbefore limited for the payment thereof, the said       shall be imprisoned in Her Majesty's Gaol at       for the space of       months, unless such fine shall be sooner paid.

Given under my seal this       day of       185

Judge.

#### NOTICE FOR NEW TRIAL.

In the County Court of       }  
in the Colony of Victoria.       }

A. B.       of       Plaintiff,  
and  
C. D.       of       Defendant.

Take notice, that I intend, on the       day of       (within two days of the sittings) to apply to the Judge of this Court for a New Trial of this Cause, and in the mean time to stay the proceedings herein.

Dated this       day of       185

A. B.,

the said Plaintiff or Defendant.  
To the said Defendant or Plaintiff.

#### MEMORIAL OF JUDGMENT WHERE PARTY HAS BETAKEN HIMSELF TO ANOTHER JURISDICTION.

A Memorial, to be filed, pursuant to the County Courts' Act, 16 Vic., No. 11, Sec. 52, by the Registrar of the County Court of       of a Judgment of the County Court of       of the       day of       between A. B.

plaintiff, and C. D.       defendant.  
No.       in an Action on Contract  
or for money. Damages,       pounds,  
shillings, and       pence. Costs,       pounds,  
shillings, and       pence, in all amounting  
to the sum of       pounds,       shillings,  
and       pence.

Signed, A. B.

Upon the application of A. B.,       in whose favor the above Judgment was pronounced in the above Action, I do hereby certify that Judgment was pronounced in the above Action, the       day of       185       as set out in the Memorial signed by the said Applicant (or by the Attorney of said plaintiff or defendant, as the case may be.)

Given under the Seal of the Court, this       day of       185

Registrar.

#### WARRANT FOR CONTEMPT.

In the County Court }  
of       }  
To       Bailiff of the County Court of  
and to the Keeper of Her Majesty's

Gaol, at       WHEREAS A. B.       of       was this day convicted before me       Judge of the County Court of       on my view, (or on the oath of       a credible witness) for that the said       did wilfully interrupt the proceedings of the said Court holden before me at this       day of       185       (or did conduct himself disrespectfully to me the said Judge of the said Court and sitting therein, or did assault &c., [as the case may be,] or being a witness at such Court, in an Action wherein       was Plaintiff, and       Defendant, did prevaricate in giving his evidence) and it was adjudged by me that the said A. B., for his said contempt and offence should be imprisoned in Her Majesty's Gaol at       for the space of       (or should pay a Fine, the sum of       pounds shillings, and       pence, into the hands of the Registrar of this Court.) And it

was further adjudged that if the said Fine should not be forthwith paid that the said should be imprisoned in the

Gaol, at for the term of calendar Months, unless such fine should be sooner paid: And whereas the time in and by the said conviction limited for the payment of the sum of pounds, shillings, and has elapsed and the said has not paid the sum of pounds, shillings, and pence, nor any part thereof.

These, therefore, are to command you the said Bailiff to take the said and him safely to convey to the Gaol at aforesaid, and there to deliver him to the Keeper thereof with this precept.

And I do hereby command you, the said Keeper of the said Gaol to receive the said A.B., into your custody in the said Gaol there to imprison him for the space of unless the said sum of pounds, shillings, and pence shall be sooner paid; and for which this shall be your sufficient warrant.

Given under the Seal of this Court this day of 185

By order of the Judge of the Court,  
Registrar.

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