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Colonial Secretary's Office,
Melbourne, 1st February, 1854.

SUPREME COURT.

HIS Excellency the Lieutenant Governor directs it to be notified that, in pursuance of the provisions of the Act of the Colonial Legislature, 15th Victoria, No. 10, intituled, "*An Act to make provision for the better Administration of Justice in the Colony of Victoria*," the following Rules of Practice of the Supreme Court have been transmitted to His Excellency by their Honors the Judges, and will be forwarded, as soon as conveniently may be, to the Right Honorable the Secretary of State for the Colonies, for Her Majesty's approval or disallowance thereof.

By His Excellency's Command,
JOHN FOSTER.

RULES for Regulating the Pleading and Practice, and establishing the Amount of Fees, Costs, and Charges, to be paid in the Supreme Court of the Colony of Victoria.

WHEREAS by an Act of the Lieutenant Governor and Legislative Council of the Colony of Victoria, passed in the fifteenth year of her present Majesty Queen Victoria, intituled, "*An Act to make provision for the better administration of Justice in the Colony of Victoria*," being No. 10, it was amongst other things enacted:

"That it shall be lawful for the said Court, from time to time, to make such rules for regulating the forms of process, and mode of pleading in the said Court, and for the practice of the same in all its various departments, and for fixing the amount of fees and costs to be lawfully demanded by the Master in Equity, Registrar, Prothonotary, Keeper of the Records, or other Officers of the said Court, for or in respect of the several proceedings and matters in their respective Offices in the said Court; and also the amount of all fees and costs to be allowed in respect of all other matters, at any time depending in the said Court; and also for the government and conduct of the officers and ministers of the said Court; and for regulating the admission of barristers, and of attorneys, solicitors, and proctors to practise therein; and also the qualification of candidates to practise as barristers, and as attorneys, solicitors, and proctors, in the said Court; and for regulating the examination, or further or renewed examination of such candidates, and the several departments of literature, science, and law, in which respectively such candidates are to be examined; and for fixing the amount of fees and costs to be paid by them, and the mode of application of the same, as to the said Court shall seem meet; and such rules from time to time to repeal, vary, and alter, as occasion may require: Provided that every such rule when so by such Court made, shall be by it sent to the Colonial Secretary of the said Colony, and by him laid before the Legislative Council thereof without delay. And it shall be lawful for the said Legislative Council, at any time within one calendar month after the same may have been laid before such Council, to present an address to the Lieutenant Governor of the said Colony to disallow any such rule, who, if he think fit, shall disallow the same accordingly; and if after having been so laid before the said Legislative Council, for such time, no such address be presented, such rule shall be published in the *Government Gazette* of the said Colony; and every such rule, save as hereinafter provided, shall take effect from the promulgation thereof by the said Court, and shall have the same force and efficacy as if inserted in this Act, unless disallowed as herein mentioned: Provided that no such rule relating to any fee to be taken

in any office in any department of the said Court, or to any costs to be paid, shall have any effect until after the same shall have lain for one calendar month upon the table of the Legislative Council, and have been published in the *Government Gazette*, as hereinbefore mentioned: Provided that a copy of every such rule shall, with all convenient dispatch, after the same has been published as aforesaid, be forwarded by the said Lieutenant Governor to Her Majesty's Principal Secretary of State for the Colonies, for Her Majesty's approval or disallowance thereof, as to Her Majesty shall seem meet: Provided also, that all the rules and orders for regulating the process, pleading and practice, and other matters hereinbefore enumerated in use in the Supreme Court of New South Wales, for the District of Port Phillip, at the time of the commencement of this Act, shall continue and be in force in the said Supreme Court of the Colony of Victoria, until repealed by rules made by virtue of the provisions herein contained, except so far as any of them may be inconsistent with, or repealed by, the provisions of this Act."

And whereas it is expedient to repeal the said rules, and to substitute others in lieu thereof.

It is ordered that from and after the first day of February, which will be in the year of our Lord 1854, the Rules of Practice now in force in the Supreme Court of the Colony of Victoria, shall be repealed, save and except those which relate to proceedings in Insolvency; and that instead thereof the following shall be substituted:

Provided that all actions, suits, and other proceedings then depending in the said Court, shall be continued and concluded under the rules now in force.

CHAPTER I.

THE SUPREME COURT.

Court House in La Trobe-street. THAT the Supreme Court of the Colony of Victoria be held in the Court House, in La Trobe-street, or at such other place within the said Colony as the Judges of the said Court shall direct, and at such times as the said Judges shall appoint.

Offices of the Supreme Court.

Offices of the Supreme Court. 2. That the respective offices of the Master in Equity, Chief Commissioner of Insolvent Estates, Prothonotary, Taxing Officer, Sheriff, and Deputy Sheriff, be held in the said Supreme Court House, or at such other place as the said Judges shall direct; and that all instruments and proceedings which by law or usage require to be enrolled, recorded, filed, or registered, in any of the said offices, shall be so enrolled, recorded, filed, or registered, in each of the said offices, respectively, by the proper officers thereof.

Proceedings. 3. That the proceedings of the Court, in its several jurisdictions, be commenced, continued, and written in a clear, legible hand, on foolscap paper, of uniform size, and shall be distinguished as follows: In the Supreme Court of the Colony of Victoria.

As the case may be.	{	At Law. In Equity. In Insolvency. In its Ecclesiastical Jurisdiction.
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And that judgment rolls be written on parchment (27 inches by 9 inches.)
Testing of Process. 4. That all writs and process issued out of the various offices of the said Court shall be tested in the name of the Chief Justice, and signed and sealed with the official seal of the said Court, by the Master in Equity, Chief Commissioner of Insolvent Estates, Prothonotary, or Sheriff, as the case may require.

Routine of Business of the Court.

Routine of Business. 5. That there shall be four sittings before term in each year, for the assessment of damages, and trial of causes, which shall be held in Melbourne, and called as follows:—

Nisi Prius Sit-tings. First sittings to commence March First, and end March Fourteenth.
Second sittings to commence May First, and end May Fourteenth.
Third sittings to commence August First, and end August Fourteenth.
Fourth sittings to commence November First, and end November Fourteenth.
Provided that if the first or last day of either of the said sittings shall fall upon a Sunday, the same shall commence or end, as the case may be, on the Monday following.

Terms. 6. That there shall be four terms in each year, which shall commence and end as follows:—
First term to commence March Twenty-first, and end April Fourth.
Second term to commence May Twenty-first, and end June Fourth.
Third term to commence August Twenty-first, and end September Fourth.
Fourth term to commence November Twenty-first, and end December Fourth.
Provided that if the first or last day of either of the said terms shall fall upon a Sunday, the same shall commence or end, as the case may be, on the Monday following.

Time of holding Criminal Sessions. 7. That the Criminal Sessions of the Court shall be held once, at least, in every month in the year, excepting January, on such days of the said month as may from time to time be appointed by the Judges thereof.

Nisi Prius Paper. 8. That a list of the causes for trial shall be made out by the Prothonotary one week before each Nisi Prius sittings; and when the number of causes for trial may render it necessary that two of the Judges shall sit, simultaneously, two separate Cause Lists shall be so made and published, and exhibited in the rooms of the Associates of the Judges.

Court Paper. 9. That on each day when the Court sits in banco, there shall be a paper, called the Court

Paper, in which shall be entered all matters set down for argument in banco, and shall distinguish the business, as it may relate to the Crown, or common law, equity, insolvency, or ecclesiastical jurisdiction of the said Court, and the said paper shall be regularly called on every day, after the Bar has been gone through, and the motions of course heard; and the Master in Equity, Chief Commissioner of Insolvent Estates, or Prothonotary, as the case may be, shall attend in Court, as the business relating to the several descriptions of business shall be respectively called on, and each shall have with him in Court all the papers in his custody, relating to each matter so called on.

10. That during term no business shall be transacted in Chambers, except such as is by the practice of the Courts of Westminster, usually transacted in Chambers, at that time, or as is by any Act of Parliament, or of Council authorised, or as the necessity of the case may require, to be made the subject of application to a single Judge; and on every Thursday in term the Crown business shall take precedence. Chamber Business.

11. That the said Court shall sit in banco, and in equity, every Thursday out of term, except during the recess, or unless the same shall be a holiday, in which case it shall sit on the Friday following; and when the Court shall so sit in banco, and in equity, out of term, matters in its equity, insolvency, and ecclesiastical jurisdiction, will be heard, and at the sitting and rising of the Court, motions strictly of course may be made. Banco Day out of Term.

12. That the Court may give judgment in any case on any day upon which the Court may sit in banco out of term, and every judgment shall be entered of record, on the day of the month, and year, whether in term or vacation, when signed, and shall not have relation to any other day: Provided that the Court, or any Judge, may order any judgment to be entered *Nunc pro tunc*. Giving and Signing Judgment.

13. That the officers in each of the said offices shall attend every day, except on holidays, from half-past nine o'clock in the forenoon, until half-past three o'clock in the afternoon: Provided that the offices shall be open to the public from ten o'clock in the forenoon to three o'clock in the afternoon only. Office Hours.

14. That the following days shall be kept as holidays at the said offices: New Year's Day, and the three following days, Good Friday, the Saturday following, and Easter Monday and Tuesday, Her Majesty's Birthday (May 24th), the Anniversary of the Separation of the Colony of Victoria from the Colony of New South Wales (July the 1st), Christmas Day, and the three following days: Holidays.

Provided that when any holiday falls on a Sunday, it shall be kept on the next day after such Sunday.

15. That from the Twenty-third of December to the First of February, no pleadings shall be delivered, nor any other ordinary proceedings carried on, in the said Court, in any branch of its jurisdiction, nor shall any time run for the return of any process, or for pleading, or doing any act at law, or in equity, during that period: Recess.

Provided that this rule will not prevent the issuing of any initiatory or mesne process, nor prevent the application for, or granting of, any writ of *habeas corpus*, *habeas corpus*, prohibition, sequestration, or other writ or process of a like nature, rendered necessary by the special exigency of any particular case.

CHAPTER II.

BARRISTERS, ATTORNEYS, SOLICITORS, PROCTORS AND CONVEYANCERS, AND CANDIDATES FOR ADMISSION IN EITHER OF THOSE BRANCHES.

THAT no person be admitted to practise as a Barrister in the said Court, unless he shall have been duly admitted as a Barrister or Advocate in some one or other of the Queen's Superior Courts of Record, in Great Britain or Ireland; or unless he shall have submitted to be examined in the manner hereinafter provided. Who are to be admitted as Barristers.

2. That previous to the application for admission to practise in the said Court, made by any Barrister or Advocate admitted in any of the Queen's Superior Courts of Record in Great Britain or Ireland, he shall submit his certificates of admission to the Board of Examiners of the Supreme Court for Barristers, or account for the non-production thereof; and the said Board shall report thereon to the Judges: and after such report has been made, the admission of such Barrister may be moved by any Barrister of the said Court, or by himself on any day on which the said Court sits in banco. Admission moved on Report of Board of Examiners for Barristers.

3. That there shall be two Boards of Examiners in the said Court, which shall be respectively called "The Board of Examiners of the Supreme Court for Barristers," and "The Board of Examiners of the Supreme Court for Attorneys." Board of Examiners for Barristers and Attorneys.

4. That the Board of Examiners of the Supreme Court for Barristers shall consist of Her Majesty's Attorney and Solicitor General of the said Colony, and three practising Barristers of the said Court, who shall be elected annually, in the month of February in each year, by the practising Barristers of the said Court; and until such election it shall be competent for the said Judges to nominate such practising Barristers: Provided that should any vacancy in the said Board at any time occur by the removal, death, or resignation of any elected member, or otherwise howsoever, the same may be filled up by the election of any other practising Barrister. Constitution of Board of Examiners for Barristers.

5. That each practising Barrister of the said Court desirous to vote, shall, on or before the 10th day of February in each year, signify in writing, signed by him and addressed to the said Board, the names of the practising Barristers whom he proposes shall act for the ensuing year as members of the Board; and the Board shall nominate as such members those for whom the highest number of votes is given. Election of practising Barristers.

6. That the Board shall meet as occasion may require, and may adjourn its meetings if deemed necessary. Meetings of the Board. Adjournment.

Quorum.

That three members shall form a quorum for the transaction of business, and the majority of the members present shall decide all questions which may arise; and in case of an equality of votes at any such meeting, the Chairman presiding thereat shall have a casting as well as a deliberative vote.

Secretary.

7. That such person as the Board shall from time to time appoint, shall be and act as the Secretary thereof.

Board may examine Candidates.

8. That the said Board may either by all or any number of its members, or by any competent person or persons appointed by it, conduct the examination of all candidates in such order, and on such days and times, as may be fixed.

Qualification of Candidates not previously admitted.

9. That every person applying to be admitted to practise as a Barrister, not previously admitted as a Barrister or Advocate in any of the Queen's Superior Courts of Record in Great Britain or Ireland, must be a natural born or naturalised British subject, of the full age of twenty-one years, of good fame and character; and during the three years next preceding the time he submits himself to be examined, he shall reside in the Colony of Victoria, and must not be engaged in any trade or business, or practise as an Attorney, Solicitor, Proctor, or Conveyancer, or act as a clerk or writer to any such person, or to any Barrister: Provided that if such person be compelled or desire to leave the Colony, in consequence of ill-health or for any temporary purpose, he shall before his departure give notice in writing to the Secretary of the Board of Examiners, which notice shall specify the time of his projected departure, the true cause of his intended absence, and the probable duration thereof; and the time of his absence from the said Colony shall not be included in the said period of three years, unless the Board shall think proper to allow the same.

Certificate A to be lodged with the Secretary three years before notice of examination.

10. That every such person must, three years at least before he gives notice of his desire to be examined as a candidate for admission, cause to be delivered to the Secretary of the Board of Examiners for Barristers, a Certificate in the form, or to the effect of that in the Schedule to this chapter annexed, marked A, which certificate shall be signed by three respectable persons at the least.

And the Secretary shall thereupon file such Certificate, and enter the receipt thereof amongst the proceedings of the Board, and forward, without delay, to the Associate of the Chief Justice of the said Court, a copy of the same, and moreover deliver (if it be required) to the person from whom he receives the certificate, an acknowledgment in writing, setting forth the nature thereof, and the time when the same was lodged with him, which, should other proof fail, shall be sufficient evidence of the time when such Certificate was delivered by such person.

Examination of Candidates for admission as Barristers.

11. That every such person must submit to be examined in the ancient Greek and Latin classics, in mathematics or logic, history and law, and in such other branches of knowledge and science as the Board of Examiners of the Supreme Court for Barristers may from time to time direct: and he shall, before the commencement of the term next preceding that in which he shall propose to be admitted, cause to be delivered to the Secretary of the said Board a Certificate, in the form or to the effect in the Schedule to this chapter annexed, marked B, which Certificate shall be signed by two practising Barristers of the said Court; and he shall also, at the same time, cause to be delivered to the said Secretary a notice setting forth the time when, and the names of the works (from amongst those hereafter mentioned) in which he is desirous to submit to be examined: Provided, however, that it shall not be necessary for any such candidate who may have taken the Degree of Bachelor of Arts of either of the Universities of Oxford, Cambridge, Dublin, or Melbourne, to submit to be examined in the ancient Greek and Latin classics, in mathematics, or history.

Appointment, time, and mode of Examination.

12. That the Board, when satisfied as to the character of the candidate, and that these rules have been complied with, shall examine him at any place, day, or hour fixed by them, and notified to him by the Secretary, one week before the time fixed for the examination; and such examination shall be conducted by questions in writing, given to the candidate and answered by him in writing (with his name thereunto signed), in the presence of the Examiners, or one of them; and there shall be a paper on each of the following subjects:—

1. Greek and Latin.
2. Mathematics and Algebra.
3. Ancient History.
4. English History.
5. Universal History.

And five on Law, on the respective subjects of—

1. Real Property and Conveyancing.
2. Common Law Pleading and Practice.
3. Equity and Insolvency.
4. Criminal Law.
5. Evidence and the Law of Contracts.

And each shall contain not fewer than twelve, nor more than eighteen questions, and not more than two hours will be allowed to the candidate for answering one examination paper.

Certificate of fitness and capacity to practise.

13. That no such candidate shall be admitted to practise in the said Supreme Court, unless he shall have procured a certificate, in the form or to the effect of that in the schedule to this chapter annexed, marked C, and shall have, in other respects, complied with these Rules. And such Certificate shall be in force only to the end of the Term next following the date thereof, unless such time shall be specially extended by the Board.

Fee payable on re-examination.

14. That any candidate who shall not satisfy the Board of Examiners as to his fitness and capacity, shall not be entitled to be re-examined until he shall have paid to the secretary the sum of ten guineas, in addition to all other fees, and so on, "*Toties quoties*," as often as he shall apply to be examined.

Works from which questions may be selected.

15. The following works will be those from which the examiners will select the questions for the examination of the candidates:—

FOR BARRISTERS.

Mathematics.

Euclid, Book I.; Hutton's or Butler's Algebra, to Quadratic Equations; Whately's, or any other work on Logic, read in any of the said Universities.

Classics.

Greek.—Any one Book of the Evangelists, or any one Book of Homer's Iliad, or any one Tragedy of Euripides or Sophocles.

Latin.—Any three Orations of Cicero, or any three Books of Virgil, or any one Book of Horace.

History.

Arnold's, or Hook's Rome; Thelwall's, or Grote's, or Mitford's Greece; Hume and Smollett's, or Lingard's England, with continuation; Hallam's Constitutional History; Alison's History of Europe.

Law.

Stephen's Commentaries; Hayes, or Watkins, or Burton, on Conveyancing; Stephen on Pleading; Tidd, or Archbold, or Bagley, or Lush, on Common Law Practice; Daniel, or Smith, or Grant, on Equity Practice; Burton on Insolvency; Russell, or Archbold, on Criminal Law; Phillips, or Starkie, or Greenleaf, or Taylor, on Evidence; Sugden's Vendors and Purchasers, or Smith's Mercantile Law; Smith's Leading Cases.

16. That no person be admitted as an Attorney, Solicitor, or Proctor of the said Supreme Court, unless he shall have been duly admitted as an Attorney, Solicitor, or Writer to the Signet, in some one or other of the Queen's Superior Courts of Record in Great Britain or Ireland, or unless he shall have submitted to be examined in the manner hereinafter provided.

Who are to be admitted as Attorneys.

17. That every person applying to be admitted to practise as an Attorney, Solicitor, and Proctor in the said Court, previously admitted as an Attorney, Solicitor, or Writer to the Signet, in any of the Queen's Superior Courts of Record in Great Britain or Ireland, shall lodge with the Prothonotary, for the satisfaction of the Court, his original or annual Certificate of admission, which shall be returned to him after the hearing or granting of such application, and shall file with the Prothonotary the affidavit on which he seeks admission, together with a copy of the Certificate of his previous admission, which affidavit shall contain the following allegations, viz. :—

Persons previously admitted to file an Affidavit.

1st, That the deponent has been admitted in one of the aforesaid Courts.

2nd, That he has not done, or committed any act or thing which would cause his name to be struck off the Roll of the said Court.

3rdly, That to the best of his knowledge and belief, his name still remains on the said Roll.

4thly, That the copy of the certificate annexed to his said affidavit is a true copy of his admission.

5thly, That he is the person named therein.

6thly, The time when he ceased to practise.

7thly, The time of his arrival in the Colony.

8thly, The name of the ship in which he arrived.

9thly, The mode of his employment from the time he ceased to practise, and

10thly, A reference to two or more respectable housekeepers, resident within the Colony, to whom he is known.

18. That every person so applying, whether previously admitted elsewhere, or not, shall, before the commencement of the Term in which he shall so apply, cause his name and place of abode, written in legible characters, to be stuck up in the office of the Prothonotary, and also on the outer door of the Supreme Court House; and shall moreover cause notice of his intended application to be advertised three several times in two newspapers published in Melbourne, during such Term, and no such admission shall take place except on the last day of such Term.

Publication of Notice.

19. That every person applying to be admitted to practise as an Attorney, Solicitor, and Proctor in the said Court, not previously admitted as an Attorney, Solicitor, or Writer to the Signet, in any of the Queen's Superior Courts of Record in Great Britain or Ireland, must be a natural born or naturalized British subject, of the full age of twenty-one years, of good fame and character; and shall have been articled to an Attorney or Solicitor of any of the Queen's Superior Courts of Record in Great Britain or Ireland, or to a Writer to the Signet in Scotland, or to some practising Attorney or Solicitor in this or any other Colony of Great Britain, and shall have served the full term of five years under such articles, or served the term of five years as Associate of one of the Judges; or who, having been so articulated to one, and having served for any period of time, shall complete the residue of the full term of five years, either as clerk to another Attorney or Solicitor, or Writer to the Signet; or who, having been articulated, and having served as aforesaid, in this or any other Colony of Great Britain, shall complete the residue of such term with any Solicitor or Attorney of the Superior Courts in England or Ireland, or with a Writer to the Signet in Scotland, or with any other Attorney or Solicitor in this or any other Colony of Great Britain; and must submit to be examined by the Attorneys, Members of the said Board of Examiners of the Supreme Court for Attorneys, in the following branches of the Law :—

Qualification of persons not previously admitted elsewhere applying to practise as Attorneys.

1. Real Property and Conveyancing.

2. Common Law, Equity, and Insolvency.

3. Practice of the Court in its various branches.

4. Criminal Law, and Colonial Statute Law.

20. That every such person shall reside for one year, at the least, in the Colony of Victoria, before he shall be entitled to be examined as a Candidate for admission to practise in the said Supreme Court; and one year before he gives notice of his desire to be examined he shall cause to be delivered to the Board of Examiners for Attorneys a Certificate in the form or to the effect of that in the Schedule to this chapter annexed, marked A; and one month before he proposes to be examined he

Residence and Certificates required.

shall cause to be delivered to the said Board a Certificate, in the form or to the effect of that in the said Schedule, marked B; and before he move to be admitted to practise, he shall procure a Certificate in the form or to the effect of that in the said Schedule, marked C.

Board of Examiners for Attorneys.

21. That the Board of Examiners of the Supreme Court for Attorneys shall consist of three practising Attorneys of the said Court, to be named by the Judges thereof in the month of December in each year, to act during the ensuing year.

Examination of such Candidates.

22. That the examination of every Candidate desirous to be admitted to practise as an Attorney, Solicitor, or Proctor, in the said Court, shall be conducted by the said Board of Examiners of the Supreme Court for Attorneys, at such places, days and hours as they may appoint, and in the same manner and subject to the same rules in every particular, as are hereinbefore mentioned for the examination of Barristers; and the said Board shall report the result of their Examination to the said Judges, who shall determine as to the admission or rejection of such Candidate, or direct that he submit to a new or additional examination on some future day. If approved of, he shall file with the Prothonotary a copy of the Certificates, duly authenticated by the Board of Examiners of the Supreme Court for Attorneys, and give notice by advertisement and otherwise, and in other respects comply with these Rules, as required.

Conveyancers.

23. That every person desirous to be admitted to practise as a Conveyancer, shall, one month before the Term in which he intends to apply to the Court for leave to be examined as a Conveyancer, give notice of his intention by advertisement and otherwise, in the mode required in the case of a person desirous to be admitted to practise as an Attorney; and having given such notices and otherwise complied with No. 18 of these Rules, and produced a Certificate in the form or to the effect of that in the Schedule to this chapter annexed, marked D; and the Judges having directed that he shall be examined by the Master in Equity of the said Court, he shall submit to be examined at such place and day in the same term, and hour, as the said Master may appoint. And the examination of every such person shall be conducted by the said Master in such works and branches of the law of real property as he may think proper, in the same manner and subject to the same rules, in every particular, as are hereinbefore mentioned for the examination of Barristers; and the Master shall report the result of his examination to the Judges, who shall determine as to the admission or rejection of such Candidate, or direct that he submit to a new or additional examination. If approved of, he shall file in the office of the Prothonotary a true copy of the Certificates marked C and D in the said Schedule, and may be admitted to practise on the last day of the same or any other Term, on the motion of any Barrister of the said Court, whereupon the said Master shall grant him a Certificate to entitle him to practise as a Conveyancer, in which shall be recited that such person has complied with these Rules.

Barristers, Attorneys, and Conveyancers to practise only in their respective characters.

24. That persons admitted as Barristers, Attorneys, or as Conveyancers, shall act in their respective characters of Barristers, or of Attorneys, Solicitors, and Proctors of the said Court, or as Conveyancers, and not otherwise.

Table of Fees.

25. That the following fees shall be paid on the admission of Barristers, Attorneys, and Conveyancers:—

	Guineas.
By every Barrister not previously admitted to practise in the Superior Courts of Record of Great Britain or Ireland.....	50
For every re-examination	10
By every Barrister of England or Ireland, or Advocate of Scotland	10
By every Attorney, Solicitor, and Proctor, not previously admitted to practise in any Court	40
For every re-examination	10
By every Attorney, Solicitor, and Proctor, previously admitted to practise in any Court	5
By every Conveyancer	50
For every re-examination	5

Time of payment of Fees.

26. That all such fees shall be paid to the Secretary of the Board of Examiners for Barristers. In the case of applicants previously admitted in the Superior Courts of Record of Great Britain or Ireland, prior to the motion made for admission to practise in the said Supreme Court; and in the case of Candidates not so previously admitted, prior to their submitting to the examination required, or renewed examination; and in any case in which any applicant or candidate be not admitted to practise in the said Supreme Court, the fee so required to be paid by him shall be returned to him at his request.

Fees received to be lodged in Bank, to the credit of the Chief Justice.

27. That all such fees received by the said Secretary shall be by him lodged in the Bank, to the credit of the Chief Justice of the said Court on account of the "Supreme Court Library Fund," and entries of such receipts, lodgments, and of all disbursements, shall be duly made in a book, to be called the "Supreme Court Library Fee Book," to be kept by such Secretary.

Account of Fees to be published in Court on the first day of Term.

28. That the Secretary, or in his absence such other person as the Chief Justice may direct, shall, on the first day of each term, present an account of all such fees received by such Secretary since the first day of the preceding term, and the mode of disbursement of the same, or any part thereof, and the amount remaining undisposed of, if any.

Application of Fees.

29. That all such fees shall be applied to the purchase and maintenance of a Library, for the use of the said Supreme Court, as the said Board of Examiners may consider most advantageous, and may from time to time direct.

30. That the Library Committee shall consist of the Judges of the said Court, the Board of Examiners for Barristers, and the Board of Examiners for Attorneys, who shall have power to make rules and regulations for the management and good government of the Library, and all branches of the profession shall have free access to such Library, subject nevertheless to the rules so to be made in that behalf.

CHAPTER III.

PROCEEDINGS OF THE COURT IN ITS COMMON LAW JURISDICTION.

THAT the practice and manner of proceedings in Her Majesty's Superior Courts at Westminster in Trinity Term, in the year of our Lord, 1853, shall be adopted and followed, so far as the circumstances and condition of the Colony shall require and admit, and so far as they may not be repugnant to, or inconsistent with, any Act of Council in force within this Colony, or any rule now or hereafter to be made.

2. That the technical distinctions of name between the various descriptions of actions be abolished, and that actions be classified under two heads only—on Contract, and for Wrong or Injury: and it shall not be competent for any plaintiff to include a cause of action on a Contract with one for Wrong or Injury in the same declaration.

3. That every action at law shall be commenced by a declaration in writing, on the back whereof shall be printed or written a summons; and such declaration and summons shall be respectively in the form, or to the effect of those in the Schedule to these Rules annexed, according as the circumstances of the case may require; and such summons shall be sealed before the same is served.

4. That every declaration shall be entitled, "In the Supreme Court of the Colony of Victoria," and of the day and year on which the summons is sealed, and shall set forth in a simple and compendious manner the plaintiff's true cause of action, and all fictions shall be abolished: and in actions on Contract all statements which need not be proved, such as of the form of action, of time, quantity, quality, and value, when these are immaterial; of promises in the common counts, or of mutual promises to perform agreements, technical conclusions, and all statements of a like nature shall be omitted; and if inserted may be struck out by order of a Judge on summons.

5. That profert of any deed or other document mentioned or relied on in any pleading shall not be made, and if made may be struck out by order of a Judge on summons, and although made and not struck out, it shall not entitle the opposite party to craveoyer, or to set out the same uponoyer; but a party answering any pleading in which any deed or other document is mentioned or referred to, shall be at liberty to set out the whole or any such part thereof, as may be material; and the matter so set out shall be taken to be part of the pleading in which it is set out.

6. That the plaintiff or defendant may in any action aver performance of conditions precedent generally, and the opposite party shall not deny such averment generally, but specify in his pleading the condition precedent performance of which he intends to contest.

7. That every declaration in any action for wrong or injury to lands shall have drawn thereon, or annexed thereunto, a plan, distinctly describing by certain delineation and colour, the premises the subject of the action; and all statements of acts having been committed with force and arms, and against the peace, shall be omitted; and in any action respecting wrong or injury to personal property, all statements respecting losing and finding, and other fictions, shall be abolished, and if inserted may be struck out by order of a Judge.

8. That every declaration in ejectment shall have drawn thereon, or annexed thereunto, a plan, distinctly describing by certain delineation and colour, the premises, the subject of the action, and shall state the relation in which the plaintiff seeks to recover possession of the same, and may contain one or more counts: Provided that the relation in which the plaintiff sues or the premises be different in each, and if the plaintiff seek to recover "mesne profits," he may demand in the declaration damages for the wrongful possession of the premises, or bring his separate action for the same. And judgment against the casual ejector and the agreement for the consent Rule, the consent Rule and confession of lease, entry, and ouster, shall be abolished.

9. That in the margin of every declaration, the venue shall be marked by words, indicating that the case is to be tried in Melbourne, or in some particular Circuit District. And the venue shall not be repeated in the body of the declaration, and it may be changed and brought back on the same grounds, as the same is done in England:

Provided, however, that venue local in its nature is abolished.

Provided also that in case a plaintiff, at whose instance the venue is charged, shall not give material evidence in the place to which it has been so changed; he shall not on that account be nonsuit, but shall, if he succeed, be deprived of costs of suit, unless the Judge who presides at the trial certify that it was a case in which it was proper that the venue should have been changed.

10. That every writ of summons shall contain the name of every plaintiff and defendant. It shall bear date the day it is issued, be tested in the name of the Chief Justice, be sealed, contain the true name, and place of business of the plaintiff, or any of them, if more than one, if he or they proceed in person, or of his or their Attorney, if by Attorney. And in ejectment shall state the names of all the persons in whom title is alleged to be, and command the persons to whom it is directed, and all others entitled to defend possession of the property claimed, to defend the possession of the same, or of such part thereof as they may think fit, within fourteen days after the service of the writ, and shall contain a notice, that in case of default, they will be turned out of possession.

11. That any writ of summons shall be in force for six months and no longer, and no alias or pluries writ shall be allowed; and every writ shall be served personally, except in actions of ejectment, which may be served in the same manner as declarations in ejectment have hitherto been served, or except in cases of substitution of service; and service of every writ of summons must be sworn to within four days after such service, otherwise the plaintiff shall not be at liberty to proceed in the action.

12. That if any Defendant named in any writ of summons may not have been served therewith, Renewal.

it shall be lawful for the Prothonotary at any time before the expiration thereof to renew the same at the request of the plaintiff, by writing thereon—

Renewed for six months, this day of , in the year of our Lord

one thousand eight hundred and fifty-

and signing the same with his proper name and title, and affixing thereunto the seal of the Court.

And such renewal may be made as often as occasion may require, and the writ when renewed shall have the same effect as an alias or pluries, and shall remain in force to prevent the operation of any statute whereby the commencement of any action may be limited, and for all other purposes be available from the date of the issuing of the original summons.

13. That whenever it shall be made to appear by affidavit to the satisfaction of the said Court or any Judge thereof, that reasonable efforts have been made to effect personal service of a writ of summons, and that the same have failed, it shall be lawful for the said Court or for such Judge to order that service be substituted in such manner within such time and subject to such conditions as to the said Court or such Judge shall seem fit.

14. That in actions to recover debt or damages there shall be stated upon the writ of summons and copy served the amount of the debt or sum demanded by the plaintiff, and the amount of costs claimed for the declaration, issuing the writ, copy, and service, and attendance to receive debt and costs, with a notice to this effect—

The plaintiff claims £ for debt and £ for costs (setting out the items), and if the amount thereof be paid to the plaintiff or his Attorney within fourteen days from the service hereof, further proceedings will be stayed :

Provided that the defendant shall be at liberty to have the plaintiff's costs taxed, notwithstanding his having, in order to prevent further proceedings, paid such amounts; and if more than one-sixth shall be disallowed, the plaintiff's Attorney shall pay the costs of the taxation.

15. That it shall not be necessary for any defendant to enter an appearance in the said Court in order to entitle him to plead, or to apply to the Court or a Judge, nor for any plaintiff to enter an appearance for the defendant to entitle him to have judgment against any defendant who shall fail to plead within the time limited for pleading.

16. That every person served with a writ of summons in any action shall plead, whether in abatement or otherwise, within the period fixed by the summons, unless further time be allowed by order of a Judge; and the notice to plead given by the summons shall be sufficient, and no demand of plea or rule to plead shall be necessary, and the same rule shall apply to the replication and other pleadings.

17. That every person whose name does not appear on the writ of summons in ejectment may by leave of the Court or of a Judge be made a defendant and allowed to plead, on filing an affidavit that he is in possession of the land or a part thereof either by himself or his tenant, and such affidavit shall state generally the title by which he proposes to defend the possession, and if he limit his defence to part only, shall describe that part with reasonable certainty.

18. That formal commencements and conclusions, express, colour, and special traverses, in every plea, shall be abolished; and where the nature of the defence will admit thereof, the same shall be set forth in the form of the abstract of a plea, and every plea shall be written in a separate paragraph and numbered, and the signature of Council shall not be required to any plea or other pleading.

19. That every plea shall have endorsed thereon, the name and place of residence or business of the defendant or defendants, if he or they plead in person, or of his or their Attorney, if by Attorney.

20. That in all actions by or against parties suing or sued, as executors or administrators, or as trustees or assigns of any bankrupt or insolvent, or as nominal parties (on behalf of some public company) or otherwise, their representative character shall not be in issue, unless specially denied by plea, delivered by leave of a Judge, on such terms as to payment of costs as he may direct.

21. No rule of Court for leave to plead several matters shall be necessary where a Judge's order has been made for the same purpose, and the following pleas or any two or more of them, may be pleaded without leave of the Court or a Judge :—

A plea denying the contract or debt alleged in the declaration.

Not Guilty.

Payment or tender as to part.

Set off.

Insolvency.

Plenè administravit.

Plenè administravit præter.

Infancy.

Coverture.

Accord and satisfaction.

Release.

Denial that the property, an injury to which is complained of, is the plaintiff's.

Son assault demesne.

The Statute of Limitations.

And any other defence given by any Statute or Act of Council.

22. That none of the following pleas shall be pleaded with or without leave of a Judge, unless accompanied with an affidavit verifying the same. *Non est factum.*

That defendant did not—

Draw

Accept

Make

or

Endorse

A Bill of Exchange,

Promissory Note, or

Check on a Banker.

23. That money may be paid into, or out of Court, in all cases in which money may be so paid into Court without any order; and when so paid in, the proper officer shall at the time the money is so paid in, give a receipt for the sum so paid on the margin of the plea. Money paid into and out of Court without order.

And the plaintiff shall be at liberty to reply to the same, by accepting the sum so paid into Court, in full satisfaction and discharge of the cause of action in respect of which it has been paid in; whereupon the same shall be paid out to the plaintiff or his Attorney on demand. And he shall be at liberty in that case to tax his costs of suit, and in case of non-payment thereof within forty-eight hours, to sign judgment for his costs of suit so taxed: Provided that if the plaintiff do not accept such sum so paid in, but proceed for damages beyond the amount, the money so paid in shall remain in Court to abide the event of the action; and should the issue be found for the defendant, it shall be a security to him for payment of his costs thereof.

24. That in every case in which any plea or subsequent pleading would, if a formal conclusion were used, conclude to the country issue, shall be deemed to be joined without any necessity for any, &c., similiter or any subsequent pleading. Issue joined without similiter in certain cases.

25. That in every case in which any plea or subsequent proceeding would, if a formal conclusion were used, conclude with a verification, the opposite party shall reply or plead thereto within four days. Replication.

26. That in all cases where the nature of the case will allow, full particulars of the plaintiff's demand shall be annexed to and served with the declaration, and full particulars of the defendant's payment or set-off shall be annexed to and served with the plea, and in each case shall be annexed to and taken to be a part of the record when made up: And in any case in which such particulars are not so furnished by a plaintiff, the defendant may apply by summons to a Judge that full particulars may be furnished, and that the proceedings be stayed until so furnished, and that the plaintiff do pay the costs of the application; and in any case in which such particulars are not furnished by a defendant, the plaintiff may apply by summons that full particulars may be furnished within a given time, and failing that, that he be at liberty to strike out the plea, and that the defendant do pay the costs of the application. Particulars.

27. That only one new assignment shall be pleaded to any number of pleas to the same cause of action; and such new assignment shall be consistent with and confined to the particulars delivered in the action, if any; and shall state that the plaintiff proceeds for causes of action different from those which the pleas profess to justify, or for an excess over and above what all the defences set up in such pleas justify, or both: And no plea already pleaded to the declaration, except a plea in denial, shall be pleaded to such new assignment except by leave of the Court or a Judge, granted on satisfactory proof that the repetition of such plea is essential to a trial on the merits. New Assignment.

28. That it shall be lawful for any party to any action to except to any pleading of the opposite party by demurrer, which shall be confined to grounds of general demurrer set out in the body thereof, and no marginal note shall be necessary. Demurrer.

29. That special demurrers be abolished, and that if any party be desirous to object to the pleading of the opposite party upon any grounds of special demurrer, he shall do so by summons before a Judge, calling on the opposite party to shew cause why his pleading should not be set right in the manner particularly set forth. Special Demurrers abolished.

30. That exceptions to pleadings by demurrer or summons shall be taken within the time limited for pleading, and it shall be lawful for the party to whose pleading exception is so taken to amend his pleading as of course, and without any order for that purpose, on payment of costs: Provided that whenever any pleading so amended is served, the same shall have an undertaking written thereon to pay such costs when taxed. Time to demur or except.
Amendment Costs.

31. That where the general issue is pleaded by virtue of any Statute or Act of Council, the defendant shall note in the end of his plea the Statute or Act and the section of sections thereof upon which he means to rely. Pleading general issue by Statute.

32. That should any plaintiff or defendant die or marry during the progress of any action at any time before execution, the action shall not thereby abate, but may be continued as hereinafter mentioned. Action not to abate by Death or marriage.

33. That if there be two or more plaintiffs or defendants, and one or more die before the roll is filed, the surviving plaintiff or defendant, as the case may be, may within eight days next after the death of such plaintiff or defendant, apply by summons to a Judge in Chambers for leave to deliver a suggestion of such death to the other party; and if the Judge shall so order, the surviving plaintiff or defendant may deliver the same, and the other party shall plead thereto within four days. Death of one or more Plaintiffs or Defendants before trial.

And if one or more die after such roll has been filed, the surviving plaintiff or defendant may within the like time and with the like leave enter such suggestion on the roll, and the defendant shall plead thereto within four days, and the action shall proceed.

34. That if there be a sole or sole surviving plaintiff, and he die before the roll is filed, his heir or personal representative, as the case may require, may within three calendar months next after the death of such plaintiff apply by summons to a Judge in Chambers for leave to be made a plaintiff in the cause, instead of the plaintiff so deceased, and to deliver to the defendant a suggestion of the death of the plaintiff, and that he is such representative; and if the Judge shall so order, such representative shall be made plaintiff in the cause, instead of the plaintiff so deceased, and may deliver such suggestion to the defendant, who shall plead thereto within four days. And if such sole or sole surviving plaintiff shall die after such roll has been filed, the heir or personal representative may within the like time and with the like leave enter such suggestion on the roll, and the defendant shall plead thereto within four days, and the action shall proceed. Death of sole or sole surviving Plaintiff before trial.

35. That if there be a sole or sole surviving defendant, and he die before the roll is filed, the plaintiff may within three calendar months next after the death of such defendant apply by summons to a Judge in Chambers, for leave to make his heir or personal representative as the case may require, a defendant in the cause, instead of the defendant so deceased, and to deliver to such representative a

- suggestion of the death of such defendant, and that he is such representative; and if the Judge shall so order, such representative shall be made defendant in the cause, instead of the defendant so deceased, and the plaintiff may deliver a suggestion to him, and he shall plead thereto within four days. And if such sole or sole surviving defendant shall die after such roll has been filed, the plaintiff may within the like time and with the like leave enter such suggestion on the roll, and the person so made defendant shall plead thereto within four days, and the action shall proceed.
36. That if one or more plaintiffs or defendants die after verdict or judgment, the surviving plaintiff or defendant may apply by summons to a Judge in Chambers for leave to enter a suggestion of the death on the roll; and if the Judge so order, the surviving plaintiff or defendant may enter such suggestion and proceed to execution on the judgment.
37. That if there be a sole surviving plaintiff, and he die after verdict or judgment, the heir or personal representative of such plaintiff, as the case may require, or the defendant, may within three calendar months apply by summons to a Judge in Chambers for leave to enter a suggestion on the roll of the death of such plaintiff, and that a person named is the heir or personal representative of the plaintiff; and for leave to make such heir or personal representative a plaintiff in the cause instead of the plaintiff so deceased. And if the Judge shall so order, such heir or personal representative, or the defendant, may enter such suggestion and proceed to execution on the judgment.
38. That if there be a sole surviving defendant and he die after verdict or judgment, the plaintiff or the personal representative, as the case may require, of such deceased defendant may within three calendar months apply by summons to a Judge in Chambers for leave to enter a suggestion on the roll of the death of such defendant, and that the person named therein is the personal representative of such defendant; and for leave to make such personal representative a defendant in the cause instead of the defendant so deceased; and if the Judge shall so order, the plaintiff or such personal representative may enter such suggestion, and proceed to execution on the judgment.
39. That if there be a female plaintiff, and she marry before the roll is filed, the defendant may, within eight days next after her marriage, apply by summons to a Judge in Chambers for leave to make a person named as her husband a co-plaintiff in the cause, and to deliver to her and to him a suggestion of the marriage, and that such person is her husband. And if the Judge shall so order, such person shall be made a co-plaintiff in the cause, and the defendant may deliver such suggestion to the plaintiffs, and they shall respectively plead thereto within four days.
- And if a female plaintiff shall marry after such roll has been filed, the defendant may within the like time and with the like leave, enter such suggestion on the roll, and the plaintiffs shall respectively plead thereto within four days, and the action shall proceed.
40. That if there be a female defendant, and she marry before the roll is filed, the plaintiff may within eight days next after her marriage apply by summons to a Judge in Chambers for leave to make a person named as her husband a co-defendant in the cause, and to deliver to her and to him a suggestion of the marriage and that such person is her husband; and if the Judge shall so order, such person shall be made a co-defendant in the cause, and the plaintiff may deliver such suggestion to the defendants, and they shall respectively plead thereto within four days. And if a female defendant shall marry after such roll has been filed, the plaintiff may within the like time, and with the like leave, enter such suggestion on the roll, and the defendants shall respectively plead thereto within four days, and the action shall proceed.
41. That if there be a female plaintiff or defendant and she marry after verdict or judgment, the plaintiff or defendant may apply by summons to a Judge in Chambers for leave to enter on the roll a suggestion of her marriage with a person named; and if the Judge so order the plaintiff or defendant may enter such suggestion, and the person named therein shall be entitled to proceed to judgment and execution with such female plaintiff or defendant, and liable to be proceeded against as if he had been originally named in the declaration and summons.
42. That the husband of such female plaintiff or defendant may at any time apply by summons to a Judge in Chambers for leave to enter on the roll a suggestion of his marriage with her; and if the Judge shall so order, such person may enter such suggestion: But if no suggestion of marriage be entered on the roll, such female plaintiff or defendant may proceed to judgment and execution in the name in which she commenced the action, and as a *feme sole*.
43. That if any party to whom any such suggestion shall have been delivered, or against whom leave to enter a suggestion on the roll may have been given, shall not plead thereto within the time limited for pleading, the same shall be deemed sufficient in law and in fact.
44. That in any case in which any Judge may order that any representative of any deceased plaintiff or defendant, or any husband of any female plaintiff or defendant may deliver or enter a suggestion on the roll, or that he be made a party to the cause, such representative or husband shall be liable for all costs from the commencement of the suit, should judgment be recovered against him, and entitled to recover all such costs should judgment be entered up in his favor, unless the Court or a Judge shall otherwise order.
45. That proceedings by *Scire Facias* to revive a judgment be abolished, and in lieu thereof the mode of proceeding shall be:—The party alleging that he is entitled to execution shall apply by summons in the form in the schedule to these Rules annexed, or to the like effect to a Judge in Chambers at any time for leave to enter on the roll a suggestion of the facts which he desires to put in issue on the roll; and with the consent of the parties, their counsel or attorneys, such Judge may dispose of the merits of the claim and determine the same in a summary way; and in case it shall appear to such Judge that the party so applying is entitled to execution, he shall thereupon allow such suggestion as aforesaid to be entered on the roll in the form in the schedule to these Rules annexed, or to the like effect, and execution to issue thereon, and shall order whether or not the costs of such application shall be paid to the party making the same. And in case it shall not appear to such Judge that the party so applying is entitled to execution, he shall dismiss such summons with or without costs.

Death after verdict.

Death of sole surviving Plaintiff after verdict.

Death of sole surviving Defendant after verdict.

Marriage of Female Plaintiff before trial.

Marriage of Female Defendant before trial.

Marriage after verdict.

Husband may enter suggestion of marriage.

Joinder of issue on suggestion.

Costs of person entering suggestion.

Summary jurisdiction of Judge to order suggestion to be entered.

46. That when the party alleging that he is entitled to execution shall apply to a Judge for leave to enter a suggestion of the facts which he desires to put in issue on the roll, and the parties, their counsel or attorneys, do not consent that such Judge may dispose of the merits of the claim and determine the same in a summary way, such Judge may order that the person so applying deliver such suggestion, with the order endorsed thereon, to such party, who shall plead thereto within the time limited by the summons; and the pleadings thereon shall be delivered within the like time as in other cases, and after issue joined; the pleadings shall be engrossed upon the roll, and the trial had, judgment entered up, and the rights of the parties respectively to costs, shall be the same as in an ordinary action.

Order of Judge that suggestion be entered and issue tried.

CHAPTER IV.

PRACTICE AT COMMON LAW.

THAT at the time when the summons in any action is sealed, there shall be entered in a book, to be kept in the office of the said Court, and called the "Action Book," the names of the parties and the nature of the action, and the time when the summons is sealed.

Entry in the Action Book.

2. That in all cases defendants who live within fifty miles of Melbourne shall deliver their pleas within eight days, and those who live beyond that distance within fourteen days after service of the declaration upon them respectively; and replication and subsequent pleadings shall be delivered within four days next after the delivery of the preceding pleadings.

Time within which Defendants and Plaintiffs must plead, reply, &c.

3. That all pleadings shall be delivered between the parties, and no pleadings shall be filed.

Pleadings to be delivered.

4. That all applications for leave to plead several matters shall be granted *ex parte* in the first instance.

Applications to Plead several matters *ex parte*.

5. That where a party shall sue or defend in person, and cannot be found at the place of business endorsed by him upon his pleadings, all pleadings, notices, and other matters may be served on him by posting a copy of the same on a conspicuous part of the Prothonotary's Office.

Service of Pleadings and Notices in particular cases.

6. That whenever at any stage of the proceedings before trial it appears that there has been a misjoinder of plaintiffs or defendants, or that some person not joined as a plaintiff or defendant in the action ought to have been joined, such misjoinder or nonjoinder may be amended, and the name of such person be struck out or inserted in the declaration and summons, as the case may require, by order of a Judge on summons, if it be made to appear to such Judge that injustice shall not be done by such amendment. And every such application to add or strike out the name of any person as plaintiff shall be made upon the consent, in writing, of such person to be so added, or statement in writing of such person that his name was originally introduced without his consent, or that he consents that his name be struck out, as the case may be; and such amendment may be made on such terms, as to costs, other amendment of or addition to the pleading, postponement of the trial, and otherwise, as the Court or Judge may think proper. And when any such amendment shall have been made, by adding a plaintiff, the liability of the person so added as plaintiff, shall (subject to any terms thereby imposed) be the same as if he had been originally joined in the cause.

Misjoinder and Nonjoinder of Plaintiffs.

7. That when any defendant has failed to plead within the time limited for pleading, and the plaintiff is desirous to assess damages or to recover possession of premises, or both, the declaration with the summons endorsed thereon, and the particulars of demand, if any, annexed thereto, shall be engrossed on parchment by the plaintiff, and by him filed in the office of the Prothonotary. And no interlocutory judgment for want of a plea shall be signed, but the filing of the roll shall have the like effect as signing interlocutory judgment.

Undefended Action Roll.

8. That in defended causes after issue is joined the plaintiff shall engross on parchment the declaration with the summons endorsed thereon, and the particulars of demand, if any, annexed thereto, and the pleading and particulars of payment or set-off, if any, also annexed, and shall file the same in the office of the Prothonotary. And such roll shall be in lieu of the *Nisi Prius* record, and the filing of the same shall be taken to be the setting down of the cause for trial.

Defended Causes Roll.

9. That the plaintiff may discontinue his action at any stage of the proceedings, without a rule or order for that purpose, upon giving the defendant, or his attorney, notice in writing to that effect; and the defendant may thereupon take out an appointment to have his costs taxed, and when he attends for that purpose shall produce the notice served upon him by the plaintiff; whereupon an entry shall be made by the Prothonotary in the Action Book, "Discontinued," which shall be equivalent to signing final judgment by the defendant; and the Prothonotary shall tax the defendant's costs, and if the same be not paid, the defendant may recover the same by execution.

Discontinuance.

10. That whenever it is necessary for the plaintiff to reply, and he fail to do so within the time limited for pleading, the defendant may cause an entry to be made in the Action Book "Plaintiff non pros'd for want of replication," which shall be equivalent to signing final judgement of *non pros*; and may thereupon take out an appointment to tax his costs, and the Prothonotary shall tax the same, and if not paid the defendant may recover the same by execution.

Non pros.

11. That whenever in any action brought upon any bill of exchange, promissory note, check on a banker, or absolute order for the payment of money, or upon any agreement, indenture, bond, or covenant, for the payment of or to recover any sum certain payable on demand or on a fixed day, without any condition, and the defendant shall not plead within the time limited for pleading, the plaintiff may file the roll of the pleadings and apply to the Prothonotary for an appointment to compute principal and interest; and the Prothonotary or Chief Clerk shall grant such appointment, and at the time appointed, upon the affidavit of the plaintiff, or a credible witness, that the amount sought to be recovered is due, compute such principal and interest, and immediately thereupon the plaintiff may sign final judgment and tax his costs.

Computation of principal and interest.

When Roll of Pleadings is filed Plaintiff to give Notice of Trial.

12. That at the time the roll of the pleadings is filed in the office of the Prothonotary, an entry shall be made by him in the Action Book whether the plaintiff intends to assess the damages, or to try the issue or issues joined, as the case may be, before a Jury of four special, twelve common, or twelve special jurors. And the plaintiff shall, on the day he files the roll, give the defendant notice thereof, and of the entry made by the Prothonotary. And if the cause shall have been entered for trial by a Jury of four special, or twelve common jurors, the defendant may, within twenty-four hours, direct that an entry be made in the Action Book that the cause be tried either by a Common or Special Jury, as the case may; and on the day such entry is made by the direction of the defendant, he shall give notice thereof to the plaintiff; and if the defendant shall have directed to be entered for trial by twelve common jurors, a cause originally entered by the plaintiff to be tried by a Jury of four special jurors, the plaintiff may, within twenty-four hours, direct an entry to be made in the Action Book that the cause be tried by a Jury of twelve special jurors; and it shall not be necessary in any one of such cases for the plaintiff or defendant to move that the cause be tried by a Jury either common or special.

Causes set down twelve days before first day of Sittings. Countermand of Notice of Trial.

13. That every cause shall be set down for assessment of damages or trial, as the case may be, twelve clear days before the first day of the Sittings, otherwise the same shall not be tried thereat.

Irregular Notice of Trial.

14. That countermand of notice of trial shall be given by the plaintiff to the defendant, in writing, in those causes in which the defendant resides in Melbourne, or within fifty miles thereof, six days before the day named in the notice of trial; in all other cases nine days.

Entering, sealing, passing Roll, unnecessary. *Venire, facias juratorum* abolished. *Venire*.

15. That if the plaintiff shall have given an irregular or insufficient notice of trial to the defendant, the defendant shall within two days apply to a Judge in Chambers to set the same aside, otherwise he shall be held to have waived any irregularity or insufficiency of such notice.

16. That in no case, whether undefended or defended, shall it be necessary to enter, seal, or pass the roll, or to engross thereon the "*Venire facias juratorum*."

17. That one or more general *venires*, as the case may require, shall issue for the assessment of damages in undefended causes, and the trial of causes before Juries of four special, twelve common, and twelve special jurors respectively; and the same shall be sealed with the Seal of the Court, and signed by the Chief Justice thereof, and be made returnable eight days from the "*teste*" thereof.

Misjoinder and Nonjoinder of Plaintiffs may be amended at Trial.

18. That if it shall appear at the trial of any action that there has been a misjoinder of plaintiffs or defendants, or that some person not joined as a plaintiff or defendant ought to have been so joined, such misjoinder or nonjoinder may be amended as a variance at the trial, if it shall appear to the presiding Judge that injustice will not be done by such amendment; and such amendment may be made on such terms, as to obtaining the consent of the party whose name has been misjoined or omitted, as to costs, postponement of the trial, amendment of or addition to the pleadings, and otherwise, as the presiding Judge may think proper: Provided that in any case in which such amendment is made, and a postponement of the trial is to be made, the presiding Judge may discharge the Jury from giving any verdict on the issue or issues they have been sworn to try; and when any such amendment shall have been made, by adding a plaintiff, the liability of the person so added as plaintiff shall (subject to any terms thereby imposed) be the same as if he had been originally joined in the cause.

Assessment of Damages, and Trial.

19. That when damages are to be assessed, or an issue or issues tried in any action, the Prothonotary shall deliver the roll of the pleadings filed in his office to the associate of the Judge before whom the assessment or trial is to take place, who shall receive the same; and after the damages are assessed, or trial had, the Associate shall note the result on paper, annex it to the roll, and return the same to the Prothonotary; and at the time when either party may be entitled to sign final judgment, the result of the trial and judgment of the Court thereon shall be entered on the roll by the Prothonotary, which shall thereupon become the final judgment of the Court.

Withdrawing Record.

20. That whenever the plaintiffs in any action desire to withdraw the Record, the same must be done by motion; whereupon the Judge presiding at the trial may direct payment of such costs to the defendant as he shall in his discretion think fit; and such costs must be taxed within one month, and in no case shall the plaintiff be entitled to set the cause down for trial again, unless he produce to the Prothonotary a receipt for the costs so ordered to be paid.

Plaintiff failing to appear at the Trial.

21. That if the defendant in any action appear in Court when the cause is called on for trial, and the plaintiff do not appear, the presiding Judge may direct that the cause be struck out of the list, and that the plaintiff do pay to the defendant the costs of the day when taxed; and such costs must be taxed within one month; and in no case shall the plaintiff be entitled to set the cause down for trial again, unless he produce to the Prothonotary a receipt for the costs so ordered to be paid.

Plaintiff to recover in Ejectment if Defendant do not appear at the Trial.

22. That if the plaintiff in ejectment appear at the trial, and the defendant do not appear, the plaintiff shall be entitled to a verdict, without adducing any evidence, and shall have judgment for his costs of suit as in other cases.

Effect of Verdict and Judgment in Ejectment same as heretofore. Remanents.

23. That the verdict and judgment in an action in ejectment, shall, as heretofore, only determine the right to possession of the premises.

24. That when any cause shall remain undisposed of at any *Nisi Prius* Sittings, the same shall be placed by the Prothonotary, without any fee for so doing, first in order in the list of causes to be tried at the next *Nisi Prius* Sittings; and it shall not be necessary to enter the cause for trial again, or to give fresh notice of trial, or fresh notice to admit, or fresh notice to produce any evidence in the cause.

Admission of Documents.

25. That either party may call upon the other party, by notice in writing, to admit; saving all just exceptions, any document to be used in any action, suit, or other proceeding, and in case of refusal or neglect to admit the same, the cost of proving such document shall be paid by the party so neglecting or refusing, whatever the result of the cause may be, unless at the trial the Judge shall certify that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice shall have been given, except in cases where the omission to give the notice has, in the opinion of the taxing officer, saved expense.

26. That an affidavit of the party or of the attorney in the action, suit, or other proceeding, or of his clerk, of the due signature of any admissions made in pursuance of such notice, and annexed to the admission, shall be sufficient evidence of such admission. Proof of Admissions.

27. That an affidavit of the party or of the attorney in the action, suit, or other proceeding, or of his clerk, of the service of any notice to produce, in respect of which notice to admit shall have been given, and of the time when it was served, with a copy of such notice to produce annexed to such affidavit, shall be sufficient evidence of the service of the original of such notice, and of the time when it was served. Proof of Notice to produce.

28. That in every action the Judge before whom any issue or issues joined shall be tried, may, in case the plaintiff therein become nonsuit, or a verdict shall be given for the plaintiff or defendant, certify under his hand, on the back of the Roll, at any time before the end of the *Nisi Prius* Sittings, that in his opinion execution ought to issue in such action forthwith, or at some day to be named in the certificate, and subject or not to any condition or qualification; and in case of a verdict for the plaintiff, then either for the whole or any part of the sum found by such verdict. Whereupon judgment may be signed, and costs taxed forthwith, and execution may be issued forthwith, or afterwards, according to the terms of the certificate: Provided that the party entitled to such judgment may postpone the signing thereof, notwithstanding his having obtained such order. Speedy Execution.

29. That whenever any motion is made for leave to set aside a nonsuit, or to set aside a verdict, and to grant a new trial, or a *Venire de novo*, or for judgment *Non obstante veredicto*, or for a replender, the rule shall set forth the grounds, each written in a separate paragraph, and numbered, upon which the same has been obtained; and whenever any motion is made to set aside a verdict, and enter a nonsuit, upon leave reserved, the rule shall set forth, in specific terms, the points saved by the learned Judge at the trial. Motion for Nonsuit or New Trial.

30. That upon the argument of every rule *Nisi*, the counsel in support of the rule shall begin by succinctly stating the case, and citing the authorities on which he relies; and if there be more than one counsel, the leading counsel only shall open the case, and the opposing counsel shall show cause, and the counsel in support of the rule shall reply. Argument on rule *Nisi*.

31. That the plaintiff in every action shall bring the cause to trial at the second *Nisi Prius* Sittings after issue joined, at the latest; and if he fail so to do, the defendant may serve notice upon him, at least four days before the first day of the Term next after such Sittings, that he will move, upon a day named, during the first four days of the ensuing Term for judgment as in case of nonsuit, unless the plaintiff give a peremptory undertaking to try the cause at the next Sittings; and if the plaintiff do not consent to give such peremptory undertaking, the defendant may, upon such of the first four days of the said Term, move for such judgment, which, unless sufficient cause be shown, may be absolute in the first instance. Judgment as in case of a Nonsuit.

32. That if the plaintiff having given a peremptory undertaking, either by consent or by order of the Court, shall not take the cause down to trial according to the terms of his undertaking, the defendant may, upon any day during the ensuing Term, move for judgment as in case of nonsuit, absolute in the first instance without notice. Breach of Peremptory Undertaking.

33. That after a verdict has been set aside and a new trial ordered, the plaintiff shall bring the cause to trial at the second *Nisi Prius* Sittings after such order has been made at the latest, and if he fail so to do, the defendant may proceed to obtain judgment as in the case of nonsuit, in the same manner as in ordinary cases. Judgment in case of Nonsuit after New Trial granted.

34. That the Demurrer Books be made up by the party demurring, and if the party bound to make up and deliver the Demurrer Book fail to do so, within the first four days of Term next after joinder in demurrer, if that occur in the Vacation; or the four days next after joinder in demurrer, if that occur in Term; his demurrer shall be considered as abandoned, and the opposite side may treat it as a nullity, and proceed accordingly. Demurrer Book made up by party demurring.

35. That if both plaintiff and defendant demur, the plaintiff shall make up and deliver the Demurrer Book within the like time; and if he fail to do so, the defendant may make up and deliver the same; and the party failing to make up and deliver the Demurrer Book as hereby required, shall be considered to have abandoned his demurrer. Where both parties demur.

36. That all demurrers be set down for argument two days before the same are to be heard, and that no demurrer be argued except on the first four and last four days of Term, unless the Court shall otherwise order. Argument of Demurrer.

37. That service of rules, orders, and notices, must be made before four o'clock in the afternoon, and the time specified in every such rule, order, or notice, shall begin to run from the day of service thereof. Time of service of Rules.

38. That every rule, order, and notice of motion shall have written thereon a memorandum, setting forth the number of affidavits filed which it is intended to use on the hearing of such rule, order, or notice, and the names of the deponents making the same. And on such hearing the original affidavits shall be brought into Court by the proper officer, and no affidavit not mentioned in such memorandum shall be read. Notice of Affidavit.

39. That all rules and orders made by the Court sitting in banco in vacation, be drawn up of the day upon which the same were granted. Date of Rules and Orders made in Vacation.

40. That where a Judge's order has been disobeyed, and is therefore made a rule of Court, such rule shall be drawn up with costs, to be paid by the party against whom it is made. Rule on Judge's Order to be drawn up with Costs.

41. That no motion in arrest of judgment shall be allowed for any defect which might have been taken advantage of by demurrer. No arrest of Judgment.

THAT the practice and manner of proceedings in Her Majesty's High Court of Chancery in England, in Trinity Term, 1853, be adopted and followed, so far as the circumstances and condition of the Colony shall require and admit, and so far as they may not be repugnant to or inconsistent with any Act of Council in force within the Colony, or any rule now or hereafter to be made.

2. That every suit in Equity shall be commenced by a Bill in writing, on the back whereof shall be printed or written a summons in the form or to the effect of the form in the Schedule to these Rules annexed; and such summons shall be sealed by the Master in Equity before the same is served.

3. That every writ of summons endorsed on a Bill in Equity, shall be in the form or to the effect of that in the Schedule to these Rules annexed: it shall contain the name of every plaintiff and defendant, be tested in the name of the Chief Justice, be sealed, bear date the day it is sealed, contain the true name and place of business of the plaintiff, or one of them if there be more than one, if he or they proceed in person, or of his or their solicitor if by solicitor; and the writ of subpoena to appear and answer, heretofore in use, is abolished.

4. That every writ of summons shall be in force for six months, and no longer; and no *alias* or *pluries* writ shall be allowed; and every writ shall be served personally, except in cases of substitution of service; and service of every writ of summons must be sworn to, otherwise the plaintiff shall not be at liberty to proceed in the suit.

5. That if any defendant named in any writ of summons may not have been served therewith, the Master in Equity may, at any time before the expiration thereof, renew the same at the request of the plaintiff by writing thereon :—

"Renewed for six months, this _____ day of _____ in the year _____

" of our Lord one thousand eight hundred and fifty " and signing the same with his proper name and title, and affixing thereunto a seal ; and such renewal may be made as often as occasion may require ; and the writ when renewed shall have the same effect as an *alias* or *pluries*, and shall remain in force to prevent the operation of any statute whereby the commencement of any suit may be limited, and for all other purposes be available from the date of the issuing of the original summons.

6. That every Bill in Equity shall be entitled, "In the Supreme Court of the Colony of Victoria, in Equity," and of the day and year on which the summons endorsed is sealed. And every Bill shall, according as the nature of the case may require, set forth in a simple and compendious form a narrative of the material facts and circumstances on which the plaintiff relies, being divided into separate paragraphs, numbered consecutively, each containing as near as may be a distinct allegation. And every Bill shall commence as in the form in the Schedule to these Rules annexed; and the formal address, and all charges, pretences, and specific interrogatories, and prayer for a receiver for subpoena, injunction, or other writ heretofore in use shall be abolished. And every such Bill shall conclude with a general form of interrogatory, requiring the defendant to answer as if interrogated upon each paragraph; and if there be more than one defendant, shall state how many of such paragraphs each is so required to answer, and shall pray specifically the relief to which the plaintiff conceives himself entitled, and also for general relief.

7. That any one or more of the persons or parties hereinafter mentioned may commence a suit on behalf of himself or themselves, and all others having a common interest with him or them, and proceed to obtain a decree of the Court; and it shall not be competent to any defendant in any suit to object to the omission of such others as parties in any of such cases.

1. Any heir, specific or residuary devisee or legatee, or any creditor, seeking to obtain administration of the real or personal estate, or both, of a deceased person.

2. Any one of several "Cestuique Trust" seeking an execution of the Trusts in any deed or instrument.

3. Any one executor, administrator, or trustee, seeking an administration of an estate or execution of trusts, against any one legatee, next of kin, or "*Cestuique Trust.*"

4. Any one of several persons seeking protection of property pending litigation, or exposed to waste.

And in any such case the Court may, before, at, or after the hearing, order that any other person necessary to the suit be made a party, and make such order for placing the original and added parties on the same footing with regard to costs, as it may deem fit:

Provided that in order to prevent multiplicity of suits, all persons who, according to the former practice of the Court, would be necessary parties to the suit, shall be served with notice of the decree, and after such notice such persons shall be bound by the proceedings as if they had been originally parties to the suit, and they may by leave obtained from a Judge on summons attend the proceedings under the decree, or apply to the Court that such decree be added to, varied, or altered.

8. That in suits to execute the trusts of a will it shall not be necessary to make the heir-at-law a party, unless the plaintiff desire to have the bill established against him.

9. That in all cases in which a plaintiff has a joint and several demand against several persons, either as principals or sureties, it shall not be necessary to bring before the Court as parties to the suit concerning such demand, all the persons liable thereto; but the plaintiff may proceed against any one or more of the parties severally liable.

10. That in all suits concerning real or personal estates vested in trustees, under a will, settlement, or otherwise, such trustees shall represent the persons beneficially interested, in the same manner, and to the same extent, as executors or administrators in suits concerning personal estate represent the persons beneficially interested in such personal estate: and in such cases it shall not be necessary to make the persons beneficially interested under the trusts parties to the suit:

Trustees to represent
Cestuique
Trust who may
by order be
made Trustees.

Provided that in any such case the Court may, before, at, or after the hearing, order any or all of such persons to be made parties.

11. That if the plaintiff be desirous to amend his Bill, or if any facts or circumstances supplemental to the suit have occurred after service of the plaintiff's Bill, the plaintiff may, if such occur before the time limited for answering have expired, amend his Bill, as of course, any number of times, and without the necessity for any order for leave so to do; and shall thereupon, at his own cost, deliver a copy of the Bill so amended to the defendant, and the Bill so amended shall be deemed to be the original, and the defendant shall have the like time to demur, or plead to, or answer the same, as he had to demur, plead to, or answer that first delivered. And if the plaintiff be desirous to amend, or if such facts and circumstances may have occurred, or come to the knowledge of the plaintiff after the defendant have delivered his answer, the plaintiff may apply to a Judge in Chambers for leave to amend or to add and put in issue such supplemental matter; and if the Judge shall so order, the plaintiff shall deliver to the defendant a copy of such amended Bill or supplemental matter, on the back whereof shall be written the Judge's order, and the defendant shall, within the time limited by the Judge's order, demur, or plead to, or answer the same in the same manner as he is required to do with respect to the original Bill. And no Supplemental Bill, or Bill in the nature of a Supplemental Bill, shall be allowed.

Amendment and
supplemental
matter added
by way of a
amendment.

12. That if the plaintiff be desirous to amend the supplemental matter added to his Bill, or if the defendant demur or plead thereto, and the plaintiff submit to such demurrer or plea, and desire to amend; or if such demurrer or plea be allowed by the Court, and leave to amend such supplemental matter be given, the plaintiff may, within the time limited by the order of a Judge or the Court, amend such supplemental matter on payment of costs, and shall deliver a copy of the same so amended, together with the said order endorsed thereon, to the defendant within such time, or shall be deemed to have abandoned such order.

Amending sup-
plemental mat-
ter.

13. That should any plaintiff or defendant die or marry during the progress of any suit, or should any suit become abated or defective, by reason of some change or transmission of interest, or liability, the suit shall not thereby abate. And it shall not be necessary to exhibit any Bill or Revivor, or Supplemental Bill, in the nature of a Bill of Revivor, to obtain an order to revive the suit, or a decree to carry on the proceedings, but the suit may be continued as hereinafter mentioned.

Suit not to abate
by death or
marriage.

14. That if there be two or more plaintiffs or defendants, and one or more die before the roll is filed, the surviving plaintiff or defendant, as the case may be, may, within eight days next after the death of such plaintiff or defendant shall be known to him, apply by summons to a Judge in Chambers, for leave to deliver a suggestion of such death to the other party; and if the Judge shall so order, the surviving plaintiff or defendant may deliver the same, and the other party shall plead thereto within four days.

Death of one or
more Plaintiffs
or Defendants
before hearing.

And if one or more die after such roll has been filed, the surviving plaintiff or defendant may, within the like time and with the like leave, enter such suggestion on the roll, and the defendant shall plead thereto within four days, and the suit shall proceed.

15. That if there be a sole or sole surviving plaintiff, and he die before the roll is filed, his heir or personal representative, or both, as the case may require, may, within three calendar months next after the death of such plaintiff shall be known to him, apply by summons to a Judge in Chambers, for leave to be made plaintiff in the suit, instead of the plaintiff so deceased, and to deliver to the defendant a suggestion of the death of the plaintiff, and that he is such representative; and if the Judge shall so order, such representative shall be made plaintiff in the suit, instead of the plaintiff so deceased, and may deliver such suggestion to the defendant, and the defendant shall plead thereto within four days. And if such sole or sole surviving plaintiff shall die after such roll has been filed, the heir or personal representative, or both, may, within the like time and with the like leave, enter such suggestion on the roll, and the defendant shall plead thereto within four days, and the suit shall proceed.

Death of sole or
sole surviving
Plaintiff before
hearing.

16. That if there be a sole or sole surviving defendant, and he die before the roll is filed, the plaintiff may within three calendar months next after the death of such defendant shall be known to him, apply by summons to a Judge in Chambers, for leave to make his heir or personal representative, or both, as the case may require, defendant in the cause, instead of the defendant so deceased, and to deliver to such representative a suggestion of the death of such defendant, and that he is such representative; and if the Judge shall so order, such representative shall be made defendant in the suit instead of the defendant so deceased, and the plaintiff may deliver a suggestion to him, and he shall plead thereto within four days. And if such sole or sole surviving defendant shall die after such roll has been filed, the plaintiff may, within the like time and with the like leave, enter such suggestion on the roll, and the person so made defendant shall plead thereto within four days, and the suit shall proceed.

Death of sole or
sole surviving
Defendant be-
fore hearing.

17. That if one or more plaintiffs or defendants die after decree, the surviving plaintiff or defendant may apply by summons to a Judge in Chambers, for leave to enter a suggestion of the death on the roll; and if the Judge so order, the surviving plaintiff or defendant may enter such suggestion and proceed to prosecute the decree.

Death after De-
cree.

18. That if there be a sole surviving plaintiff, and he die after decree, the heir or personal representative of such plaintiff, as the case may require, or the defendant, may within three calendar months apply by summons to a Judge in Chambers for leave to enter a suggestion on the roll of the death of such plaintiff, and that a person named is the heir or personal representative of the plaintiff, and for leave to make such heir or personal representative a plaintiff in the suit instead of the plaintiff

Death of sole sur-
viving Plaintiff
after decree.

- so deceased; and if the Judge shall so order, such heir or personal representative, or the defendant, may enter such suggestion and proceed to execution on the decree.
- Death of sole surviving Defendant after Decree.** 19. That if there be a sole surviving defendant, and he die after decree, the plaintiff or the personal representative, as the case may require, of such deceased defendant may, within three calendar months, apply by summons to a Judge in Chambers for leave to enter a suggestion on the roll of the death of such defendant, and that the person named therein is the personal representative of such defendant, and for leave to make such personal representative a defendant in the suit instead of the defendant so deceased; and if the Judge shall so order, the plaintiff or such personal representative may enter such suggestion and proceed to execution on the decree.
- Marriage of Female Plaintiff before hearing.** 20. That if there be a female plaintiff, and she marry before the roll is filed, the defendant may within eight days next after her marriage apply by summons to a Judge in Chambers for leave to make a person named as her husband a co-plaintiff in the suit, and to deliver to her and to him a suggestion of the marriage and that such person is her husband; and if the Judge shall so order, such person shall be made a co-plaintiff in the suit, and the defendant may deliver such suggestion to the plaintiffs, and they shall respectively plead thereto within four days.
- And if a female plaintiff shall marry after such roll has been filed, the defendant may, within the like time and with the like leave enter such suggestion on the roll, and the plaintiffs shall respectively plead thereto within four days, and the suit shall proceed.
- Marriage of Female Defendant before hearing.** 21. That if there be a female defendant, and she marry before the roll is filed, the plaintiff may within eight days next after her marriage apply by summons to a Judge in Chambers for leave to make a person named as her husband a co-defendant in the suit, and to deliver to her and to him a suggestion of the marriage and that such person is her husband; and if the Judge shall so order, such person shall be made a co-defendant in the suit, and the plaintiff may deliver such suggestion to the defendants, and they shall respectively plead thereto within four days. And if the female defendant shall marry after such roll has been filed, the plaintiff may within the like time and with the like leave enter such suggestion on the roll, and the defendants shall respectively plead thereto within four days, and the suit shall proceed.
- Marriage after Decree.** 22. That if there be a female plaintiff or defendant, and she marry after decree, the plaintiff or defendant may apply by summons to a Judge in Chambers for leave to enter on the roll a suggestion of her marriage with a person named, and if the Judge so order, the plaintiff or defendant may enter such suggestion, and the person named therein shall be entitled to proceed with the suit with such female plaintiff or defendant, and liable to be proceeded against as if he had been originally named in the Bill and summons.
- Husband may enter suggestion of Marriage.** 23. That the husband of such female plaintiff or defendant may at any time apply by summons to a Judge in Chambers, for leave to enter on the roll a suggestion of his marriage with her, and if the Judge shall so order, such person may enter such suggestion. But if no suggestion of marriage be entered on the roll, such female plaintiff or defendant may proceed with the suit in the name in which she commenced the suit and as a *feme sole*.
- Revivor in case of change or transmission of interest or liability.** 24. That should any suit become abated by reason of the change or transmission of interest or liability, the party entitled and desirous to revive the same may, within three calendar months, apply by summons to a Judge in Chambers for leave to revive the same, and to make the proper persons parties to such suit; and if the Judge shall so order, the suit shall be revived, and the proper parties added and amendments made, and the suit shall proceed.
- Joinder of Issue on suggestion.** 25. That if any party to whom any such suggestion shall have been delivered, or against whom leave to enter a suggestion on the roll may have been given, shall not plead thereunto within the time limited for pleading, the same shall be deemed sufficient in law and in fact.
- Cost of persons entering suggestion.** 26. That in any case in which any Judge may order that any representative of any deceased plaintiff or defendant, or any husband of any female plaintiff or defendant, or any other person made a party, deliver or enter a suggestion on the roll, or that he may be made a party to the suit, such representative, husband, or party, shall be liable for all costs from the commencement of the suit, should a decree be pronounced against him; and entitled to recover all such costs should a decree be pronounced in his favour, unless the Court or Judge shall otherwise order.
- No appearance necessary.** 27. That it shall not be necessary for any defendant to enter an appearance in the said Court in order to entitle him to demur, plead, or answer; or to apply to the Court or Judge; nor for any plaintiff to enter an appearance for the defendant to entitle him to obtain a decree against any defendant who may fail to answer within the time limited.
- Demurrer.** 28. That every demurrer shall set forth in the body thereof the grounds of demurrer, each in a separate paragraph and numbered.
- Plea.** 29. That every plea shall set forth in a simple and compendious manner the defence relied on by the defendant, and shall be signed by him, and sworn to by him before a Commissioner of the said Supreme Court for taking affidavits.
- Answer.** 30. That every answer shall, be brief and distinct terms, and in separate paragraphs, each numbered consecutively, reply to each paragraph in the plaintiff's Bill; and in addition thereto set forth in a short and compendious manner the matters of fact or equitable grounds upon which the defendant rests his defence. And if required by the plaintiff's Bill, in cases where it may be of right so required, shall have written thereon or annexed thereto a schedule particularising the nature, dates, and names of the parties to every instrument on which the defendant relies in support of such defence: and every answer shall be signed by each defendant and sworn to by him before a Commissioner for taking affidavits.
- Commission for taking Plea or Answer.** 31. That no commission for taking the plea or answer of any defendant shall issue, unless upon application to a Judge in Chambers on summons, who may, if he see fit, direct that such commission do issue.

32. That every demurrer, plea, and answer shall have endorsed thereon the name and place of business of the defendant or defendants, if he or they plead in person, or of his or their solicitor, if by solicitor.

Endorsement on every Demurrer, Plea, and Answer.

33. That where any amendment has been made, or supplemental matter added or amended by order of the Court or a Judge, the same shall be delivered by the plaintiff to the defendant within the time limited by the order, together with a copy of such order endorsed thereon, or the plaintiff, unless he shall have obtained further time for delivering the same, shall be taken to have abandoned such order. And the defendant shall deliver to the plaintiff his demurrer, plea, or answer, to such amended Bill, supplemental, or amended supplemental matter within the time limited by such order; or, unless he shall have obtained an enlargement of the time for delivering the same, the plaintiff may treat the matter contained in his Bill, or the matter supplemental thereto, as the case may be, as confessed by the defendant.

As to time of Service, Order, and Answer.

34. That the practice of excepting for want of an answer be abolished, and if any answer be deemed insufficient, the plaintiff may within eight days next after such insufficient answer may have been delivered, call upon the opposite party by summons to show cause before a Judge in Chambers why he should not deliver a full answer at his cost, and the summons shall specify the particulars in which such answer is insufficient, and the pleadings shall be produced before such Judge, who shall make such order thereon as the justice of the case may require.

Insufficient Answer.

35. That the practice of excepting to pleadings, and other matter for scandal or impertinence, be abolished; and if any pleading or other matter contain any allegation, scandalous, impertinent, or irrelevant to the subject in issue, the party who would have been entitled to except thereto may, within eight days next after such pleading or other matter may have been delivered or filed, call upon the opposite party by summons to show cause before a Judge in Chambers why the allegations objected to should not be struck out at his cost; and such summons shall specify the allegations excepted to, designating each as beginning at a word named in a folio in a certain paragraph, numbered and ending at a word named in a folio in the same or another certain paragraph numbered: and the pleading or other matter containing such allegation shall be produced before such Judge, who shall make such order thereon as the justice of the case may require.

Exceptions for Scandal or Impertinence abolished — to be disposed of by Summons.

36. That no replication or subpoena to rejoin be necessary; and if no amendment be made in the plaintiff's Bill, or supplemental matter be added thereto, or no demurrer or plea be delivered, or exceptions taken to the defendant's answer within the time limited for taking the same, the suit shall be deemed to be at issue upon the delivery of such answer.

Replication abolished. Issues joined.

CHAPTER VI.

EQUITY PRACTICE.

THAT before the name of any person shall be used in any suit instituted in the said Court as next friend or guardian *ad litem* of any infant or married woman, or other party, such person shall sign a written authority to the solicitor for that purpose, and such authority shall be filed in the office of the Master in Equity.

Person whose name is used as next friend of any infant and in any Suit, to sign a written authority.

2. That no solicitor act in any suit instituted in the said Court for plaintiff and defendant, or for any two or more defendants having adverse interests in the said suit.

No Solicitor to act for Plaintiff and Defendant. Entry in Equity Suit Book.

3. That at the time the summons in any suit in Equity is sealed, the Master shall enter in a book to be kept in his office, and to be called the "Equity Suit Book," the names of the parties, the nature of the suit, and the time when the summons is sealed.

4. That all pleadings shall be delivered between the parties, and no pleadings shall be filed.

Pleadings to be delivered. Service of Pleadings and Notices in particular cases.

5. That where a party shall sue, or defend in person, and cannot be found at the place of residence or business endorsed by him upon his pleadings, all pleadings, notices, and other matters may be served on him, by posting a copy of the same on a conspicuous part of the Master's Office.

6. That every defendant who resides in Melbourne, or within fifty miles thereof, shall within eight days, and every defendant who resides beyond that distance, shall within fourteen days next after the plaintiff's Bill has been delivered to him, deliver to the plaintiff a demurrer or plea thereto. And if such defendant do not demur or plead, he shall, if he reside in Melbourne or within fifty miles thereof, within three weeks, or if he reside beyond that distance, within six weeks next after such Bill shall have been so delivered to him, deliver to the plaintiff an answer thereto.

Time for demurring, pleading, or answering.

7. That if any defendant demur, or plead to a plaintiff's Bill, or amended Bill, or supplemental, or amended supplemental matter, and such demurrer or plea be overruled, or if any summons by the plaintiff calling for a full answer be allowed by the Court or a Judge, such defendant shall deliver his answer, or a full answer to the plaintiff, within the time named by the Court or a Judge; or unless he shall have obtained an enlargement of time for delivering the same, the plaintiff may treat the matter contained in his Bill, or matter supplemental thereto, as the case may be, as undefended by the defendant.

Answer to be delivered within the time named when Demurrer overruled.

8. That whenever any demurrer or plea is delivered, and the plaintiff intends to try the validity thereof, he shall make up a copy of the Bill and Demurrer, or Bill and Plea, as the case may be book-wise, and the same shall be respectively called the "Demurrer Book" and "Plea Book," and he shall set down the same for argument within eight days after such demurrer or plea shall have been delivered; and if not so set down, the plaintiff will be held to have submitted to the demurrer or plea.

Demurrer or Plea to be set down for argument within eight days.

9. That the plaintiff shall within four days before any demurrer or plea is to be argued or spoken to, deliver a copy of the Demurrer Book or Plea Book to the Associate of each of the Judges.

Demurrer Book to be delivered.

10. That the practice of amending the defendant's copy of any Bill or amended Bill, or supplemental or amended supplemental matter, be abolished; and that in all cases where any Bill is amended,

Practice on amendment as to copies.

- or matter supplemental thereto is added or amended, the plaintiff shall deliver a fresh copy thereof to the defendant at his own cost, unless it shall be made to appear to the Master on taxation, that the amendment or addition of supplemental matter arose from disclosures made by the defendant's answer not theretofore within the knowledge of the plaintiff, in which case the costs may abide the event of the suit. And every copy of such Bill or supplemental or amended supplemental matter shall have written thereon a notice in the form or to the effect of that set forth in the Schedule to those Rules.
- Undeferred suits. 11. That where any defendant served with a Bill, fails to demur, plead, or answer within the time limited in the summons, the plaintiff may engross the Bill with the summons endorsed thereon on parchment, and file the same in the office of the Master in Equity, and set the cause down for hearing on a day not less than eight days from the time of so filing the parchment roll.
- Hearing of undeferred suits. 12. That when any undeferred suit is set down for hearing, the plaintiff shall file an affidavit or affidavits made by himself or any witness or witnesses verifying the facts and circumstances set forth in his Bill, and the Court may make such decree at the hearing as the justice of the case may require, which decree shall be absolute in the first instance.
- Deferred suits. 13. That within eight days after issue is joined in any suit in Equity, the plaintiff shall engross on parchment the Bill with the summons endorsed thereon, and the supplemental matter, if any, with the defendant's answer or further answer thereto, and shall file the same in the office of the Master in Equity, and the filing of the same shall be taken to be the setting down of the suit for taking evidence.
- Setting down the suit for taking evidence notice. 14. That at the time the roll of the pleadings is filed in the office of the Master, an entry thereof shall be made in the suit in the Equity Book, and the plaintiff shall on the same day give the defendant notice thereof, and that he has set the suit down for taking evidence on a day fourteen days from the time the suit has been set down.
- Taking evidence. 15. That at the day appointed for the examination of witnesses, the parties shall appear before a Judge of the said Court, and the parties, if so required, and each witness, shall be examined, cross-examined, and re-examined, *viva voce*, upon oath, and the evidence of each shall be taken down in writing by the Judge. And all deeds, instruments, and papers given in evidence on either side shall be lodged with and retained by the Master. And the examination of parties and witnesses in each case shall be concluded at one sitting, or if not so concluded, the examination shall be adjourned from day to day until concluded, unless necessity compel a further adjournment; and either side may take copies of the deeds, instruments, and papers lodged with the Master.
- Giving answer in evidence. 16. That whatever the plaintiff intends to rely in support of his case on the defendant's answer, or on any part thereof, he shall tender the same in evidence at such examination, and, if admissible, the same shall be marked as exhibited in the cause.
- Setting down cause for hearing. 17. That the plaintiff shall set down the suit to be heard upon the day in term set apart for equity business next after the expiration of eight days from the time of the conclusion of taking evidence in the suit, or upon the next day on which the Court shall sit in equity out of term after the expiration of such time.
- Mode of proceeding at the hearing. 18. That at the hearing of a suit in equity the junior counsel for the plaintiff shall open the pleadings, the junior counsel for the defendant shall open the answer, the Judge who presided at the taking of the evidence shall read his notes of the evidence taken by him; the counsel for the plaintiff shall support the bill, the counsel for the defendant the defence, and the leading counsel for the plaintiff shall reply; and the Court shall then or at any other time pronounce its decree, either interlocutory or final.
- The Court may take an account. 19. That in any suit in the said Court in which the matter involved, directly or incidentally, is of simple account capable of being ascertained by the pleadings or evidence, or by any statement of facts adduced at the hearing by consent, or verified by affidavit by leave of a Judge, the Court may make up and adjust the same, and declare the amount thereof and decree accordingly; and in such case it shall not be necessary to refer any such matter or account to the Master in Equity.
- Misjoinder of parties. 20. That whenever it shall appear to the Court that certain persons are improperly joined as plaintiffs in any suit, yet that notwithstanding the conflict of interest between the co-plaintiffs, or want of interest in some, or the existence of some ground of defence affecting some or one of the plaintiffs, some or one of them are or is entitled to relief, the Court shall not dismiss the suit on account of such misjoinder; but it may direct that proper amendments be made, so that the name or names of any one or more plaintiff or plaintiffs may be expunged from the record, or that any one or more may be treated as a defendant or defendants, and the remaining or other plaintiff or plaintiffs as if the only plaintiff or plaintiffs on the record; and modify the decree according to the special circumstances, and grant such relief as the nature of the case will allow.
- Party may apply to add to, alter, or vary Decree. 21. That every decree, decretal, or other order, shall be drawn up by the Master in Equity on paper, as soon as possible after the same may have been pronounced; and any party to the suit may take out the same, and may within eight days from the time the same is so taken out apply to the Court that the same may be added to, altered, or varied.
- Reference to the Master. 22. That where any reference is made to the Master in Equity, the party who has the carriage of the suit or order shall within twelve days next after the day upon which the decree or order directing the reference was taken out by him, obtain an appointment from the Master that all parties interested do attend before him on a day within eight days next after his having so taken out such decree or order; and in case such party shall fail so to do, such decree or order shall be deemed to be abandoned, unless the Court or a Judge shall otherwise order.
- Proceeding thereon. 23. That where such appointment shall have been obtained, the party obtaining the same shall serve all parties required to attend the Master with a warrant setting forth the matters to be proceeded with, each written in a separate paragraph and numbered; and the Master shall, for the purpose of reference, if he so think fit, issue the like *subpœna ad testificandum*, or *subpœna duces tecum*, as is issued at law to compel the attendance of any party or witness, and may examine the parties or their witnesses *viva voce* upon oath: and such examination shall be taken down by him in writing, in order

that the same may be used by the Court, if necessary; and the Master shall proceed with the matter so referred to him from day to day, if he shall so direct, and the parties shall attend without any further warrant, and the Master shall report thereon within twelve days after the last day of the examination of witnesses, or apply to the Court for an enlargement of the time within which to make his report.

24. That no minutes of any decree, decretal, or other order shall be necessary, and no attendance upon the Master to settle or draw up any such decree, decretal, or other order shall be allowed, unless the Master especially require the same; but the Master shall take a note of the judgment when the same is pronounced by the Court or any Judge, and draw up such decree, decretal, or other order thereon.

No Minutes of Decree necessary.

25. That in suits wherein proof of debts is directed to be made before the Master, he may, if the claim be unopposed, receive proof thereof on the affidavit of the claimant, or of any witness on his behalf, without any claim in writing.

Proving Debts.

And in every such case he shall endorse on the affidavit the allowance or disallowance of such claim.

26. That whenever the Master is ordered to settle any conveyance, and the parties differ about the same, a statement in writing of the required alterations shall be delivered by the party objecting to the draft to the party by whom the same was prepared, within eight days after service of notice of the leaving of such draft with the Master.

Settling Conveyances.

27. That when it is ordered that any property be sold by the Master, he may appoint an auctioneer who shall sell the same as directed, and be paid a per centage, or such sum as may be fixed by the Master, and such auctioneer shall pay over to the Master within three days after the receipt thereof any deposit which he may receive; and if required by the Master verify by affidavit the acts which he may have done in respect of the sale.

Sale of Land Auction.

28. That every report or certificate made by the Master in Equity shall be drawn up by him in a simple and compendious form, with a prefatory statement to this effect:—"In compliance with the decree (or decretal order or order) above written I report (or certify)," and without any other recital; and such Report shall concisely state the conclusion at which the Master may have arrived, without setting forth the evidence or his reasons upon each point, and opposite to each paragraph thereof shall be a reference to the documents or folio in the evidence upon which the conclusions arrived at is based, and every such Report shall be annexed by the Master to the Decree Decretal, or other order directing the reference or enquiry.

Master's Report or Certificate.

29. That when the Master shall have made his report in any case he shall give notice to the parties interested therein at least four days before he presents the same for confirmation, and any party to the suit may take a copy thereof; and the Master shall upon the next day in Term, or first day on which the Court shall sit in Equity out of Term, after the expiration of such four days present his report for confirmation by the Court; and thereupon any party to the suit may show cause against the confirmation thereof, or that the same should be amended, altered, or varied; and the Court may confirm such report, or make such order respecting the same as the justice of the case may require.

Confirming Report.

30. That all applications for re-hearing in any suit shall be by motion within sixteen days next after the decree shall have been pronounced.

Re-hearing.

31. That in every case in which the report of the Master is confirmed and further directions are to be given, or where the equity has been reserved, the plaintiff or any party interested shall set the suit down for such further directions, or upon the equity reserved within sixteen days from the time when such report shall have been so confirmed.

Further Directions.

32. That whenever in any suit any disputed issue of fact may arise cognizable properly by a Jury, the Court may, with or without the consent of the parties, order that the same be tried by a Jury of four or twelve special Jurors; and thereupon may direct that a case be made, and that one or more issue or issues of fact be raised; and the case so stated shall be engrossed on parchment together with the said order of the Court; and the roll shall be filed with the Prothonotary, the case set down and tried in the same manner as any action at law; and after the case is tried the Associate of the Judge who tries the case shall enter thereon the verdict of the Jury, and return the roll into the Office of the Prothonotary; and if no Rule *Nisi* for a new trial be granted, or if such Rule *Nisi* having been granted the same be discharged, the Prothonotary shall upon the fifth day of the Term next ensuing, or upon the day after such Rule shall have been discharged, as the case may be, transmit the roll to the Master in Equity; and the Master shall file the same with the other proceedings in the suit, and produce the same in Court on the next Equity day in Term, or the first day on which the Court shall sit in Equity out of Term; and the Court shall make such order thereon as the justice of the case may require.

Trial by Jury.

33. That if at the expiration of sixteen days from the time of pronouncing any decree, decretal, or other order, no application be made to add to, alter, or vary the same, the Master in Equity shall cause such decree, decretal, or other order to be engrossed upon the roll, which shall have the like effect as enrolling the same.

Decree engrossed on Roll.

34. That if any plaintiff in any suit fail to set the suit down for the examination of witnesses within one month after issue joined, or to set the suit down for hearing within one month after the examination of witnesses is concluded, the defendant may apply to the Court that the Bill be dismissed for want of prosecution, and, unless sufficient cause be shewn, the Court shall order accordingly.

Bill dismissed for want of prosecution.

35. That no injunction to stay proceedings at law shall be granted as of course for default of answer, but shall be granted only on the equitable grounds disclosed by the affidavits in support of the same. And every such injunction when granted shall be drawn up to stay proceedings, or to stay trial and all further proceedings, or to stay entering up judgment, or to stay issuing execution thereon, as to the Court or Judge granting the same shall seem meet.

Common Injunction.

36. That injunctions, either to stay proceedings at law, or to stay waste, or for any other purpose, writs of *ne exeat colonia*, or application for a receiver, may be granted by the Court or a Judge upon interlocutory application supported by affidavit, although not prayed by the plaintiff's Bill.

Injunction *ne exeat* receiver.

- Petitions abolished. 37. That proceeding by petition be abolished in all cases except where expressly required by Act of Parliament, or of Council; and that the same relief which has hitherto been obtained by petition, may be in future obtained by motion or summons before a Judge in Chambers.
- Guardian *ad litem*. 38. That when a guardian *ad litem* is appointed, the presence of the infant or guardian in Chambers shall not be hereafter required.
- Decree and Order to be executed as at Law. 39. That every decree, decretal, or other order of the Court or any Judge in the equity jurisdiction of the said Court, shall be carried into execution in the same manner as at law.
- Orders may be enforced for and against parties by the same process as if parties. 40. That every person not originally a party to the suit, who may have been served with notice of any decree, decretal, or other order made therein, and who may have come in under the same to take the benefit thereof, or in whose favor a decree or order may have been made, shall be entitled to enforce obedience to the same by the like process as if he had been originally a party to the suit; and every person not being a party in any suit against whom obedience to any such decree, decretal, or other order may be enforced, shall be liable to the same process for enforcing obedience to the same as if he were a party to the suit.
- Duties discharged by Serjeant-at-Arms in England to be discharged by Sheriff of Victoria, and Process to be directed to him accordingly, and to receive Fees in Schedule. 41. That all duties discharged in the High Court of Chancery in England, in respect of process issued out of the said Court or otherwise by a Serjeant-at-Arms, shall be discharged within the Colony of Victoria by the Sheriff; and all process which in England would be directed to a Serjeant-at-Arms, shall accordingly in this Court be directed to and executed by such Sheriff: and the Sheriff may receive in respect of such duties, and upon the execution of such process, the fees set forth in the Schedule to these Rules annexed.
- Persons arrested to be brought to Bar of the Court on the first Equity day after the arrest. 42. That the Sheriff shall bring to the bar of the Court every person arrested upon any writ of attachment issuing out of the said Court in its equitable jurisdiction, on the next day in Term, or on the next day on which the Court shall sit in Equity out of Term, next after such arrest, or as soon afterwards as possible, and every such person and his property shall be dealt with by imprisonment and sequestration, in like manner as persons and their property are dealt with when brought to the bar of the High Court of Chancery in England by a Serjeant-at-Arms for the like cause.
- Persons arrested and their property to be dealt with as in England. 43. That any party required by any decree, decretal, or other order to perform any act shall upon being served with a copy of such decree, decretal, or other order, perform such act, or be liable to an attachment for non-performance of the same.
- Party served with Decree bound to obey, or liable to be attached. 44. That every order or decree requiring any party to do an act thereby ordered shall state the time (after service of such decree or order) within which the act is to be done, and a copy of the order or decree shall be served upon the party required to obey the same.
- Orders for performance of acts to contain a limitation of time. 45. That no writ of attachment with proclamations, nor any writ of rebellion, be hereafter issued for the purpose of compelling obedience to any process, order, or decree of the Court.
- No Attachment with Proclamations nor Writ of Rebellion to be issued. 46. That whenever in any case the Sheriff shall have returned *non est inventus* to an attachment, the party suing out the same may apply to a Judge in Chambers for leave to issue a writ of sequestration, and such application shall be supported by an affidavit setting forth that due diligence has been used, and in what manner in endeavouring to arrest the party named in the writ.
- On return of *non est inventus* Writ of Sequestration. 47. That if any party who by any decree of the Court is ordered to deliver possession of any lands, tenements, or hereditaments within a time limited, shall after service of such decree refuse or neglect to obey the same, the party obtaining such decree may apply to a Judge in Chambers for leave to issue an *Habere facias possessionem*, who may, if sufficient cause be shewn, direct that such writ do issue.
- Party obtaining a Decree for possession of lands, may obtain an *Habere facias possessionem*. 48. That every receiver in any suit in the said Court, and every guardian appointed for the maintenance of any infant, and every committee appointed of the person and estate of any person of unsound mind, shall before the first day in the first and third Term in each year make up and pass before the Master in Equity the accounts of the estate of which he has undertaken the management or administration, or of the disbursement of the funds allotted for the maintenance of such infant, up to the last day of the previous half-year ending on the 31st day of December and the 30th day of June, as the case may be: and shall present to the Master a schedule, which shall set forth a true account of all monies received, the times when and the persons from whom the same may have been received, the amounts so received, how the same may have been disbursed, and how and what portion thereof is retained by each; and the Master shall certify at the foot of such schedule according to the circumstances of each particular case.
- Present Account to the Court. 49. That every such receiver, guardian, or committee, shall, upon the first day of the first and third Term in each year, present to the Court the schedule of his accounts, passed by the Master in Equity or account for his not presenting the same; and the Court shall make such order thereon as shall seem meet.
- Practice in Lunacy. 50. That the practice in lunacy proceedings shall be conducted as is provided for the conduct of proceedings in equity, as nearly as circumstances will admit.
- Commission in Lunacy. 51. That every commission in lunacy shall be directed to one commissioner only, who shall be a barrister-at-law of three years' standing at the least; and such commissioner may (if the Court so direct) be assisted by a physician or surgeon as his assessor.

CHAPTER VII.

PRACTICE IN THE JUDGES' CHAMBERS.

Business taken by Judges in rotation. THAT the ordinary Chamber business shall be disposed of by one of the Judges in rotation (as may be agreed on by them) for one week, of which due notice shall be given on Saturday before noon and during the week so appointed no ordinary Chamber business will be taken by any other of the Judges: Provided that application for writs of *Capias ne creat*, *Habeas Corpus*, injunctions, and other writs of special exigency, may be made at any time to any of the Judges.

2. That every Judge's summons shall be numbered as issued, and heard in the order in which it is taken out; and shall set forth the grounds (each written in a separate paragraph and numbered) upon which the application is made, and shall be signed by the Judge's Associate. Summons.
Requisites.
3. That every summons shall be served before two of the clock of the day previous to its being made attendable, and returnable peremptorily in the first instance, and shall operate as a stay of proceedings from the hour at which it is attendable: Service.
Stay of Proceedings.
- Provided that it shall be lawful for any Judge, if under special circumstances he shall see fit, to order that any such summons operate as a stay of proceedings from the time of service, when it shall be drawn up accordingly and signed by such Judge.
4. That the original affidavit upon which it is proposed to support any summons shall be lodged with the Associate at the time of his issuing the same, and the fee for filing such affidavit paid to him; and a copy of every such affidavit shall be served together with the summons; and no supplemental affidavit shall be read by the party who takes out the summons without the leave of the Judge before whom the same is returnable. Affidavit lodged
with Associate,
and filed by
him.
5. That it shall not be necessary to verify by affidavit any pleading, summons, writ, or other process of the Court, or any other document, or any copy of either used before a Judge, unless the Judge, at the hearing of the summons, shall so desire. Verification of
Documents.
6. That the original of every affidavit used in shewing cause against any summons shall be lodged with, and the fee for filing the same be paid to the Associate, before the same may be read; and after every summons has been disposed of, all the affidavits used on each side shall be filed by the Associate in the proper office of the Court. Affidavits to be
used in Shewing
Cause, lodged
with Associate.
7. That all objections in point of form or of a technical nature, shall be taken previous to the discussion of the merits; and if not then taken shall be held to have been waived. And the Judge before whom any summons shall be heard shall have power to award costs in his discretion to either party or to withhold the same, or to make such other order respecting the same as to him shall seem meet. Technical objec-
tions.
Costs.
8. That whenever any summons shall be dismissed on a preliminary objection no costs shall be allowed. Preliminary ob-
jection.
Costs.
9. That the party who may succeed on any summons shall take out the order thereon within twenty-four hours after judgment thereon, or lose the benefit thereof: Provided that if such successful party do not within twenty-four hours take out such order it shall be lawful for the unsuccessful party to take out the order within twenty-four hours next ensuing. Order, when and
by whom taken
out.
10. That when any order is drawn up on a consent, a copy thereof, if not endorsed upon the summons, must be lodged with the Associate by the party applying for the order, and filed by the Associate in the usual way. Consent Order.
11. That either party intending to appear by counsel on a Judge's summons, shall, before four o'clock of the day previous to that on which the summons is attendable, give notice to the other party of his intention so to do. Notice of Attend-
ance by Coun-
sel.

CHAPTER VIII.

ECCLESIASTICAL RULES.

- THAT every application for probate of Will, or for letters of administration, shall be made by motion to the Court in term, and in vacation, on Thursdays, or any other day set apart for banco business. Probates and Ad-
ministrations
granted in Term
and Banco Sit-
tings.
2. That no probate of any Will or administration of any intestate's effects shall be granted to any person except after the expiration of fourteen days after the publication of an advertisement by him, or some Attorney on his behalf, in one of the Melbourne newspapers, of his or her intention to apply for the same. Administrations
or Probates not
granted until
after expiration
of fourteen days
after advertise-
ment.
3. That every application for probate of a Will shall be supported by an affidavit setting forth,—
1st, The death of the testator.
2nd, The time of his decease.
3rd, That he has left a Will.
4th, The date thereof.
5th, The name of each executor.
6th, The subscribing witness thereto; and
7th, That no caveat has been lodged. Affidavit in sup-
port of Appli-
cation for Pro-
bates.
- And if such Will be executed by the testator, by his affixing his mark thereunto, then an affidavit of the due execution thereof, shall also, if possible, be made by one or more of the subscribing witnesses thereto; and every such affidavit shall be filed, together with the oath of the executor or executors, in the form in the Schedule to these Rules annexed set forth, before probate of the Will shall be issued.
4. That in every case where the executors of any Will shall neglect or refuse to bring into Court such Will, and take out probate of the same, or renounce the execution thereof, within six weeks from the death of the testator, any party interested in such Will may apply to the Court for a summons, calling on them to bring in such Will, and take out probate of the same, or renounce the execution thereof; and every such application shall be supported by an affidavit setting forth,—
1st, The death of the testator.
2nd, The time of the death.
3rd, The existence of his Will.
4th, That the parties against whom a summons is sought to be issued are appointed execu-
tors of such Will. When Executors
neglect or re-
fuse to prove
Will, Summons
may issue as of
course, on Affi-
davit being
filed.
- 5th, That they have neglected or refused to prove the same; and
6th, That no caveat has been lodged.

And if it appear to the Court that such executors neglect or refuse to bring in such Will, and take out probate thereof, the Court may make such order in the premises as the justice of the case may require.

Affidavit in support of Administration to Widow or next of kin.

5. That every application for letters of administration to the widow, or the next of kin, of any deceased person, shall be supported by an affidavit setting forth,—

- 1st, The death of the party.
- 2nd, The time of his decease.
- 3rd, That he died intestate, leaving personal property in the Colony of Victoria.
- 4th, What relations or next of kin he left surviving him, so far as the same may be stated.
- 5th, That the party making such application is the widow or next of kin of such deceased person, and entitled by law, as he or she believes, to such administration; and
- 6th, That no caveat has been lodged.

If application made by Creditor, Summons to be published.

6. That in all cases where a creditor shall intend to apply for letters of administration, he shall, previous to such application, go before the Master in Equity and prove his debt; and the said Master is hereby directed to enquire into, and admit or reject proof of, such debt, and certify to a Judge whether the same be due: and if the Master shall certify that such debt is due, a Judge may order that a summons do issue, calling on the widow and next of kin of the deceased person to appear before the Court, fourteen days after the first day of the publication thereof, to show cause why administration of the goods of the deceased should not be granted to such creditor: And such summons shall be made returnable not less than fourteen days from the first publication thereof, and shall be published once in each of two consecutive weeks, in two newspapers, to be named in the order directing the issue of such summons, and no administration shall be granted to such creditor, unless by an affidavit, setting forth,—

- 1st, The death of the party.
- 2nd, The time of his decease.
- 3rd, That he died intestate, leaving personal property in this Colony at the time of his death.
- 4th, What relations or next of kin he left surviving him, so far as the same can be stated.
- 5th, That the party making the application is a creditor, and to what amount.
- 6th, That he has proved his debt.
- 7th, That he has duly published the summons; and
- 8th, That no caveat has been lodged.

Before Administration issues, Affidavit of justification of Sureties to be filed.

7. That before any letters of administration shall issue, the person to whom the same shall be granted, shall attend with each of his sureties before the Master in Equity, and he and they shall severally and respectively justify on oath as to the amount of value of his and their property: And such person may thereupon file in the office of the Master in Equity an administration bond, duly executed by him, and take out his letters of administration accordingly.

Caveats to be entered with the Master.

8. That every caveat against an application for probate of a Will, or letters of administration, shall be lodged in the office of the Master in Equity, by an Attorney of the Court, within fourteen days next after the first publication of notice of the intention to apply for probate or letters of administration; and such Attorney shall at the same time file with the Master in Equity his authority for lodging the same, together with an undertaking, signed either by the party in whose name such caveat is lodged, or by such Attorney, to appear to any suit that may be instituted by the party applying for such probate or letter of administration; and no summons to compel the appearance to such suit, of the person lodging such caveat, shall be required.

If Caveat lodged, a statement of the nature and ground of Suit to be filed.

9. That in any case where a caveat shall have been lodged, the party applying for probate or letters of administration (who shall be deemed to be the plaintiff in the suit) shall, by an Attorney of the Court, duly authorised (whose authority shall be filed in the office of the Master in Equity), deliver to the party against whom he intends to proceed (who shall be deemed to be the defendant in the suit) a Bill. And such Bill shall set forth in a simple and compendious manner the names of all the defendants and the nature and true grounds of the plaintiff's cause of suit. And every such Bill shall be sealed by the Master in Equity, and when sealed the said Master shall enter in a book to be kept in his office, and called the "Ecclesiastical Suit Book," the time when sealed, the names of the parties, and the nature of the suit. And every such Bill shall be delivered when the defendant resides in Melbourne, or within fifty miles thereof, within eight days; and when the defendant resides beyond that distance, within fourteen days next after the expiration of the time limited for lodging the caveat, and the delivery of the Bill shall be the commencement of the suit.

Defendant, within three or six weeks after service of Bill to deliver his Plea.

10. That every defendant who resides in Melbourne, or within fifty miles thereof, shall, within three weeks, and every defendant who resides beyond that distance, shall, within six weeks next after the service upon him of the Bill, deliver to the plaintiff a plea, and such plea shall set forth, in a simple and compendious manner, the points of law or matters of fact, or both, on which he rests his defence, whereupon issue shall be deemed to be joined between the parties.

If Defendant does not plead, Plaintiff may proceed *ex parte*.

11. That if a defendant to whom the Bill has been duly delivered shall not plead within the time limited for pleading, his caveat shall be considered as abandoned, and the plaintiff may make up and file the roll, set down the cause for hearing, and examine witnesses, if necessary, so as to obtain a sentence *ex parte*.

After issue joined, either party may set down Cause for hearing.

12. That within fourteen days after the defendant has failed to plead, or within like time after issue is joined, the plaintiff shall engross the Bill on parchment and file the roll in the Office of the Master; and the plaintiff shall, on the day he files the roll, give notice to the defendant that the cause is set down to be heard by the Court on a day not less than twelve days from that on which such notice is given. And the suit may be heard by the Court on any day during term, or on any banco day in vacation, and both parties may subpoena their witnesses for the day on which the cause is set down to be heard, in the same manner as in a trial at law.

If Plaintiff makes default, Defendant absolves from Suit.

13. That if in any stage of the suit the plaintiff shall make default in proceeding therewith, the defendant may file in the Office of the Master in Equity a precept of judgment for want of prosecution, and the Master shall thereupon enter in the "Ecclesiastical Suit Book," "judgment for want of prose-

cution," and the defendant shall thereupon be absolved from the suit, and may tax and recover all costs which he may have incurred by the proceedings, payment of which costs shall be a condition precedent to the institution of any new suit by the plaintiff, and the defendant may recover such costs in like manner as at law.

14. That on the day of hearing the parties shall proceed in the same manner as at a trial at law, and after the case shall have been gone through by both parties, the Court shall then, or at any other time, pronounce its sentence and adjudication of costs, which shall be duly entered with the other proceedings in the suit. Manner of proceeding at hearing.

15. That in case of an interlocutory sentence referring any matter to the Master, he shall appoint an early day for the parties to attend him; and a copy of such appointment being served on all the other parties, the Master, upon affidavit of the service thereof, may proceed as he may deem expedient until he shall have completed his investigation; and in all cases where in consequence of any such reference it shall be necessary for the Master to examine any parties, claimants or witnesses, he may examine them, or any of them, either upon written interrogatories or *viva voce*, or in both modes, as the nature of the case may require. And if evidence be given *viva voce*, he shall take down the examination of each witness, in order that the same may be used by the Court if necessary: and the Master shall issue the like subpoenas as at law for the attendance before him of any witness he may require at the expense of the party on whose behalf such witness shall be required. Matter referred to Master.

16. That every sentence shall be carried into execution in the same manner as any judgment at law. Sentence — how carried into execution.

17. That every creditor of any intestate to whom letters of administration shall have been granted, shall, before the first day of the second and fourth terms in each year, make up and pass before the Master, the accounts of the estate of which he has undertaken the administration, and shall present to the Master a schedule, which shall set forth a true account of all the monies received by him, the times when, and the persons from whom, the same may have been received; the amounts so received, how the same may have been disbursed, and how, and what portion thereof is retained by him. And the Master shall certify at the foot of such schedule, according to the circumstances of each particular case, and on the first day of such second and fourth Terms present such schedule to the Court, and the Court shall make such order thereon as shall seem meet. Creditor administering to account every half year.

CHAPTER IX.

SHERIFFS' RULES.

THAT the following rules be those to regulate the proceedings of the Sheriff and Deputy Sheriffs in the various Circuit Districts, as far as the same are applicable to the latter, and shall be held in such cases to apply to every such Deputy Sheriff, without his being specially named. Sheriff and Deputy Sheriff.

2. That the Sheriff or Deputy Sheriff shall be in constant attendance upon the Court; and when both Courts are sitting, one or the other shall attend in each. It shall be the duty of the Sheriff to see that the Court and the various offices are maintained in a clean and efficient state, and that order and decorum are observed in the Court and its precincts. Duties of the Sheriff respecting the Court.

3. That the Sheriff shall execute every writ, order, and process issued out of the Court, in any branch of its jurisdiction, directed to him to be executed, within one hundred miles of Melbourne, except where the same may have to be executed within the limits of a proclaimed Circuit District; and within such limits every such writ, order, and process shall be executed by him or by the Deputy Sheriff of such Circuit District; and beyond the distance of one hundred miles from Melbourne, and without such limits, the same shall be executed as the Court or Judge shall direct. And every writ shall be executed, according to the exigency thereof, with all convenient diligence, whether the same be made returnable immediately or not. Execution of Process.

4. That in cases where the property, either real or personal, of any party shall be taken in execution, such party may point out what portion thereof he will have sold first, and the portion so pointed out shall be sold first. Portions of the property sold first.

5. That in all cases where the Sheriff shall take in execution both real and personal estate belonging to the same party, he shall, unless the party otherwise desire, cause the personal estate to be first sold; and in case the proceeds be not sufficient to satisfy the execution, he shall then sell the real estate. Personal property to be sold first.

6. That where personal property is taken in execution by the Sheriff, he shall cause the same to be sold upon the sixth day after the levy thereon made, unless the Court or Judge shall otherwise order, or unless the same shall fall upon a Sunday, and in such case upon the day following. Personal property sold on sixth day.

7. That when the Sheriff takes in execution any real estate, the mode of proceeding shall be, that he do cause his bailiff to go upon the land, and (if any party be in occupation thereof) exhibit to any person thereon his writ, and affix upon the most public part of such land, and also in the most public thoroughfare nearest thereto, a notice of the intention of the Sheriff to cause the same to be sold, after the expiration of one month; and he shall advertise in the *Government Gazette*, and in one newspaper published in Melbourne, once in each of four consecutive weeks, his intention to sell the land, after the expiration of one month, unless the debt be sooner paid. Levy on real estate.

8. That where real estate shall be taken in execution by the Sheriff, he shall cause the same to be sold, after the expiration of one month, unless the Court or a Judge shall otherwise order. Real property to be sold after the expiration of one month.

9. That where the Sheriff intends to put up for sale any property taken in execution in any town in which a public newspaper is printed, or within twenty miles thereof, he shall cause a notice of the time and place and particulars of the sale to be given by advertisement in one such newspaper; and Notice of sale.

- in all other cases shall cause such notice to be given by affixing the same on the premises, and also in the most public thoroughfares nearest to the intended place of sale.
- Sale at place of levy.** 10. That in all cases the Sheriff shall cause any property taken in execution to be sold (according as he may deem it most advantageous), at the place of levy or elsewhere.
- Sale may be made in name of the party.** 11. That if it shall be made to appear, to the satisfaction of the Court or a Judge, that it would be advantageous that the party whose property is taken in execution were allowed to make sale thereof in his own name, by auction or private contract, the Court or such Judge may order that such property be so sold, under the superintendence of the Sheriff or his bailiff, and at the same time enlarge if necessary the return of the writ of execution.
- Sheriff to pay monies received.** 12. That where the Sheriff shall, by virtue of any writ to him directed, receive any monies, he shall pay them on demand to the party entitled to receive the same or his Attorney (deducting all lawful charges therefrom), whether such writ be then returnable or not, unless he shall have received from some person claiming to be interested therein notice to retain the same.
- Notice to Sheriff not to pay money to execution Creditor.** 13. That when the Sheriff shall, by virtue of any writ to him directed, receive any monies, and shall have been served with notice by any person claiming to be interested therein, not to pay over the same, the Sheriff may retain such monies in his hands, to abide the order of the Court or a Judge thereon; and if no application be made by the party giving such notice to the Court or a Judge, within four days next after the date of such notice, the Sheriff may pay over such monies in pursuance of the writ, without regard to such notice so received by him as aforesaid.
- Writs of Execution. Return.** 14. That all writs of execution be tested in the name of the Chief Justice, on the day on which the same are sued out, and be made returnable either in term time or vacation, and within two months from the day of issuing the same; and the amount of debt and costs actually due and to be levied, shall be endorsed thereon; and the Sheriff or his deputy shall, upon the receipt of such writ, endorse thereon the day of the month and the year wherein he receives the same. And every writ shall, within fourteen days next after the return day thereof, be returned by the Sheriff into the office of the Prothonotary, with a return endorsed thereon, or in a schedule annexed thereto, of what he shall have done in the premises. And when any writ is returned, the officer with whom the same is filed shall endorse thereon the day of the month and year wherein the same is so filed.
- Cost of Execution.** 15. That the Sheriff shall file with every writ, when the same is returned by him into the office of the Prothonotary, a schedule signed by him, setting forth true particulars of the costs incurred in the execution of such writ; and either party affected by the writ may call upon the Sheriff by summons to shew cause before a Judge why such particulars should not be taxed by the proper officer of the Court, and the Judge may order accordingly; and if such particulars be reduced on taxation by one-sixth or more, the sum so taxed off shall be paid by the Sheriff to the party entitled to receive the same, together with the costs of taxation.
- Suspension of Execution.** 16. That the Sheriff shall not suspend the execution of any writ or process directed to him, except upon an absolute order in writing to that effect, lodged with him by the person entitled to the benefit of the same, or his Attorney or his agent. And such person may at any time afterwards withdraw such order, and lodge with the Sheriff a written instruction to execute the said writ or process.
- Judge's Order in vacation to enforce performance of duty.** 17. That where the Sheriff shall not execute or return a writ directed to him, according to the exigency thereof, or shall not pay over money received, or deliver possession of premises taken by him, or bring in the body of a party he is directed to arrest or attach, or otherwise neglect or omit to perform any duty incumbent upon him, a Judge's order may be obtained in vacation on summons, to enforce the performance of such duty.
- Persons arrested to be lodged in nearest gaol.** 18. That when any person shall be arrested by the Sheriff on any civil process of the Court, he shall be lodged in the gaol nearest to the place of his arrest, unless the Court or Judge shall otherwise order.
- Costs of Interpleader.** 19. That where the Sheriff may have applied to the Court or a Judge, under the "Interpleader Act," and the Court or Judge be satisfied that his application was necessary and has been made in good faith, such rule or order as to payment of his costs by either of the parties interpleading may be made, as to the Court or Judge may seem fit.
- Sheriff to return.** 20. That on or before the fifteenth day of every month, the Sheriff shall file in the office of the Prothonotary a return signed by him of all monies received by him or any of his deputies or officers, during the month immediately preceding, classified under the heads of fees and executions; and such return shall specify the name of the cause or party, the nature and date of the writ or process under which, or the account upon which the sum was demanded, paid, or levied, when such writ or process was lodged with him, the amount received under the same, and when, the gross amount paid thereout for poundage or otherwise, the amount of nett proceeds, and how and when the same has been disposed of or paid over.
- Sheriff to file return of fines.** 21. That the Sheriff shall, on the same day, file an account in like manner, of all fines received during the same period, setting forth the amount received in detail from the several persons, and the process or other authority under which the same was in each case received, and for what offence respectively.
- Deputy Sheriffs may issue Subpoenas.** 22. That every deputy Sheriff shall have power, and is hereby required, to issue subpoenas *ad testificandum*, and subpoenas *duces tecum* in any case civil or criminal, to be tried in the Circuit Court holden within his district, or in any other Circuit District, or in the Supreme Court in Melbourne, upon payment to him of the fees of right to be demanded; and every such subpoena shall be sealed by the deputy Sheriff issuing the same, and every person served with any such subpoena, shall be liable and subject to the like penalties for disobedience thereof as if the same had issued out of the Supreme Court.

CHAPTER X.

MISCELLANEOUS.

THAT the Registrar's Office be held at No. 28, in William-street, in the City of Melbourne, or at such Registrar's Office, other place as the Judges may direct.

2. That in the Registrar's Office, all laws or ordinances, grants, deeds, and other instruments, which by law or usage may be required to be enrolled, recorded, or registered, in the Supreme Court, shall be so enrolled, recorded, or registered; and in the said office all estates of deceased intestates shall be collected, managed, and distributed by the Registrar, as the Court may direct. Duty of Registrar.

3. That all acts which the Prothonotary is required to do may be done during his absence by the chief clerk or other person in that behalf appointed by the Judges, and should the Registrar of Deeds obtain leave of absence, or by reason of sickness, or otherwise, become incapacitated for a time from discharging the duties of his office, the Judges may appoint specially some other person, during the period of such leave of absence, or temporary incapacity, to act on his behalf. Chief Clerk to act in absence of Prothonotary or Registrar.

4. That every affidavit to be issued in the said Court shall be divided into paragraphs, and every paragraph shall commence without a repetition of the words, "And the deponent further saith," and shall be numbered and confined as nearly as may be, to a distinct allegation; and the jurat of every affidavit shall be on the left hand side, and shall be signed by the deponent on the right hand side, at the end of the same. Affidavits.

That every affidavit must be filed before used, save as is provided with respect to affidavits used before a Judge in the Chambers; and no affidavit shall be filed, or if filed, shall be allowed to be read, with any erasure or interlineation therein, unless the same be noticed in the margin opposite thereto by the officer or person taking such affidavit.

5. That where any affidavit is made by a person illiterate or blind, the Commissioner taking the same shall state in the jurat that the affidavit was correctly read in his presence to the deponent, and that such person seemed perfectly to understand the same, and wrote his name, or affixed his mark, in his presence: and where an affidavit is made by two or more persons, the Commissioner taking the same shall state in the jurat, that the deponent sworn before him, wrote his name, or affixed his mark, in his presence. Jurat where person illiterate, or blind. Joint Affidavits.

6. That no Attorney engaged in any action or suit, matter or thing, or articulated, or other clerk of such Attorney, act as Commissioner for taking affidavits, in any such action, suit, matter or thing. Attorney, &c., not to act as Commissioner in Cause in which employed.

7. That every folio shall contain ninety words, and shall be numbered consecutively in the margin of every pleading, affidavit, or other document. Folio.

8. That in any case in which any person may be apprehended, and held to bail, at law, by virtue of a writ of *capias ad respondendum*, or in equity by virtue of a writ of *ne exeat colonia*, the same may be done by order of any Judge, obtained on the production of the proper affidavits, although no summons endorsed on a declaration or on a bill in equity be served, if the party making the application swear that he will, within four days after the party to be held to bail is in custody, deliver to him a declaration or bill in equity respecting the subject matter for which he has been arrested: and in case the party making such application fail to deliver within such four days such declaration or bill in equity, the party so arrested may apply to a Judge in Chambers for a supersedeas, and be discharged out of custody. Capias or ne exeat may be granted before Summons or Bill served.

9. That every affidavit to hold to bail be laid before a Judge, by the Attorney or Solicitor of the party seeking the order, and every such order shall be in the form of the Schedule to these Rules annexed; and in case the Judge shall refuse such order, he shall endorse upon the summons, "No Order," and initial the same, and in such case no second application shall be made to the same, or any other Judge, whether on the same or other affidavits, without apprising him of the fact of such refusal. Order to hold to bail.

10. That in all cases where a party shall be required to give bail, such bail shall justify before the Master in Equity or Prothonotary, as the case may relate to proceedings in Equity or at law, and not before a Judge; and the party called on to give bail shall cause notice, containing the names and additions, the place of residence, or business of such bail, to be delivered to the Attorney of the opposite party forty-eight hours before the bail is to justify. And when the parties or their Attorneys appear before the Master or Prothonotary in order that the bail may justify, the justification shall be conducted *viva voce* upon oath, and the Master or Prothonotary shall decide on the sufficiency or insufficiency of such bail, and of the costs of justification or opposition, and the decision of the Master or Prothonotary shall be final. Bail.

11. No Attorney or articulated or other clerk to an Attorney of the Supreme Court shall be bail for any party in any Court without leave of a Judge. No Attorney to act as bail.

12. That every warrant of Attorney and *cognovit actionem* shall be executed in the presence of an Attorney of the said Court, not the Attorney of the plaintiff, but expressly named by the defendant, and attending at his request to inform him of the nature and effect of such warrant of Attorney or *cognovit actionem*, before the same is executed; and such Attorney shall subscribe his name as a witness to the due execution thereof, and thereby declare himself to be Attorney for the person executing the same, and state that he subscribes as such Attorney. Warrant of Attorney and Cognovit actionem.

13. That every warrant of Attorney and *cognovit actionem* shall be filed in the office of the Prothonotary, in cases where the parties reside in Melbourne, or within fifty-miles thereof, within eight days, and in all other cases within fourteen days after the execution thereof; and if not executed as hereinbefore provided, shall not be filed, and if not filed within such time, shall not be filed without the leave of a Judge. And when any warrant of Attorney is filed, the Prothonotary shall note on the back thereof the day it is filed, and enter in a book, to be called the "Warrant of Attorney Book," in a concise form— Filing same.

The names of the parties.

The date of the instrument, sum secured, and when payable.

The penalty therein named; and

The name and place of business of the Attorney before whom the same is executed;

which book shall be indexed and numbered.

Affidavit of Debt.

14. In all cases in which judgment shall have been entered up in pursuance of any warrant of Attorney or *cognovit actionem*, the plaintiff, his agent, or Attorney, shall, before he sue out execution thereon, file an affidavit setting forth the amount actually due and payable to the plaintiff under such judgment.

Setting down Special Cases in criminal matters.

15. That whenever a special case is made on the application of any prisoner or counsel for the opinion of the Judges of the said Court, the party at whose instance the same was granted shall set the same down for argument with the Prothonotary on a Thursday in Term, and shall serve a copy thereof on the Crown Solicitor four days before the day of hearing.

Case reserved without application.

16. That when any such case shall have been made by any Judge or Court, without any application in that behalf, it shall be so set down for argument by the Prothonotary, who shall serve a copy thereof upon the Crown Solicitor in like manner.

Crown Solicitor to instruct Her Majesty's Attorney General, or Crown Prosecutor.

17. That the Crown Solicitor shall, when so served with such special case, instruct Her Majesty's Attorney General or Solicitor General, or Crown Prosecutor for the district from which the case may have been sent (if made by any Court of General Sessions) to appear upon the hearing thereof.

FOREIGN ATTACHMENT.

Writ to be issued in same manner as other process.

18. That every writ of Foreign Attachment shall be issued out of the office of the Prothonotary, and every such writ shall be in the form or to the effect prescribed in the Schedule to these Rules annexed.

Notice to be annexed thereto.

19. That every writ shall have written under, or annexed thereto, a notice in the form or to the effect prescribed in the said Schedule.

Mode of Service.

20. That at the time of the service of every such writ, a copy of the said notice shall be left, together with a copy of the said writ, with the party or parties to be served therewith, or at his or their then or last usual place of abode, as the case may be.

Forms in Schedule to be used when required.

21. That the several other forms set forth in the said Schedule shall be used, when required, in proceedings under the Act intituled, "An Act to consolidate and amend the Laws relating to Actions against persons absent from the Colony, and against persons sued as Joint Contractors."

Searches.

22. That any party may be at liberty to make searches in the office of the Master in Equity, Prothonotary, Sheriff, or Registrar of the Supreme Court, and in the Insolvent Court, at any time within the hours of business, on any day on which such office may be open, upon payment of the ordinary fees.

Schedules of Forms.

23. That the forms in the Schedules to these Rules annexed be adopted with such modifications as the circumstances of the case may require; but nothing herein contained shall render it erroneous or irregular to depart from the letter of such forms, so long as the subject is expressed without prolixity.

Interpretation Clause.

24. That in the foregoing Rules, words importing the "Singular number" shall include the "Plural number," and the reverse; words importing the masculine gender shall include "Females;" the word "Party" shall include "a Body Politic or Corporate;" the word "Affidavit" shall include "Affirmation;" the word "Receiver" shall include "Consignee and Manager;" and when time is measured by days, the first shall be reckoned inclusive, the last exclusive; when by a month, a lunar month shall be intended.

Computation of time.

25. That when, in the computation of time, any party to any action or suit, or other proceeding, or any officer of the said Court, or other person, is directed to do any act upon any day, and such day shall fall upon a Sunday or holiday, such act, if required to be done during term, shall be done on the day before, and if out of term, on the day after such Sunday or holiday.

Amendment generally.

26. That the Court, or any Judge, as the case may be, shall have power to amend any writ, pleading, affidavit, jurat, or title of affidavit, notice of motion, Judge's summons, rule *Visi* or absolute, precept, roll, Judge's order, decree, interlocutory order, or decretal order, or other process or proceeding in any branch of the jurisdiction of the Court used before such Court or Judge in any matters that shall appear to the said Court or Judge not likely to mislead the opposite party on any point essential to the merits of the case, and to make such order for the postponement or further hearing of the cause or matter as may by him be deemed necessary, and to award such reasonable costs of such amendment as to the said Court or Judge shall seem meet.

CHAPTER XI.

COSTS.

Costs.

THAT the scale of fees, costs, and charges set forth in the Schedule to these Rules annexed, shall be those established, so far as the same can be applied, and the proper officers shall tax and allow all bills of costs in accordance therewith; and for all business not comprehended therein, the like fees, costs, and charges as are established by law or sanctioned by usage in the several superior Courts of England for the conduct of such business, shall be allowed.

Costs to be taxed by the Master in Equity and the Prothonotary.

2. That the costs in Equity, Ecclesiastical proceedings, and in Conveyancing, shall be taxed by the Master in Equity; in Insolvency, by the Chief Commissioner of Insolvent Estates;

and in Common Law and in Criminal proceedings, by the Prothonotary or such other officer as the Judges may appoint.

3. That application for security for costs be, in ordinary cases, made before plea, and in other cases, within a reasonable time after the absence of the plaintiff has come to the knowledge of the defendant. Security for Costs.

4. That whenever any amendment is allowed, or rule or order enlarged, upon payment of costs, payment of such costs shall be a condition precedent to the progress of the action, suit, or matter, or hearing of the rule or order. On amendment.

5. That whenever any rule or order is made absolute or granted, and no mention of costs is made by the Court or a Judge, such rule or order shall be drawn up with costs to be paid to the successful party. Costs of Rule or Order.

6. That where notice of an intended motion is given, or where cause is to be shewn in the first instance after notice against a rule or order, and the party who may have given such notice or who intended to move for such rule or order shall not appear, but the party served with notice or prepared to shew cause do appear, the Court may at its rising, on production of the notice, make order that the costs of the party so appearing be paid by the party who gave such notice. Costs of shewing Cause in the first instance.

And if both parties appear and the party who shews cause be successful, the Court may order that his costs be paid in like manner.

7. That where a new trial is granted without any mention of costs, the costs of the first trial shall not be allowed to the successful party, although he succeed on the second trial. New Trial.

8. That the taxing officers may in their discretion allow in all cases, as between party and party, the fees of counsel for drawing pleadings or other proceedings, whether special or otherwise, and for advising. Costs of Pleading and Advising.

9. That the taxing officers shall allow in the costs of briefs to counsel only for copying into such briefs of such documents or parts of documents as they may in their discretion consider necessary for the instruction of counsel, or for use at any trial or hearing. Costs of Copying Documents in Briefs.

10. That if a plaintiff in ejectment be nonsuited at trial, the defendant shall be entitled to his costs of suit. Plaintiff in Ejectment nonsuited, Defendant may receive his Costs. Paupers' Costs.

11. That no person admitted to sue in *formâ pauperis* shall, in any case, be entitled to costs from the opposite party unless by order of a Court or a Judge.

12. That when two or more writs, summonses, orders, or notices, in the same cause or matter, can be served at the same time on any plaintiff or defendant, they shall be so served, and when such is the case, mileage shall be allowed for the service of one only. Mileage on several Writs, &c.

13. That any number of names of witnesses may be inserted in a subpoena, and the costs of only one original will be allowed. Subpoena.

14. That whenever it shall appear to the Master in Equity that it is just that the costs, or any part of the costs, of any attendance or proof before him, or of costs incurred through non-attendance, should be paid specially by any party or claimant, he may award payment thereof. Attorneys' Costs, specially.

15. That when a witness shall attend in one cause only, he will be entitled to the full allowance; when in more than one cause, he will be entitled to a proportionate part in each cause only. Attendance of Witnesses.

16. That the travelling expenses of every witness shall be allowed according to the sums reasonably and actually paid, but in no case shall exceed one shilling and sixpence per mile one way. Travelling Expenses of Witnesses.

17. That no costs of attendance by counsel of a Judge's summons shall be allowed, unless the Judge before whom the summons is heard shall certify that in his opinion such attendance was necessary. Costs of Counsel.

18. That when any judgment is signed on a cognovit or Judge's order authorizing the plaintiff to sign judgment, no declaration to ground such judgment shall be necessary or allowed on taxation of costs. Costs on a Cognovit, or Judge's Order.

19. That in all actions on contract other than cases wherein by reason of the nature of the action no suit in a County Court can by law be maintained, where the sum recovered or paid into Court and accepted by the plaintiff in satisfaction of his demand, or agreed to be paid on the settlement of the action, shall not exceed fifty pounds (without costs), the plaintiff's costs as against the defendant shall be taxed according to the lower scale of allowances in the Schedule of Costs hereunto annexed: Provided that if the Judge shall certify on the roll that the cause was proper to be tried before a Judge of the Supreme Court of the Colony, and not before a Judge of an inferior Court, the costs shall be taxed on the higher scale. Costs in Action on Contract where the sum recovered or paid into Court and accepted, or agreed to be paid, is under fifty pounds.

20. That in all actions on contract, at the head of every bill of costs taken to the taxing officer to be taxed, it shall be stated whether the sum recovered, accepted, or agreed to be paid, exceeds the sum of fifty pounds or not, in the following form:—

Debt—above fifty pounds.

Debt—fifty pounds or under.

21. That if any plaintiff in any action before the Supreme Court of the Colony shall obtain a verdict for less than twenty pounds unliquidated damages, and if the presiding Judge on such trial shall certify on the back of the roll that the action was not of sufficient value to justify an action in the Supreme Court, the plaintiff's costs as against the defendant shall be taxed according to the lower scale of allowances in the Schedule of Costs hereunto annexed. Costs in Action for unliquidated damages when the verdict is for less than ten pounds.

No Costs when
Judge certifies the
Action to be frivolous.

22. That if any plaintiff in a trial before the Supreme Court of the said Colony shall obtain a verdict for less than ten pounds liquidated damages or debt, or less than forty shillings unliquidated damages, and if the presiding Judge on such trial shall certify on the back of the roll that the cause of action was frivolous or vexatious, or not fit to be brought in such Supreme Court, the plaintiff shall recover no costs.

Taxation when several issues.

23. That in every case all appointments for taxation of costs shall be served or notice thereof posted in the office of the Prothonotary, not less than twenty-four hours before the hour mentioned for such taxation; and on taxation of costs where some issues are found for the plaintiff, and others for the defendant, the taxing officer shall require that the Attorneys shall mark such parts of the briefs as apply to the several issues upon which they claim to be entitled to costs, and the *allocatur* of the taxing officer shall be given upon the bill taxed, which shall be filed immediately after taxation with the affidavit or affidavits of increase used therein; and the bill of costs together with the affidavit or affidavits of increase, shall be lodged with the taxing officer at the time the appointment for such taxation shall be taken out.

Taxation under
11 Vic., No. 33,
sec. 2.

24. That in all cases of applications to refer an attorney's bill for taxation, under section 2 of the Act 11 Victoria, No. 33, in that behalf, where the rule or order is made *ex parte*, no rule or order for judgment shall be had or made without notice or a previous rule or summons on the party to shew cause.

Term Fees.

25. That when proceedings are commenced in vacation, and continued to the following term, or are commenced in term and continued in the following vacation, only one term fee shall be allowed in respect thereof, and no additional charge for letters; and where on taxation of costs a term fee has been allowed, and proceedings are afterwards continued in the same term or vacation, no further allowance shall be made for letters.

Fees for Copies of
Depositions.

26. That the sum to be paid for depositions under the Act of the Governor and Legislative Council of the Colony of New South Wales, passed in the 14th year of Her Majesty Queen Victoria, being No. 43, shall be fourpence per folio of ninety words, for the first twelve folios, and threepence per folio for the remaining folios.

(Signed)

{ REDMOND BARRY,
Acting Chief Justice.
{ EDWARD EYRE WILLIAMS.

Supreme Court,
November 29th, 1853.

APPENDIX.

SCHEDULE TO CHAPTER II.

CERTIFICATE A.

To the Board of Examiners of the Supreme Court for Barristers (or for Attorneys).

We Certify that we are acquainted with _____ who now resides at _____ and *Vide Rules 19 and 20.*
we believe him to be a fit person to be a Candidate for admission to the Bar (or as an Attorney) of the Supreme Court of the Colony of Victoria.

We believe that he is a natural born (or naturalized) British subject, of the full age of twenty-one years, and that he is a person of good fame and character, and not engaged in any trade.

Dated this _____ day of _____ in the year of our Lord, 185

(Signed) { A. B.
C. D.
E. F.

CERTIFICATE B.

To the Board of Examiners of the Supreme Court for Barristers (or Attorneys).

We Certify that we have known _____ for one year, and that we believe him to be a fit *Vide Rules 11 and 20.*
person to be admitted to practise at the Bar (or as an Attorney) of the Supreme Court of the Colony of Victoria.

Dated this _____ day of _____ in the year of our Lord, 185

(Signed) { A. B.
C. D.

Practising Barristers (or Attorneys) of the said Court.

CERTIFICATE C.

To Their Honors the Judges of the Supreme Court of the Colony of Victoria.

We being the major part of the Examiners conducting the examination of _____ (or I) *Vide Rules 13, 20, and 23.*
do hereby, in pursuance of the Rules of this Honorable Court, certify that we (or I) have examined the said _____ and we (or I) do testify that he is fit and capable to practise in the said Court as a Barrister (or as an Attorney, Solicitor, and Proctor, or as a Conveyancer).

Dated this _____ day of _____ in the year of our Lord, 185

(Signed) { A. B.
C. D.
E. F.

Members of the Board of Examiners for Barristers (or Attorneys),
or,

G. H.

Master in Equity.

CERTIFICATE D.

To their Honors the Judges of the Supreme Court of the Colony of Victoria.

We Certify that we have known _____ for the last twelve months, during which time he has *Vide Rule 23.*
been constantly resident in the Colony of Victoria, and not engaged in any Trade. We believe him to be a natural born (or naturalized) British subject, of the full age of twenty-one years, of good fame and character, and that he is a fit person to be a Candidate to practise as a Conveyancer.

Dated this _____ day of _____ in the year of our Lord, 185

(Signed) { A. B.
C. D.
E. F.

Householders.

AFFIDAVIT OF ATTORNEY APPLYING FOR ADMISSION.

In the Supreme Court of the Colony of Victoria.

Vide Rule 17.

In the matter of A. B., Gentleman.

- I, A. B., of _____ in the Colony of Victoria, Gentleman, make oath and say—
- 1.—That I was on the _____ day of _____ A.D. 185____, admitted an Attorney of Her Majesty's Court of Queen's Bench, at Westminster, and on the _____ day of _____ A.D. 185____, admitted a Solicitor of Her Majesty's High Court of Chancery, in England, or as the case may be.
 - 2.—That I have not done or committed any act or thing which would cause my name to be struck off the Roll of either of the said Courts.
 - 3.—That to the best of my knowledge and belief my name still remains on the Rolls of each of the said Courts.
 - 4.—That the Copies of the Certificates annexed are true copies of my admission therein respectively.
 - 5.—That I am the person named therein.
 - 6.—That I ceased to practise as an Attorney and Solicitor, in England, in the month of _____ A.D. 185____.
 - 7.—That I arrived on the _____ day of _____ A.D. 185____, in the Colony of Victoria.
 - 8.—By the Ship _____ which sailed from the Port of _____ in _____
 - 9.—That after I ceased to practise in England, and before my departure therefrom, I was employed as _____ and since my arrival in the Colony of Victoria I have been employed as _____
 - 10.—And I refer to C. D., of _____ and E. F. of _____ resident within the said Colony, as persons to whom I am known.
 - 11.—That I have caused to be posted and published the Notices required by the Rules of this Honorable Court, and otherwise in all respects complied therewith.

Sworn at _____ this _____ day of _____ A.D. 185____, before me,

Commissioner for taking Affidavits.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR ADMISSION AS ATTORNEY BY A PERSON NOT PREVIOUSLY ADMITTED ELSEWHERE.

Vide Rule 22.

In the Supreme Court of the Colony of Victoria.

In the matter of A. B., Gentleman.

- I, A. B., of _____ in the Colony of Victoria, make oath and say—
- 1.—That the Documents hereunto annexed are true Copies of the Certificates, duly authenticated by the Board of Examiners of the Supreme Court for Attorneys, the originals whereof were, on the _____ day of _____ A.D. 185____, filed by me in the office of the Prothonotary of this Honorable Court.
 - 2.—That I am the person named therein.
 - 3.—That I have caused to be posted and published the Notices required by the Rules of this Honorable Court, and otherwise in all respects complied therewith.

Sworn at _____ this _____ day of _____ A.D. 185____, before me,

A Commissioner for taking Affidavits.

AFFIDAVIT OF PERSON APPLYING TO BE ADMITTED TO PRACTISE AS CONVEYANCER.

Vide Rule 23.

In the matter of A. B., Gentleman.

- I, A. B., of _____ in the Colony of Victoria, Gentleman, make oath and say—
- 1.—That the Documents hereunto annexed are true Copies of the Certificates required by the Rules of this Honorable Court, the originals whereof were, on the _____ day of _____ A.D. 185____, filed by me in the office of the Prothonotary thereof.
 - 2.—That I am the person named therein.
 - 3.—That I have caused to be posted and published the Notices required by the Rules of this Honorable Court, and otherwise in all respects complied therewith.

Sworn at _____ this _____ day of _____ A.D. 185____, before me,

A Commissioner of the Supreme Court for taking Affidavits.

SCHEDULE TO CHAPTER III.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

AT LAW.

On the day of A.D. 185

MELBOURNE, }
To Wit. }

A. B. by E. F., his Attorney, sues C. D. for £130, for goods sold and delivered by the Plaintiff to the Defendant at his request. *Vide Rules 3 and 4.*

And for work done for and materials supplied to the Defendant by the Plaintiff at his request.

And for money found to be due on an account stated between them on the

C. D. }
Ats. } day of A.D. 185

A. B. } And the Defendant by G. H., his Attorney, pleads:—

1. That except as to £60 he never was indebted.
2. As to £60 payment.
3. As to the whole sum set off.

And the Jury of twelve Special Jurors, upon the day of
A.D. 185, say that the Defendant is indebted to the Plaintiff in the sum of £87 16s. 4d.

And afterwards upon the day of , A.D. 185, it is considered by the Court that the Plaintiff do recover the sum of £87 16s. 4d., together with his taxed costs, £

IN THE SUPREME COURT OF THE
COLONY OF VICTORIA.

This Writ was issued
by of Attorney,
for the Plaintiff,
and he claims for

	£	s.	d.
Damages ...	1000	0	0
Declaration ...	1	3	6
Summons ...	0	12	6
Sealing and issuing same and paid ...	0	10	6
Serving ...	0	7	6
Mileage (if any) ...	0	0	0
Attending to receive Debt and Costs ...	0	13	4
	£1003	7	4

And if the amount be paid within
days from the service hereof, further proceedings
will be stayed.

G. H. of maketh
oath and saith, that he served a true copy of this
Writ on on
the day of
A.D. 185 .
Sworn by the abovesaid G. H., at
this day of
A.D. 185 , before me

Commissioner for taking Affidavits.

VICTORIA, by the Grace of God, of the
United Kingdom of Great Britain
and Ireland, Queen, Defender of
the Faith, and so forth:

To C. D. of

GREETING—

We command you that within days after
service of this Writ upon you, exclusive of the day of service, you
do deliver to the Plaintiff in this action a Plea to the Declaration
on the other side written, otherwise you will be taken to have con-
fessed the matters therein set forth, and judgment will be given,
and execution will issue against you without further notice.

Witness—

Our Chief Justice of the Supreme
Court of the Colony of Victoria,
(Seal) this day of
A.D. 185

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

AT LAW.

On the day of A.D. 185 .

MELBOURNE, }
To Wit. }

A. B. by E. F. his Attorney sues C. D. for £1000, for that on the

Vide Rules 3 and 4.

day of A.D. 185 , C. D. assaulted him in a public place, beat him, and tore his clothes, and broke his watch which he then wore, by reason whereof he was confined to his house for three weeks, and obliged to pay £20 for medical treatment, £7 for a new coat, and £15 for repair of his watch.

C. D. } On the day of A.D. 185 , and the
 A. B. } Defendant by G. H. his Attorney pleads:—

1. Not guilty.
2. Son Assault Demeane.
3. That the Defendant assaulted the Plaintiff in endeavouring to prevent him from assaulting one his, Defendant's, son, who had been assaulted by the Plaintiff.

A. B. } On the day of A.D. 185 , and the
 v. }
 C. D. } Plaintiff replies to the 2nd and 3rd pleas *De injuria*.

And the Jury of twelve special Jurors, upon the day of
 A.D. 185 , say that the Plaintiff ought to recover from the Defendant,
 as damages, £250.

And afterwards on the day of A.D. 185 ,
 it is considered by the Court that the Plaintiff do recover the sum of £250, together with his
 taxed costs, £

IN THE SUPREME COURT OF THE
COLONY OF VICTORIA.

This Writ was issued

by
of
for
and he claims for

Attorney
the Plaintiff,

Damages	-	-	£	s.	d.
Declaration	-	-	1000	0	0
Summons	-	-	1	3	6
Sealing and issuing same,	-	-	0	12	6
and paid	-	-	0	10	6
Serving -	-	-	0	7	6
Mileage (if any)	-	-	0	0	0
Attending to receive Debt	-	-	0	13	4
and Costs	-	-	£1003	7	4

And if the amount be paid within
days from the service hereof, further proceedings
will be stayed.

G. H. of
oath and saith that he served a true copy of this
Writ on
the
day of
A.D. 185

Sworn by the abovenamed G. H., at
this
day of
A.D. 185, before me,

Commissioner for taking Affidavits.

VICTORIA, by the Grace of God, of the
United Kingdom of Great Britain
and Ireland, Queen, Defender of
the Faith, and so forth:

To C. D.

of

GREETING—

We command you that within
days after
service of this Writ upon you, exclusive of the day of service, you
do deliver to the Plaintiff in this Action a Plea to the Declaration
on the other side written, otherwise you will be taken to have con-
fessed the matters therein set forth, and judgment will be given,
and execution will issue against you without further notice.

Witness—

(Seal)

Our Chief Justice of the Supreme
Court of the Colony of Victoria,
this
day of
A.D. 185

SCHEDULE.

FORMS OF PLEADINGS—STATEMENTS OF CAUSES OF ACTION.

Vide Rule 4.

ON CONTRACTS.

1. Money payable by the Defendant to the Plaintiff for (these words, money payable, &c., should precede money counts, like 1 to 14, but need only be inserted in the first) goods bargained and sold by the Plaintiff to Defendant. Goods sold.
 2. Work done and materials provided by the Plaintiff for the Defendant at his request. Work and Materials.
 3. Money lent by Plaintiff to the Defendant. Money lent.
 4. Money paid by the Plaintiff for the Defendant at his request. Money paid.
 5. Money received by the Defendant for the use of the Plaintiff. Money received.
 6. Money found to be due from the Defendant to the Plaintiff on accounts stated between them. Account stated.
 7. A Messuage and Lands sold and conveyed by the Plaintiff to the Defendant. For an Estate sold.
 8. The goodwill of a Business of the Plaintiff sold and given up by the Plaintiff to the Defendant. For Goodwill.
 9. The Defendant's use, by the Plaintiff's permission, of Messuages and Lands of the Plaintiff. For the use of a House and Land.
 10. The hire of (as the case may be), by the Plaintiff, let to hire to the Defendant. For Hire of Goods, &c.
 11. Freight for the conveyance by the Plaintiff, for the Defendant at his request, of goods in ships. For Freight.
 12. The demurrage of a ship of the Plaintiff kept on demurrage by the Defendant. For Demurrage.
 13. That the Defendant on the day of A.D. by his promissory note, now overdue, promised to pay to the Plaintiff £ (two) months after date, but did not pay the same. Payee against Maker of Note.
 14. That one A. on the day of A.D. by his promissory note, now overdue, promised to pay to the Defendant or order £ (two) months after date, and the Defendant endorsed the same to the Plaintiff, and the said note was duly presented for payment but was dishonored, whereof the Defendant had due notice, but did not pay the same. Indorsee against Indorser of Note.
 15. That the Plaintiff on the day of A.D. by his bill of exchange, now overdue, directed to the Defendant, required the Defendant to pay to the Plaintiff £ (two) months after date, and the Defendant accepted the said bill, but did not pay the same. Drawee against Acceptor of B.L.
 16. That the Defendant on the day of A.D. by his bill of exchange directed to A. required A. to pay to the Plaintiff £ (two) months after date, and the said bill was duly presented for acceptance and was dishonored, of which the Defendant had due notice, but did not pay the same. Payee against Drawer.
 17. That the Plaintiff and Defendant agreed to marry one another, and a reasonable time for such marriage has elapsed, and the Plaintiff has always been ready and willing to marry the Defendant, yet the Defendant has neglected and refused to marry the Plaintiff. Breach of Promise of Marriage.
 18. That the Plaintiff and Defendant agreed to marry one another on a day now elapsed, and the Plaintiff was ready and willing to marry the Defendant on that day, yet the Defendant neglected and refused to marry the Plaintiff.
 19. That the Defendant by warranting a horse to be then sound and quiet to ride, sold the said horse to the Plaintiff, yet the said horse was not then sound and quiet to ride. Warranty of a Horse.
 20. That the Plaintiff and the Defendant agreed by charter-party, that the Plaintiff's ship called the (*Ariel*) should, with all convenient speed, sail to (R.), or so near thereto as she could safely get, and that the Defendant should there load her with a full cargo of (tallow) or other lawful merchandise, which she should carry to (H.), and there deliver, on payment of freight £ per ton, and that the Defendant should be allowed ten days for loading and ten for discharge, and ten days for demurrage, if required, at £ per day, and that the Plaintiff did all things necessary on his part to entitle him to have the agreed cargo loaded on board the said ship at (R.), and that the time for so doing has elapsed, yet the Defendant made default in loading the agreed cargo. For not Loading pursuant to Charter-Party.
 21. That the Plaintiff let to the Defendant a house No. for seven years, to hold from the day of A.D. at £ a year, payable quarterly, of which rent the quarters are now due and unpaid. Upon a Lease for Rent.
- That the Plaintiff, by deed, let to the Defendant a house No. to hold for seven years from the day of A.D. and the Defendant by the said deed covenanted with the Plaintiff well and substantially to repair the said house during the said term (according to the covenant), yet the said house was, during the said term, out of good and substantial repair. Upon a Covenant to Repair.

SCHEDULE.

FORMS OF PLEADINGS—STATEMENTS OF CAUSES OF ACTION.

FOR WRONG OR INJURY.

- For an Assault.** 1. That the Defendant on or about the day of A.D. 185 , assaulted and beat the Plaintiff.
- Trover.** 2. That the Defendant on or about the day of A.D. 185 , possessed himself
- For a Horse.** of a horse of the Plaintiff of the value of £ and converted him to his own use.
- Injury by Improper Driving.** 3. That on or about the day of A.D. 185 , one A.B., servant of the Defendant, in driving a carriage of the Defendant along a public Highway (which carriage was then under his care), drove the same so improperly that it was forced against the Plaintiff's cart, which was thereby greatly damaged.
- Wrongful Impounding Cattle.** 4. That the Defendant on the day of A.D. 185 , wrongfully caused to be impounded ten oxen and one hundred sheep of the Plaintiff, and kept them impounded for days.
- For Obstructing a Right of Road.** 5. That the Plaintiff has a right to pass and repass on foot and with horses, carriages, and carts, along a certain road from to as set out in the plan hereunto annexed, yet the defendant on or about the day of A.D. 185 , obstructed the Plaintiff in the enjoyment of such road by erecting a wall across the same.
- Trespass, to Land** 6. That the Defendant on or about the day of A.D. 185 , forcibly trespassed on the close of the Plaintiff described on the plan hereunto annexed, and then and since that time with cattle and horses occupied the same, and destroyed the grass and herbage therein—[or] drove off the cattle of the Plaintiff then being thereon—[or] broke down a fence thereon and put up another, and ploughed acres of the soil—[or] cut down and carried away a crop of oats then growing thereon.
- Detinue.** That the Defendant detained from the Plaintiff his Title Deeds of land called in the county of that is to say—(describe the deeds).
- Nisne Profits in Ejectment.** 7. That the Defendant on or about the day of A.D. 185 , forcibly entered the close of the Plaintiff and expelled the Plaintiff therefrom, from that time until the day of A.D. 185 , and during that time received to his own use all the profits thereof.
- Criminal Conversation.** 8. That the Defendant on or about the day of A.D. 185 , and on other days debauched and carnally knew wife of the Plaintiff.
- Seduction.** 9. That the Defendant on or about the day of A.D. 185 , debauched then being the daughter and servant of the Plaintiff.
- Slander or Libel.** 10. That the Defendant on or about the day of A.D. 185 , intending to injure the Plaintiff, maliciously published in the presence and hearing of divers persons—[or] in a certain letter or newspaper, the following false and scandalous or libellous words, of and concerning the Plaintiff as follow :—
- Deceit.** 11. That the Defendant on or about the day of A.D. 185 , sold and delivered to the Plaintiff a certain horse for the sum of £ which sum the Plaintiff paid to the Defendant, and at the time that the bargain was made the Defendant warranted the said horse as sound, yet the Defendant deceived the Plaintiff, for the horse was not nor is he sound.
- Distress for more Rent than due.** 12. That the Defendant on or about the day of A.D. 185 , wrongfully seized divers goods of the Plaintiff, to wit twenty tables, twenty beds, twenty chairs, twenty boxes, &c., of the value of £ under the pretence that the Plaintiff was then indebted to the Defendant in the sum of £ as rent arrear, for certain premises held by the Plaintiff as tenant thereof to the Defendant, and wrongfully sold the same—[or] wrongfully kept possession of the same until the Plaintiff, in order to recover the said goods, paid to the Defendant his pretended claim and his alleged costs and charges amounting to £ , yet the Defendant says that the sum of £ was not at the time of making the said distress due by the Plaintiff for the said rent, but a small part only, namely £ was so due.
- Against Carrier by Land for Negligence.** 13. That on or about the day of A.D. 185 , the Defendant was a common carrier for hire, and the Plaintiff delivered to him divers goods (set them out) of the value of £ to be carried by him from to and there to be safely delivered to one for the Plaintiff within a reasonable time, for reward paid (or to be paid) by the Plaintiff to the Defendant, yet the Defendant so negligently performed his duty that the said goods were wholly lost to the Plaintiff.
- Malicious Arrest.** 14. That the Defendant on or about the day of A.D. 185 , maliciously and without any reasonable or probable cause, procured the Plaintiff to be arrested and detained in custody for three days, by virtue of a writ of *capias* sued out upon an order made on the day of A.D. 185 , by His Honor one of the Judges of the Supreme Court of the Colony of Victoria, and the Plaintiff says that the said order was obtained by the Defendant upon a false affidavit made by him, that the Plaintiff was indebted to the Defendant in a sum exceeding £20 and was about to quit the Colony aforesaid, and the Plaintiff further says that the said order was set aside by an order made on the day of A.D. 185 , by His Honor one of the Judges of the said Supreme Court, and the Plaintiff was released out of custody having been put to an expense of £ in effecting his discharge.

AT LAW.

[illegible]

MELBOURNE, }
To Wit. }

And the Plaintiff seeks to recover upon the Title in Fee Simple, which he declares to be in himself as granted from the Crown.

2nd. Count.—And the Plaintiff further sues to recover possession of Eleven Acres, a map whereof is annexed hereto, and the Plaintiff seeks to recover upon the Title in Fee Simple, which he declares to be in himself as purchaser from M. N.

3rd. Count.—And the Plaintiff further sues to recover possession of Eleven Acres, a map whereof is annexed hereto, and the plaintiff seeks to recover upon the Title in Fee Simple, which he declares to be in himself as purchaser from one R. S.

4th. Count.—And the Plaintiff further sues to recover possession of Eleven Acres, a map whereof is annexed hereto, and the Plaintiff seeks to recover upon his Title as Mortgagee in Fee.

5th. Count.—And the Plaintiff further sues to recover possession of Eleven Acres, a map whereof is annexed hereto, and the Plaintiff seeks to recover as the Devisee named in the Will of one I. M.

On the day of A.D. 185

I. J. } And I. J. who has been let in to defend this Action, by leave of a Judge, pleads—*Not*
 Ats. } *Guilty*. Or the specific Title (whatever that may be) by which such person asserts his
 A.B. } right to possession.

IN THE SUPREME COURT OF THE
COLONY OF VICTORIA.

by
of
This Writ was issued
for
and he claims for
Attorney,

Declaration	-	-	-	£	s.	d.
Summons	-	-	-	1	3	6
Sealing and issuing same, and paid	-	-	-	0	12	6
Serving	-	-	-	0	10	6
Mileage (if any)	-	-	-	0	7	6
Attending to receive Possession	-	-	-	0	0	0
	-	-	-	0	13	4
				£3	7	4

And if the amount be paid within days from the service hereof, further proceedings will be stayed.

G. H. of
oath and said that he served a true copy of this Writ on
the
day of
A.D. 185

Sworn by the abovenamed G. H., at
this
day of
A.D. 185, before me,

Commissioner for taking Affidavits.

*Victoria, by the Grace of God, of the
United Kingdom of Great Britain
and Ireland, Queen, Defender of
the Faith, and so forth :*

To C. D.

of

GREETING—

We command you and all others entitled to defend possession of the premises claimed in the Declaration on the other side written, that within days of the service of this Writ upon you you do deliver (or that any of the others above-mentioned do obtain the leave of a Judge to deliver) to the Plaintiff in this Action a Plea, otherwise you will be taken to have admitted that he has a good title to the Premises, and you will be turned out of possession without further notice.

Witness—

(Seal)

Our Chief Justice of the Supreme
Court of the Colony of Victoria,
this
day of
A.D. 185

[A.]

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

AT LAW.

A. B. }
v. }
C. D. and Others. }

Let the Defendant, his Attorney or Agent, attend me at my Chambers, in
on at of the clock in the noon, to shew cause
why G. H. of

Summons for
leave to deliver
a suggestion to
be adapted to
the circum-
stances.

1. Should not have leave to be made Plaintiff in the cause instead of deceased, and
2. To deliver to the Defendant a suggestion of the death of the Plaintiff.
3. That the said G. H. is the Heir (or Personal Representative) of the said Plaintiff.
4. That the Defendant may plead thereunto within four days.
5. And that the Defendant may pay the costs of this Application.

Dated this day of A.D. 185 .

[B.]

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

AT LAW.

A. B. }
v. }
C. D. and Others. }

On the day of A.D. 185 .
On reading the Affidavits of
and hearing the Attorney for G. H. and for the Defendants, I order that the said G. H. be made a
Plaintiff in this cause instead of A. B. deceased, and deliver to the Defendant within
days a suggestion of the death of the Plaintiff, and that the said G. H. is the Heir (or Personal
Representative) of the said Plaintiff, and that the Defendant do plead thereto within four days from the
time of the delivery thereof, and that the costs of this Application be costs in the cause.

Order on Sum-
mons.

[C.]

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

A. B. }
v. }
C. D. }

Let the Plaintiff, his Attorney or Agent, attend me at my Chambers, in
on the day of at o'clock of the noon, to shew cause
why

Summons for
leave to enter
a suggestion to
proceed to Exe-
cution.

1. G. H. of should not have leave to enter a suggestion on the Roll of the death of , the Plaintiff.
2. That he the said G. H. is the Heir (or Personal Representative) of the said Plaintiff.
3. That he the said G. H. is entitled to proceed to execution herein against the Defendant according to law.
4. And that the Defendant may pay the costs of this Application.

Dated this day of A. D. 185 .

[D.]

A. B. }
v. }
C. D. and Others. }

On reading the Affidavits of and hearing the Attorneys
for G. H. and the Defendants, I order that the said G. H. have leave to enter a suggestion on the Roll
of the death of , the Plaintiff. That he, the said G. H., is the Heir (or Personal
Representative) of the said Plaintiff. That he be entitled to proceed to execution herein against the
Defendant according to law, and that the do pay to the the costs
of this Application.

Order thereon.

Dated this day of A.D. 185.

[E.]

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

G. H. }
v.
C. D. and Others. }

Suggestion there-
on.

Now on the day of A.D. 185 , G. H. by E. F.
his Attorney, says that on the day of A.D. 185 , A.B., the Plaintiff
in this action, died, and he the said G. H. on the day of A.D. 185 ,
obtained Probate of the last Will of the said A. B., in this Honorable Court, and now is the Personal
Representative of the said A. B. (which allegation is true) or (entitled to proceed to execution herein
as the case may be).

[F.]

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

On the day of A.D. 185 .

C. D. and Others }
Att.
G. H. }

Joinder.

And the Defendant says that the said G. H. is not the legal Personal Representative
of the said A. B.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

A. B. }
v.
C. D. }

Form of Rule
or Summons,
where a Judg-
ment Creditor
applies for Exe-
cution against
a Judgment
Debtor.

Let the Attorney or Agent, attend at my Chambers, in
 street, Melbourne, at the hour of in the noon, to show
cause why A. B. (or as the case may be) should not be at liberty to enter a suggestion upon the Roll
in an action wherein the said A. B. was Plaintiff, and the said C. D. was Defendant, and wherein the
said A. B. obtained judgment for £ against the said C. D. on the day of
 , that it manifestly appears to the Court that the said A. B. is entitled to have
execution thereupon, and why the said C. D. should not pay to the said A. B. the costs of this
Application, to be taxed.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

A. B. }
v.
C. D. }

Form of sugges-
tion that the
Judgment Cre-
ditor is entitled
to Execution
against the
Judgment
Debtor.

And now on the day of it is suggested, and
manifestly appears to the Court, that the said A. B. (or C. D., as Executor of the last Will and Testa-
ment of the said A. B. deceased, or as the case may be) is entitled to have execution of the judgment
aforesaid, against the said E. F. (or against G. H. as Executor of the last Will and Testament of the
said E. F., or as the case may be); therefore it is considered by the Court that the said A. B. (or C. D.,
as such Executor as aforesaid, or as the case may be) ought to have execution of the said judgment
against the said E. F. (or against G. H., as such Executor as aforesaid, or as the case may be.)

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

A. B. }
v.
C. D. }

day of
a jury of

Take notice, that I have this day set this cause down for trial on the
 , in the year of our Lord One thousand eight hundred and fifty- , by
 special jurors.

E. F.,
Plaintiffs' Attorney.

SCHEDULE TO CHAPTER V.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

IN EQUITY.

On the day of A.D. 185 .

A. B. by E. F. his Solicitor sues C. D., and says :—

1. That on the day of A.D. 185 , he was seised in fee simple of Ten Acres of Land, situate in (describe the parcels.)

2. That on that day he sold the same to the Defendant.

3. That thereupon the Defendant signed the agreement, a copy whereof is annexed.

4. That at the time of signing the agreement, the Defendant paid the Plaintiff £150, the deposit.

5. That within days after signing the agreement aforesaid, the Plaintiff delivered to one Mr. G. H., solicitor for the Defendant, an Abstract of his Title to the said Land.

6. That the said G. H. made several objections to, and requisitions on the Title of the Plaintiff, several of which the Plaintiff removed, many of which he answered, and of which the remainder are frivolous.

7. That the Defendant has refused to complete the contract, declaring that the objections which the Plaintiff deems to be frivolous, are valid.

8. That the said objections are :—

(1.)

(2.)

(3.) Set them out.

(4.)

9. That the Plaintiff is able to make a good Title to the premises, notwithstanding the objections of the Defendant.

The Plaintiff therefore prays that the Defendant may answer each of the foregoing allegations, as if specifically interrogated with respect thereto.

And that he may be compelled by the Decree of this Honorable Court specifically to perform his agreement with the Plaintiff, who hereby offers to perform his part thereof.

And that the Plaintiff may have such other relief as the circumstances of the case may require.

IN THE SUPREME COURT OF THE
COLONY OF VICTORIA.

VICTORIA, by the Grace of God, of the
United Kingdom of Great Britain
and Ireland, Queen, Defender of the
Faith, and so forth:

This Writ was issued
by
of
for
Attorney
the Plaintiff.

To
of
(REETING—

We command you (and each of you), that within
days after service hereof on you, exclusive of the day of service,
you do deliver an answer to the Plaintiff's Bill, on the other side
written, otherwise you will be taken to have confessed the matter
therein contained, and the Decree of the Court will be entered
against you without further notice.

Witness—

His Honor,

Our Chief Justice of Our said Supreme
Court, at Melbourne, this
day of
one thousand
eight hundred and fifty-

G. H. of
and saith that he served a true copy of this
Writ on
the
day of
A.D. 185
Sworn by the abovesigned G. H., at
this
A.D. 185, before me,

Commissioner for taking Affidavits.

SCHEDULE TO CHAPTER VI.

NOTE.—If an amended Bill be served under Rule XI. without a Judge's order, it must have the following remark written thereon:—

Take notice that this Bill is a substitute for that delivered to you on the day *Vide Rule 16.*
of A.D. 185 and you will, without reference to that, demur, or plead to, or
answer this within the like time as is named in the summons endorsed on that.

ENDORSEMENT ON AMENDED BILL.

A copy of this amended Bill was served on the plaintiff, on the day of
A.D. 185 by me,

FOR SUGGESTIONS, Etc.

Vide Schedule to Chapter III., the forms in which may be modified, and adapted to meet the jurisdiction and the special circumstances.

•

•

•

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

IN EQUITY.

A. B. by E. F., his Solicitor, sues C. D. and says :—

1. That on the day of A.D. 185 , he entered into an agreement with the Defendant to carry on business with him in Melbourne, in the Colony aforesaid, as wholesale dealers in goods, wares, and merchandise, under the firm of A. B. and C. D.
2. That the Plaintiff introduced as a portion of the capital £10,000, the Defendant £2000.
3. That the proportion of interest to be derived from the profits of the business was to be, for the Plaintiff three-fifths, for the Defendant two-fifths.
4. That the proportion of the Defendant was fixed at that rate in consideration that he would live on the premises where the business of the firm was carried on, and devote his entire time to such business.
5. That the business was to be carried on as long as the Plaintiff and Defendant should mutually agree, and was carried on in Melbourne, in the Colony aforesaid, for ten months, during which time the profits of the same were large and increasing.
6. That the Defendant, about the beginning of the month of A.D. 185 , became inattentive to the business of the firm, frequently absented himself in the day, refused to live on the premises, hired L. M. as a clerk, without the plaintiff's concurrence, and made him live on the premises.
7. That the Defendant agreed to pay the said L. M. £300 out of the partnership funds, and did pay him £25 in advance, for his first month's wages.
8. That the Defendant discontinued to post and keep the books of the firm, and sold divers goods of the firm on credit, to persons unknown to the Plaintiff, who, as the Plaintiff is informed, are persons of slender means.
9. That the Defendant has also incurred divers debts and liabilities, in the name of the firm, for matters with which neither the said firm nor the Plaintiff are in the least concerned.
10. That the Plaintiff often remonstrated with the Defendant, and required him to give his attention to the business of the firm, and in other respects to adhere to the terms of the agreement of partnership.
11. That the Defendant refused so to do, and said that he had the sole control of the affairs and was doing what was best for the concern, and would not be dictated to by the Plaintiff.
12. That the Plaintiff then upon the day of A.D. 185 , and repeatedly since, asked the Defendant to wind up the affairs of, and dissolve the said partnership.
13. That the Defendant said he would not do so; if the Plaintiff liked he might go away, but the business was thriving too well for him to afford to give up so much capital, and he would not do it; and that the agreement was for a partnership for five years, and until the expiration of that time he would not dissolve the partnership.
14. That on the day of A.D. 185 , the Plaintiff insisted on an account being taken, when the Defendant pushed him out of the warehouse, told him if he dared to come on the premises again he would give him in charge of the police; he caused the name of the firm, A. B. and Co., painted over the door, to be obliterated, and painted up instead thereof C. D. and Co., and has wholly refused to allow the Plaintiff to enter the premises, or to interfere in the management of the business in any way, and has moreover withdrawn all the partnership monies from the bank of where the same were lodged, and transferred them to the bank of and lodged them in his own name.

The Plaintiff therefore prays that the Defendant may answer each of the foregoing allegations, as if specifically interrogated with respect thereto; and that the said partnership may be dissolved, an account taken of all the dealings thereof, and the amount of money found to be due by the Defendant to the Plaintiff may be paid to him, and that the Plaintiff may have such other relief as the circumstances of the case may require.

IN THE SUPREME COURT OF THE
COLONY OF VICTORIA.

This Writ was issued
by
of
for
Attorney,
the Plaintiff,

VICTORIA, by the Grace of God, of the
United Kingdom of Great Britain
and Ireland, Queen, Defender of
the Faith, and so forth :

To of

GREETING—

We command you (and each of you) that within eight
days after service hereof on you, exclusive of the day of service,
you do deliver an answer to the Plaintiff's Bill on the other side
written, otherwise you will be taken to have confessed the
matter therein contained, and the Decree of the Court will be
entered against you without further notice.

Witness—

His Honor,

G. H. of
oath and said that he served a true copy of this
Writ on
the day of
A.D. 185

Sworn by the abovenamed G. H. at this
this day of
A.D. 185, before me,

(Seal)

Our Chief Justice of Our said Supreme
Court at Melbourne, this
day of
one thousand
eight hundred and fifty-

Commissioner for taking Affidavits.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

IN EQUITY.

A. B. by E. F. his Solicitor, on behalf of himself and all other the legatees and personal representatives of such legatees of L. M. of Melbourne, Wine Merchant, deceased, sues C. D., O. P., and R. V., executors of the last Will of the said L. M., and says :—

1. That the said L. M. died at Melbourne, aforesaid, on the _____ day of _____, A.D. 185____, having duly made his Will, which bears date on the _____ day of _____, A.D. 185____, and which is unrevoked.

2. That by his said Will he bequeathed to the Plaintiff the sum of £1000, and also bequeathed various other sums to divers other persons, as in the said Will is set forth.

3. That by his said Will he appointed the Defendants the executors thereof.

4. That probate thereof has been granted to the said Defendants, by order of this Honorable Court.

5. That the Plaintiff has applied to the Defendants for payment of the said Legacy.

6. That the Defendants, one and all, say that the said L. M. died insolvent, and there are not assets sufficient to pay his debts.

7. That on the contrary, the Plaintiff asserts that L. M. died in affluent circumstances, and that he left sufficient property to pay all his debts, and the legacies named in his Will.

The Plaintiff therefore prays that the Defendants may answer each of the foregoing allegations as if specifically interrogated with respect thereto.

And that an account may be taken of the personal estate and effects of the said L. M. which came to the hands of the Defendants, and of the debts owing to him at the time of his death, and that the same may be duly administered, and the said legacy of £1000 paid to the Plaintiff.

And that the Plaintiff have such other relief as the circumstances of the case may require.

IN THE SUPREME COURT OF THE
COLONY OF VICTORIA.

VICTORIA, by the Grace of God, of the
United Kingdom of Great Britain
and Ireland, Queen, Defender of the
Faith, and so forth :

This Writ was issued
by
of
for
Attorney
the Plaintiff,

To
of
GREETING—

We command you (and each of you) that within
days after service hereof on you, exclusive of the day of service,
you do deliver an answer to the Plaintiff's Bill, on the other side
written, otherwise you will be taken to have confessed the matter
therein contained, and the Decree of the Court will be entered
against you without further notice.

G. H. of
oath and saith, that he served a true copy of this
Writ on
the
day of
A.D. 185

Sworn by the abovenamed G. H., at
this
day of
A.D. 185

Witness—
His Honor,

Our Chief Justice of our said Supreme
Court, at Melbourne, this
(Seal)
day of
one thousand
eight hundred and fifty-

SCHEDULE TO CHAPTER VIII.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR PROBATE.

In the Supreme Court of the Colony of Victoria.—In its Ecclesiastical Jurisdiction.

In the Will of C. D., late of deceased.

I, A. B., of make oath and say—

Vide Rule 2.

- 1.—That C. D., late of in the departed this life on the day of A.D. 185 .
- 2.—That he made his Will, bearing date the day of A.D. 185 , which is, as I believe, unrevoked, and thereby appointed executor, and executrix thereof.
- 3.—That it was executed in the presence of me, and one of .
- 4.—That the said C. D. had, at the time of his death, property in the Colony of Victoria, aforesaid, not exceeding in value pounds.
- 5.—That I this day searched in the proper office and found that no caveat has been lodged in this matter.

Sworn at Melbourne, aforesaid, this day of A.D. 185 , before me,

A Commissioner for taking Affidavits.

EXECUTOR'S AFFIDAVIT THAT HE WILL ADMINISTER.

In the Supreme Court of the Colony of Victoria.—In its Ecclesiastical Jurisdiction.

In the Will of late of (Gentleman), deceased.

I, A. B., of in the Colony of Victoria, make oath and say—

Vide Rule 3.

- 1.—That I believe the annexed paper (or parchment) writing to be the true last Will of C. D., late of aforesaid (Gentleman), deceased.
- 2.—That I will pay all his Debts and Legacies, as far as the property left by him will extend, and the law bind me so to do.
- 3.—That I will exhibit a full and true inventory of all his property, together with a true account of my administration thereof, into the Registry of this Honorable Court, when lawfully required.
- 4.—That I believe his property does not exceed in value pounds.

Sworn at aforesaid, this day of A.D. 185 , before me,

A Commissioner for taking Affidavits.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR ADMINISTRATION TO A WIDOW.

In the Supreme Court of the Colony of Victoria.—In its Ecclesiastical Jurisdiction.

In the goods of C. D., late of deceased.

I, A. B., of in the Colony of Victoria, make oath and say—

Vide Rule 5.

- 1.—That C. D., late of aforesaid, departed this life on the day of A.D. 185 , intestate.
- 2.—That he left B. D., his lawful widow, and next of kin him surviving.
- 3.—That they are the only persons entitled to a distribution of his property.
- 4.—That the said C. D. had, at the time of his death, property in the said Colony, not exceeding in value pounds, and that the said B. D. is, as I believe, lawfully entitled to the administration thereof.
- 5.—That I this day caused search to be made in the proper office and find that no caveat has been lodged in this matter.

Sworn at in the Colony aforesaid, this day of A.D. 185 , before me,

A Commissioner for taking Affidavits.

ADMINISTRATOR'S AFFIDAVIT THAT HE WILL ADMINISTER.

In the Supreme Court of the Colony of Victoria.—In its Ecclesiastical Jurisdiction.

In the goods of C. D., late of (Gentleman), deceased, intestate.

Vide Rule 5.

I, A. B., of in the Colony of Victoria, make oath and say—

1.—That I will, well and truly, collect and administer the property of C.D., late of deceased, intestate, so far as the same will extend, and the law bind me so to do.

2.—That I will exhibit a full and true inventory of all his property, together with a true account of the administration thereof, as I may be required by the Rules of this Honorable Court.

3.—That I believe the property of the said C. D. does not exceed in value pounds.

Sworn at aforesaid, this day of A.D. 185 , before me,

A Commissioner for taking Affidavits.

AFFIDAVIT OF ADMINISTRATOR, WITH THE WILL ANNEXED THAT HE WILL ADMINISTER.

In the Supreme Court of the Colony of Victoria.—In its Ecclesiastical Jurisdiction.

In the Will of C. D., late of deceased.

I, A. B., of in the Colony of Victoria, make oath and say—

1.—That the writing hereunto annexed contains the true last Will of C. D., late of deceased, as far as I know or believe.

2.—That I am the residuary Legatee therein named.

3.—That I will faithfully administer, according to the tenor of the said Will, all the property of the said C. D., so far as the same will extend, and the Law charge me.

4.—That I will exhibit a full and true inventory of the property of the said C. D., and an account of the administration thereof, as I may be required by the Rules of this Honorable Court.

5.—That I believe the property of the said C. D. does not exceed in value pounds.

Sworn at this day of A.D. 185 , before me,

A Commissioner for taking Affidavits.

AFFIDAVIT WHERE EXECUTOR HAS REFUSED TO PROVE WILL.

In the Supreme Court of the Colony of Victoria.—In its Ecclesiastical Jurisdiction.

In the Will of C. D., late of deceased.

Vide Rule 4.

I, A. B., of make oath and say—

1.—That C. D., late of departed this life on the day of A.D. 185 .

2.—That he left a Will, bearing date the day of A.D. 185 , which is, as I believe, unrevoked.

3.—That he thereby named executrix and executor thereof.

4.—That they have each refused to prove the same.

5.—That I have this day searched in the proper office and found that no caveat has been lodged in this matter.

Sworn at this day of A.D. 185 , before me,

A Commissioner for taking Affidavits.

SUMMONS TO EXECUTORS TO PROVE WILL.

In the Supreme Court of the Colony of Victoria.—In its Ecclesiastical Jurisdiction.

In the matter of the Will of C. D., late of deceased.

Vide Rule 4.

To A. B., E. F., and G. H. greeting.

We command each of you that within days after the first publication of this summons you do shew cause before this Honorable Court why you or some or one of you should not bring into and leave therein the true original last Will of the said C. D., late of deceased, and accept or refuse the burden of Probate and execution thereof, or otherwise why Letters of Administration with the said Will annexed of all the property of the said C. D. should not be granted according to law.

Witness—

(Seal)

Our Chief Justice of the Supreme Court of the Colony of Victoria,
this day of A.D. 185 .

CREDITOR'S AFFIDAVIT OF DEBT DUE BY DECEASED.

In the Supreme Court of the Colony of Victoria.—In its Ecclesiastical Jurisdiction.

In the goods of C. D., late of in the Colony of Victoria, deceased.

I, A. B., of make oath and say—

Vide Rule 6.

- 1.—That C. D., late of in the Colony aforesaid, was at the time of his decease and his estate still is justly and truly indebted to me in the sum of pounds, for (here set out the nature of the claim) according to the particulars hereunto annexed, if necessary add—
- 2.—That the prices charged are fair and reasonable.
- 3.—That I have not, nor has any person by my order or to my knowledge for my use, received the said sum of pounds or any part thereof, or any security or satisfaction for the same or any part thereof.

Sworn at (Melbourne) aforesaid, this day of A.D. 185 , before me,

A Commissioner for taking Affidavits.

MASTER'S CERTIFICATE OF PROOF OF CREDITOR'S CLAIM.

In the Supreme Court of the Colony of Victoria.—In its Ecclesiastical Jurisdiction.

In the goods of C. D., late of deceased.
I hereby Certify that A. B. of attended before me on the day of A.D. 185 , in person (or as the case may be) and proved to my satisfaction—
That C. D., late of in his lifetime owed to the said A. B. the sum of pounds, for (as the case may be), and that the said sum remains wholly unpaid.
Dated this day of A.D. 185 .

Vide Rule 6.

Master in Equity.

AFFIDAVIT IN SUPPORT OF CREDITOR'S APPLICATION FOR ADMINISTRATION.

In the Supreme Court of the Colony of Victoria.—In its Ecclesiastical Jurisdiction.

In the Goods of C. D., late of deceased.

I, A. B., of make oath and say—

Vide Rule 6.

- 1.—That C. D., late of in the Colony aforesaid, departed this life on the day of A.D. 185 , intestate.
- 2.—That E. D., his lawful widow, and C. D., I. D., E. D., M. D., and E. D., his children, and O. P., R. S., and T. V. are, as far as I can state, his only surviving next of kin.
- 3.—That the said C. D. was at the time of his death indebted to me in the sum of pounds for (here insert the nature of the debt).
- 4.—That I have proved before the Master of this Honorable Court that the said sum of pounds is still due and owing to me, as by his Certificate hereunto annexed appears.
- 5.—That I have published in two newspapers, called the and the published in in the said Colony, once in each of two consecutive weeks, a summons, calling on the Widow and next of kin of the said C. D. to shew cause why Administration of his property should not be granted to me.
- 6.—That I this day searched in the proper office and found that no caveat has been lodged in this matter.

Sworn at (Melbourne) in the Colony of Victoria, this day of A.D. 185 , before me,

A Commissioner for taking Affidavits.

SUMMONS TO WIDOW AND NEXT OF KIN TO TAKE OUT LETTERS OF ADMINISTRATION.

In the Supreme Court of the Colony of Victoria.—In its Ecclesiastical Jurisdiction.

In the goods of C. D., late of deceased.

Vide Rule 6.

To E. D., widow, and to the next of kin of C. D., late of deceased.

GREETING—

We command each of you that within days after the first day of publication of this Summons you do appear before this Honorable Court to shew cause why you, or some or one of you should not take out or refuse Letters of Administration of the property of C. D., late of deceased, or otherwise why such Letters should not be granted to me, a creditor of the said C.D.

Witness—

(Seal) Our Chief Justice of the Supreme Court of the Colony of Victoria, this
day of A.D. 185 .

CAVEAT.

In the Supreme Court of the Colony of Victoria.—In its Ecclesiastical Jurisdiction.

In the Will [or Goods] of C. D., late of deceased.

Vide Rule 8.

Let nothing be done in the Will [or Goods] of C. D., late of deceased, without notice to G. H., Proctor for A. B., of , having an interest in the property [or widow, or next of kin, or a creditor] of the deceased.

Dated this day of A.D. 185 .

Proctor for the said A. B.

BILL IN PURSUANCE OF CAVEAT.

In the Supreme Court of the Colony of Victoria.—In its Ecclesiastical Jurisdiction.

In the Goods of C. D., late of deceased, intestate.

A. D. by E. F. her Proctor says—

- 1.—That C. D., late of departed this life on day of
A.D. 185 , intestate.
- 2.—That the said A. D. applied for Letters of Administration of the property of the said C. D. deceased intestate, as his lawful widow and next of kin.
- 3.—That the said defendant caused a caveat to be lodged in this matter on the
day of A.D. 185 .
- 4.—That the said A. D. is the lawful widow of the said C. D., and was married to him at
 , on the day of A.D. 185 , and is entitled to
take out Letters of Administration of his property.

The said A. D. therefore prays that the said G. D. may answer the foregoing allegations, as if specifically interrogated thereon, and that Letters of Administration may be granted in this matter to the Plaintiff.

SCHEDULE TO CHAPTER IX.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth:*

To our Sheriff for the Colony of Victoria, or his lawful Deputy.

GREETING—

We command you, that of the goods and chattels, lands, tenements, and hereditaments, of in your Bailiwick, you cause to be made a certain debt of pounds sterling, which lately in our Court at was forfeited to us, because he made default, and not before the said Court on the as he ought to have done a certain Information then and there preferred against by Her Majesty's Attorney General for the Colony of Victoria, for and on behalf of our Sovereign Lady the Queen, as by a certain recognizance taken and entered into before of Her Majesty's Justices of the Peace for the Colony of Victoria, he undertook; and whereof the said is convicted, as appears to us of Record, and have that money in our Court at on the day of to be rendered to our Sovereign Lady the Queen, and have then this Writ.

Witness—

His Honor

Our Chief Justice of our said Court, at Melbourne, the

day of in the year of our Reign.

On the part of our Sovereign }
Lady the Queen. }

Prothonotary of the Supreme Court
of the Colony of Victoria.

Levy £

IN THE SUPREME COURT OF

QUEEN
v.
}
Ft. Ft.

No.

ROLL, No.

Term, 185 .

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth:

To the Sheriff for the Colony of Victoria, and his lawful deputy.

GREETING—

We command you that of the goods and chattels, lands
tenements, hereditaments, monies, and securities for money, equities of redemption, and equitable
interests in your Bailiwick, of and belonging to
you cause to be made

which

lately, in our Supreme Court of the Colony of Victoria, before our Chief Justice there, recovered against _____ as well for his damages, as for costs and charges by _____ about _____ suit in that behalf expended, whereof the said _____ is convicted, and have that money before our Chief Justice, at Melbourne, upon the _____ day of _____ next to be rendered unto the said _____ for damages aforesaid; and in what manner you shall have executed this our writ, make appear to our Chief Justice aforesaid, at Melbourne, upon the _____ day of _____ next, and have there then this Writ.

Witness—

His Honor

Our Chief Justice of our said Court, at Melbourne, the
day of A.D. 185 , and in the year
of our Reign.

Prothonotary of the Supreme Court
of the Colony of Victoria.

Roll No.

Term, 185

IN THE SUPREME COURT OF THE
COLONY OF VICTORIA.

}
H. Fu.

Levy &
together with

The Deft.
and resides

This Writ was issued by

Attorney for the Plaintiff within named.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and
Ireland, Queen, Defender of the Faith, and so forth:*

To the Sheriff for the Colony of Victoria, or his lawful deputy.

GREETING—

We command you that you take _____ and
safely keep until he shall have given you bail, or made a deposit with you according to law, in an action
at the suit of _____
as will be more particularly set forth in a declaration to be exhibited against
or until the said _____ shall by other lawful means be
discharged from your custody; and we do further command you that on the execution of this Writ
you do deliver a copy of the same to the said _____
and we hereby require the said _____
to take notice that within _____ days after the return hereof, he should cause special
bail to be put in for him in our said Court to the said Action, and in default of so doing, such pro-
ceedings may be taken as are mentioned in the warning hereunder written; and we do further command
you that you return this writ to our said Court on the _____ day of _____
next, together with the manner in which you have executed the same, and the day of the execution,
thereof.

Witness—

His Honor

Chief Justice of our said Court, at Melbourne, aforesaid, this
day of _____ A.D. 185 _____

Prothonotary of the Supreme Court
of the Colony of Victoria.

A WARNING TO DEFENDANT.

If a Defendant, having given bail on the arrest, shall omit to put in special bail as required, the
Plaintiff may proceed against the Sheriff, or on the bail bond.

IN THE SUPREME COURT OF THE
COLONY OF VICTORIA.

}
Writ of *Ca. Re.*

Bail for £

By order of

Dated this day of

185

The Defendant is

This Writ was issued by

Melbourne,

Attorney for the Plaintiff within named.

No.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

A. B. Plaintiff,	}	Upon reading the affidavit of	I do order that the Plaintiff be
v.	}	at liberty within	days from the date hereof to issue out of the Supreme
C. D. Defendant,	}	Court of the Colony of Victoria one or more writ or writs of <i>capias</i> into one or	more different Circuit Districts, as the case may require, against

the defendant in this cause, indorsed to hold him to bail at the suit of the said Plaintiff, for the sum of

pounds, shillings, and pence, pursuant to the Act.

Dated this day of in the year of our Lord, one thousand

eight hundred and fifty

ROLL, No.

Term, 185

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth :*

To the Sheriff for the Colony of Victoria, or his lawful Deputy.

GREETING—

We command you that you take _____ of _____
in the Colony of Victoria, if (he or she) shall be found in your Bailiwick, and safely keep, so that you
may have _____ body before us at Melbourne, in the Colony of Victoria, on the _____ day of _____
next ensuing, to satisfy _____ of _____ which he the
said _____ lately in our Court, before us at Melbourne, aforesaid, recovered
against _____ for _____ damages which _____ had sustained,
as for his costs and charges by _____ about _____ suit in that behalf expended,
whereof the said _____ is convicted, as appears to us of record, and have
there then this Writ.

Witness—

Chief Justice of our said Court at Melbourne, the

_____ day of _____ in the _____ year of our Reign.

(Damages or Debt).....£

COSTS.

Fi. Fa.

Ca. Sa.

Alias

Take

besides Sheriff's Fees and

Poundage, &c.

Roll Term

IN THE SUPREME COURT OF THE
COLONY OF VICTORIA.

v.

$\left\{ \begin{array}{l} Ca. \\ Su. \end{array} \right.$

888

Damages

Costs

Ca. Su.

Take

besides Sheriff's Fees, and
Poundage, &c.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

*VICTORIA, by the Grace of God, of the United Kingdom of Great
Britain and Ireland, Queen, Defender of the Faith, and
so forth :*

To the Sheriff of the Colony of Victoria, or his lawful deputy.

GREETING—

We Command you to demand of
the sum of pounds, set and imposed by or before Our Supreme Court, at Melbourne,
against him as forfeited to us, for his non-attendance on Our said Supreme Court, as a Juror, on the
day of pursuant to his summons duly served in that behalf, and in default
of payment thereof that you summon him to appear before Our said Court, at Melbourne, on the
day of at ten o'clock in the forenoon, then and there to shew cause why the
same should not be levied by process of this Court, and have you then and there this Writ.

Witness—

His Honor,

Chief Justice of Our said Court, at Melbourne, the day of
in the year of Our Reign, and in the year of Our Lord one
thousand eight hundred and fifty-

On the part of Our Sovereign }
Lady the Queen. }

Prothonotary of the Supreme Court
of the Colony of Victoria.

IN THE SUPREME COURT

Queen

v.

Simmons.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth:*

To our Sheriff for the Colony of Victoria, or his lawful Deputy.

GREETING—

Whereas by our Writ, we lately command you, that of the Goods and Chattels
Lands and Tenements of in your Bailiwick, you should
cause to be made a certain debt of which
lately in our Supreme Court for became forfeited
to us, because
as appears to us of record, and you the Sheriff aforesaid, returned to us that the said
had no effects in your Bailiwick whereof you could cause
to be made the debt aforesaid or any part thereof, therefore we command you that you take the
said and safely keep him so that you may have his
body before our said Court, at Melbourne, on the day of
to satisfy our Sovereign Lady the Queen the said debt
aforesaid, and have you then there this Writ.

Witness—

His Honor

Our Chief Justice of our said Court, at Melbourne, the
day of in the year of our
Reign.

On the part of our Sovereign }
Lady the Queen. }

Prothonotary of the Supreme Court
of the Colony of Victoria.

Levy £

No. 13.—FEBRUARY 14TH, 1854.—17.

IN THE SUPREME COURT

(JURY
 v.
 }
 Ca. Sa.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

Venire Facias.

To the Sheriff for the Colony of Victoria, or his lawful Deputy.

GREETING—

Pursuant to the Act of the Governor and Council, in such case made and provided, you are hereby commanded, that you cause to come before the Supreme Court of the Colony of Victoria, to be holden at the Court House, La Trobe-street, at Melbourne, on the day of now at the hour of ten o'clock in the forenoon, not less than nor more than good and lawful men of the jurors of the Colony of Victoria, aforesaid, duly qualified according to Law, as jurors, to make a jury of the country, for the trial of all issues of fact, or other matters, as shall then be required to be tried by a jury of men, and that you have then there the names of those jurors, as by law is required of you, together with due proof of the service of a summons upon such of the said jurors as shall have been served, and of the time and manner thereof, and of the cause wherefore the others of such jurors have not been served with such summons, and also this writ.

Given under my Hand and Seal, at Melbourne, this day of
in the year of Our Lord one thousand eight hundred and fifty

Acting Chief Justice.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

Writ of Habere Facias Possessionem.

VICTORIA, by the Grace of God, of the United Kingdom of
Great Britain and Ireland, Queen, Defender of the Faith,
and so forth:

To the Sheriff for the Colony of Victoria, or his lawful Deputy.

GREETING—

Whereas A. B., lately in our Supreme Court of the Colony of Victoria, before our said Court at Melbourne, by the judgment of the same Court, recovered against C. D. the right of possession of the premises described in the map hereunto annexed, situate and being in the parish of in the county of in the Colony of Victoria, from which the said C. D. had ejected the said A. B., whereof the said C. D. is convicted, as appears to us of record: Therefore we command you that without delay you cause the said A. B. to have possession of the said premises, with the appurtenances; and in what manner you shall have executed this our writ, make appear to our said Court, at Melbourne, aforesaid, on the day of in the year of our Lord one thousand eight hundred and fifty, and have you there then this writ.

Witness—

His Honor

Our Chief Justice of our said Court, at Melbourne, aforesaid,
the day of in the year of our Lord one
thousand eight hundred and fifty, and in the
year of our Reign.

Prothonotary of the Supreme Court.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

IN EQUITY.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth :

To the Sheriff for the Colony of Victoria, or his lawful Deputy.

GREETING—

Whereas C. D., lately in our Supreme Court of the Colony of Victoria, in the Equity Jurisdiction thereof, was by the decree and order of the said Court directed that he the said C. D. should restore possession of the lands and premises described in the map hereunto annexed, to A. B. ; and whereas possession of the same having been demanded, the said C. D. has refused to restore the same : Therefore we command you that without delay you cause the said A. B. to have possession of the said premises, with the appurtenances ; and in what manner you shall have executed this our writ, make appear to our said Court, at Melbourne, aforesaid, on the day of in the year of our Lord one thousand eight hundred and fifty ; and have you there then this writ.

Witness—

His Honor

Our Chief Justice of our said Court, at Melbourne, aforesaid,
the day of in the year of our Lord one
thousand eight hundred and fifty , and in the
year of our Reign.

Master in Equity.

WRIT OF FOREIGN ATTACHMENT.

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth :*

To Esquire, Sheriff for the Colony of Victoria.

GREETING—

Whereas A. B., of _____ has lately commenced an Action at Law in the Supreme Court of the Colony of Victoria, against C. D. of _____ and _____ of _____ and the writ of summons (or *capias*) therein has been returned *non est inventus*, and the said A. B. has caused to be filed in the said Court the affidavit required by law : Now we command you that you attach in the hands of G. H., I. K., and L. M., respectively, all the goods and chattels, monies, and securities for money, lands, tenements, and hereditaments, equities of redemption, and equitable interests, and other property of which the said C. D. is possessed or to which he is beneficially entitled, in the custody or under the control of the said G. H., I. K., and L. M., or either of them at the time of your serving them or either of them with this writ, and also every sum of money then due by them or either of them to the said C. D.

and we further command you that you summon the said G. H., I. K., and L. M., each to appear before this Honorable Court on the _____ day of _____ in the year of our Lord one thousand eight hundred and fifty- _____ at _____ o'clock in the _____ noon, to be examined touching the premises, and to do and receive what the said Court shall consider in that behalf.

Witness—

Our Chief Justice of Our said Supreme Court, at Melbourne, this _____ day of _____ in the year of _____ our Lord one thousand eight hundred and fifty-

(L.S.)

MEMORANDUM TO BE ENDORSED.

To G. H., I. K., and L. M., and each of them.

Take notice that from the time of your being served with this writ all the property, of what nature soever, in your custody or under your control, belonging to the within named C. D., and all debts due by you to him are, to the extent of his interest therein, attached in your hands and subject to any lien or claim thereon, are liable to the satisfaction of the within named A. B.

And if before this attachment be dissolved you sell or otherwise dispose of, or part with any part of such property without leave of the Court, you will be liable to pay such damages to the said A. B. as the Court or a Judge may order.

NOTICE OF THE WRIT.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

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

WHEREAS an action at law has been commenced in this Honorable Court by the above named A. B. against the above named C. D., to recover [state the substance of the cause of action, and the amount sworn to, if for a sum certain.] And it having been alleged that the said C. D. does not reside within this Colony, a Writ of Foreign Attachment has been issued, returnable on the day of in the year of our Lord one thousand eight hundred and fifty- , wherein G. H., I. K., and L. M. are garnishees: Notice therefore is hereby given, and if at any time before final judgment in this action the said C. D., or any person on his behalf, will give the security and notice, and file the appearance and plea required by law, the attachment may be dissolved.

Dated this day of in the year of our Lord one thousand eight hundred and fifty-

NOTICE TO ABSENT CO-PARTNERS.

IN THE SUPREME COURT OF THE COLONY OF VICTORIA.

Between A. B., Plaintiff,
and
C. D. and E. F., Defendants.

WHEREAS an action at law has lately been commenced in this Honorable Court by the above named A. B. against the above named C. D. and E. F., as co-partners, carrying on business under the style or firm of " ," and no appearance has been entered for the said C. D. in the said action; and it is alleged that he is absent from the said Colony: Notice is hereby given that unless the said C. D. or some person for him shall enter an appearance to the said action on or before the day of in the year of our Lord one thousand eight hundred and fifty- , the said A. B. will cause such appearance to be entered for him, according to law, and will proceed in the said action as if the said C. D. had appeared to the same.

Dated this day of in the year of our Lord one thousand eight hundred and fifty-

A. B., Plaintiff,
or
L. M., Plaintiff's Attorney.

NOTE.—Where the plaintiff is absent, and a third person enters into it for him, the instrument must be altered accordingly.

SCHEDULE OF COMMON LAW.

FEES PAYABLE IN THE PROTHONOTARY'S OFFICE.

	£	s	d.
Affixing Seal of Court to any Commission or Document ...	1	0	0
Sealing every Writ or renewal thereof ...	0	10	6
Every Oath administered ...	0	1	0
If by a Commissioner in the country ...	0	2	0
For marking Exhibits attached to any Affidavit, each such Exhibit an additional sum of ...	0	1	0
Every Oath before a Commissioner, not being at his own office or residence ...	0	5	0
If above a mile beyond a Commissioner's residence (over and above his necessary travelling expenses) ...	1	1	0
Every Recognizance, of whatever kind ...	0	7	6
For each name beyond the first ...	0	5	0
Every Office Search ...	0	1	0
For Inspecting any Judgments, an additional fee for every term beyond the first ...	0	0	6
On Summons for hearing at Chambers ...	0	2	0
For the Judge's Adjudication or Order thereon ...	0	4	0
For Payment of Money into Court, 1½ p cent., or 3d. in the pound			
On putting in Special Bail ...	0	10	0
On justifying Bail, each Deponent ...	0	10	0
Filing Affidavit, Bill of Costs, Paper or Writing, Return to any Writ, or Paper, or Writing, not specified ...	0	2	0
Withdrawing any Pleading ...	0	2	0
Computing Interest on Bills and Promissory Notes, &c., each Bill or Note, &c. ...	0	5	0
Writ of Habeas Corpus—every Prisoner named therein ...	0	10	6
All other Writs not specified ...	0	10	6
Filing Return to any Special Writ or Summons ...	0	2	6
All Office Copies, per folio of 90 words ...	0	0	6
Every Subpœna ...	0	7	6
Filing Roll ...	0	5	0
Entering Cause undefended ...	0	10	0
Entering Cause defended ...	0	15	0
Setting down Demurrer ...	0	10	0
Taxing Costs, whether in Actions, or between Attorney and Client, 2½ p cent.			
Every Rule of Court ...	0	7	6
Entry of Minute of Judgment, of Discontinuance, or Non Pros. ...	0	6	0
Signing Judgment in default cases ...	0	10	0
Signing Judgment in defended cases ...	0	15	0
Signing Judgment on Warrant of Attorney ...	1	1	0
Signing Judgment on old Warrant of Attorney ...	2	2	0
Every Assessment of Damages ...	0	10	6
On every Trial ...	1	0	0
Entry of any Suggestion on the Record ...	0	10	0
Recording and Endorsing every Warrant of Attorney ...	0	5	0
Concurrent Writs ...	0	5	0
Concurrent Subpœnas... ..	0	2	6

ATTORNEYS' CHARGES.

GENERAL ALLOWANCE for Plaintiffs and Defendants; and in Cases under £50, as well between Attorney and Client as between Party and Party.

Writs.	If Debt or Damages above £50.			If Debt or Damages under £50.		
	£	s.	d.	£	s.	d.
Summons ...	0	12	6	0	10	6
Summons in Ejectment ...	0	12	6	—	—	—
Renewed Summons ...	0	10	0	0	7	6
Capias ad Respondendum ...	0	12	6	0	12	6
Capias ad Satisfaciendum ...	0	12	0	0	12	0
Renewed Ca. Sa. ...	0	9	6	0	9	6
Ca. Sa. for the Residue ...	0	14	0	0	14	0
Renewed Ca. Sa. for the Residue ...	0	11	6	0	10	6
Fieri Facias ...	0	12	0	0	12	0
Renewed ...	0	9	6	0	9	6
Renewed for the Residue ...	0	14	0	0	14	0
Renewed ...	0	11	6	0	11	6
Habere facias pos. and fi. fa. or ca. sa. for costs in one Writ ...	0	18	0	—	—	—

ATTORNEYS' CHARGES—continued.

	If Debt or Damages above £50.			If Debt or Damages under £50.		
	£	s.	d.	£	s.	d.
Habere fac. pos. alone	0	15	0	—	—	—
Writ of Revivor	0	12	6	0	10	0
Subpœna ad test.	0	7	0	0	5	0
Subpœna duces tecum	0	9	0	0	7	0
" if above four folios, additional per folio	0	0	8	0	0	8
Writ of Foreign Attachment	0	12	6	0	12	6
Attachment	0	12	0	0	11	0
Detainer	0	12	6	0	10	0
Habeas Corpus obtained by Plaintiff, including allowance	1	0	0	—	—	—
Procedendo	0	15	0	—	—	—
Venditioni exponas	0	13	6	—	—	—
Supersedeas, if not issued by a Prisoner	0	11	0	—	—	—
<i>Copy and Service of Writs.</i>						
Of Summons, the Defendant being served in Melbourne, or within two miles thereof, for each Defendant	0	7	6	0	6	0
If served beyond that distance, additional for every mile*	0	1	6	0	1	6
Copy and service of Writ of Revivor, the same as Summons						
Copy and service of Writ of Ejectment, the same as Writ of Summons						
And in addition for every folio of copy beyond three	0	0	6	—	—	—
Correspondent's charges for Service of Writ, including Affidavit of Service, and exclusive of Mileage in cases in which the fixed sum for costs does not apply	1	0	0	0	12	0
The like for service of Subpœnas	0	8	6	0	6	0
Extra for Subpœnas duces tecum	0	2	0	0	2	0
Agent's charges according to circumstances, &c.						
In cases in which the Defendant shall avoid service, and an order shall be made to proceed, a sum will be allowed for attendances to serve according to circumstances						
Of Subpœna ad test.	0	6	0	0	3	0
Of Subpœna duces tecum	0	7	0	0	5	0
Mileage as before.†						
<i>Instructions.</i>						
Instructions to sue or defend, for Pleadings, Special Affidavits where allowed	0	6	8	0	3	4
To Counsel on special matters, according to circumstances						
To Counsel in common matters, including Motion Paper	0	3	4	0	3	4
For every Suggestion	0	6	8	0	3	4
For Plea to Suggestion	0	6	8	0	3	4
For Issue in fact by consent	0	13	4	0	6	8
For confession of Action in Ejectment as to the whole or in part	0	6	8	—	—	—
To Defend for Executor after suggestion of death of original Defendant...	0	6	8	0	3	4
<i>Drawing Pleadings, &c.</i>						
Drawing Pleadings per folio	0	1	0	0	0	8
Engrossing same or copying any Proceeding	0	0	6	0	0	6
Engrossing Proceedings on the Roll	0	1	0	0	1	0
Drawing special particulars of Demand or Set-off and copy per folio	0	0	8	0	0	6
Short ditto, and copy 4 folios	0	5	0	0	2	6
Bill of Costs, and Copy for Taxation, per folio	0	1	0	0	1	0
Copy for opposite party	0	0	6	0	0	6
Drawing and engrossing common Cognovit and attendance thereon	0	13	4	0	6	8
If Special and long	1	0	0	0	10	0
<i>Notices, including Service thereof.</i>						
For Jury to opposite attorney, copy and service	0	4	0	0	3	0
To Executor or Administrator of sole Defendant deceased, to appear to Writ and Suggestion	0	5	0	0	3	0
To Sheriff of Renewal of Execution, exclusive of any payment	0	5	0	0	3	0
Of Objection for Misjoinder or Nonjoinder of Plaintiff, copy and service	0	4	0	0	3	0
To Sheriff to discharge a prisoner out of custody, copy and service	0	5	0	0	4	0
Notice in Ejectment, to defend for part of premises, copy and service	0	6	0	—	—	—

* According to fact as verified: if several served on same occasion, in same locality, to be apportioned accordingly.

† If the person to be served with any process of the Court, notice, or other document, reside at such a distance from Melbourne, or the Circuit Court where the action is to be tried, that it would be cheaper to cause service thereof to be effected by means of an agent or correspondent, that course should be adopted, as the allowance will be calculated with due regard to the possibility of such being effected.

ATTORNEYS' CHARGES—continued.

	If Debt or Damages above £50.	If Debt or Damages under £50.
£ s. d.	£ s. d.	£ s. d.
If above three folios, for every folio additional	0 1 0	—
Notice of Admission of right, and denial of ouster by a joint tenant, &c., copy and service	0 6 0	—
If above three folios, for every folio	0 0 6	—
Discontinuance by Claimant in Ejectment, copy and service	0 5 0	—
Of confession of Action of Ejectment as to the whole or in part, and service Of Trial, Inquiry, Demand of Residence of Plaintiff, of Authority for issuing Writ, and all other common notices	0 10 0	—
To admit or produce, if short, not exceeding four folios	0 4 0	0 3 0
The like, if longer	0 7 6	0 5 0
If very long and special, a larger allowance may be made in cases above £50, at the rate of per folio	0 10 0	0 5 0
Additional allowance for Mileage as upon service of Writ	0 0 6	—
<i>Copy and Service of Rules, Summonses, and Orders.</i>		
Of special and common Rules	0 5 0	0 4 0
Of special Rule above three folios, per folio additional	0 0 6	0 0 6
Of Summonses, or Order of a Judge	0 3 0	0 3 0
Of Order to charge a prisoner in execution	0 5 0	—
Mileage on services, as upon a Writ of Summons	—	—
<i>Ejectment.</i>		
Instructions to sue, and examining Deeds	0 13 4	—
If a question of title	1 1 0	—
<i>Attendances.</i>		
On Deponent to be sworn (where allowed),—for rules where no attendance in Court,—to enter exception in bail,—to leave Writ at Sheriff's Office,—to obtain return to Writ,—to alter or amend pleading,—to file any proceedings,—to obtain office copies,—to consent to any summons,—to set down case or demurrer,—to each Judge with demurrer book or special case,—to deliver points to each Judge,— to ascertain if books delivered,—and other like attendances, to fix consultations	0 3 4	0 3 4
To set down causes for trial	0 6 8	0 3 4
On each Counsel with brief at trial, fee under twenty guineas,—summons before a Judge,—and to pay money into Court	0 6 8	0 3 4
On Counsel with brief, fee twenty guineas and above	0 13 4	—
To receive money out of Court	0 10 0	0 6 8
Council with brief on motion, if above one guinea fee	0 6 8	0 3 4
If one guinea only	0 3 4	0 3 4
Consultation with Council	0 13 4	—
Conference with Counsel	0 6 8	—
On every trial, not exceeding one hour	1 1 0	0 13 4
If above one hour, for every additional hour	0 13 4	0 6 8
If cause in paper of the day not tried	0 13 4	0 6 8
To obtain names of Viewers	0 6 8	0 3 4
To enter any suggestion on roll when necessary	0 3 4	0 3 4
Attendances incidental to agreement of amount of damages (according to the circumstances)	—	—
Attendance in pursuance of notice to admit	0 6 8	0 3 4
Attending making admissions, except under special circumstances	0 6 8	0 3 4
For every hour beyond one	0 6 8	0 3 4
On reference to Master on common matters, such as to compute on a Bill of Exchange or Bond, &c.	0 6 8	0 6 8
Special matters	0 13 4	0 6 8
For every hour after the first	0 6 8	0 3 4
If Counsel in attendance and Attorney attending	0 6 8	0 3 4
Above one hour	0 13 4	0 6 8
To attest confession in ejectment	0 6 8	—
On Circuit each day, exclusive of Expenses, but inclusive of all matters transacted, except one attendance upon each Counsel with brief; if the attendance of the Attorney be absolutely required	2 2 0	1 1 0
Expenses, exclusive of travelling, for each day	1 1 0	1 1 0
Travelling Expenses, the amount actually and reasonably paid, but in no case exceeding 2s. per mile one way	—	—
If two causes, in each per day for attendance	1 11 6	1 1 0
If three causes, or more	1 1 0	0 15 6

ATTORNEYS' CHARGES—continued.

	If Debt or Damages above £50.			If Debt or Damages under £50.		
	£	s.	d.	£	s.	d.
If more than one cause, expenses at £1 1s. each day, and travelling expenses to be divided equally						
Clerk's attendance discretionary if more than one cause, or in special cases not exceeding per day, inclusive of expenses, except travelling	1	1	0	0	10	6
In Circuit Towns, in which two Lists are made, or in Special Jury cases, the attendance of the Attorney will not be allowed from the first day of the Sitting, but only from such period as his attendance became proper						
Court on Motion Rule Nisi granted	0	6	8	0	3	4
The like on Rule Absolute after Rule Nisi	0	13	4	0	6	8
The like previous to Argument per day	0	6	8	0	3	4
	0	13	4	0	8	4
Taxation on Postea	1	0	0	0	16	8
	0	6	8			
Ditto costs of Cause, otherwise than on Postea	0	13	4	0	3	4
Ditto costs of Judgment only, and other interlocutory matters	0	6	8	0	3	4
<i>Briefs.</i>						
Instructions for Brief	0	13	4	0	6	8
Minutes of Evidence, and examining each Witness (when actually done)	0	6	8	0	3	4
If difficult, and many Witnesses or Documents, discretionary						
Drawing Briefs per sheet, containing folio	0	6	8	0	3	4
Fair copy Brief, per sheet	0	3	4	0	3	4
<i>Term Fees and Letters.</i>						
Term Fee for every Term in which any Proceeding is had (Town cause)	0	15	0	0	10	0
Agency	0	15	0	0	15	0
Letters when no Term Fee	0	5	0	0	3	0
Agency	0	5	0	0	3	0
Letters in Interlocutory matters	0	3	0	0	2	0
Agency	0	3	0	0	2	0
No Letters allowed on forwarding Close Copy Pleadings in Agency						
<i>Letters.</i>						
Letters before Action, and other Letters	0	3	6	0	2	0
Circular Letters after the first	0	1	6	0	1	0
<i>Affidavits.</i>						
Drawing Special Affidavits per folio	0	1	0	0	1	0
Engrossing same exclusive of Affidavits of Increase	0	0	6	—		
Common Affidavits of five folios and under, including ingrossing and Oath	0	6	0	0	5	0
Affidavit of Increase, including drawing and ingrossing, per folio	0	1	6	—		
Copy for the other side, per folio	0	0	6	—		
<i>Searches.</i>						
All common Searches, exclusive of payment	0	3	4	0	3	4
If very long	0	13	4	0	6	8
<i>Counsel.</i>						
To attend Reference to Master not exceeding, except on Examination of Witnesses	2	2	0	—		
To settle Special Indorsement on Writ						
<i>Warrant of Attorney.</i>						
Costs of signing Judgment	3	10	0	—		
<i>Counsel's Clerk's Fees.</i>						
The fees to be allowed to Counsel's Clerk not to exceed as under:—						
Upon a Fee under five guineas	0	2	6	—		
Five guineas and under ten guineas	0	5	0	—		
Ten guineas and under twenty guineas	0	10	0	—		
Twenty guineas and under thirty guineas	0	15	0	—		
Thirty guineas and under fifty guineas	1	0	0	—		
Fifty guineas and upwards	£2	10s.	per cent.	—		

ATTORNEYS' CHARGES—continued.

	<i>On Consultation.</i>	If Debt or Damages above £50.			If Debt or Damages under £50.		
		£	s.	d.	£	s.	d.
Senior Clerk	0	7	6	—	—	—
Junior Clerk...	...	0	2	6	—	—	—
On General Retainer	0	10	6	—	—	—
On Common Retainer...	...	0	2	6	—	—	—
On Conference	0	5	0	—	—	—

ALLOWANCE TO WITNESSES.

		If resident within the Town in which the Cause is tried.			If resident at a distance from the place of trial.		
		£	s.	d.	£	s.	d.
Common Witnesses, such as laborers, journeymen, &c., per diem ...	...	0	10	0	0	15	0
Master Tradesmen, Yeomen, and Farmers, per diem ...	...	0	10	6	0	15	6
Auctioneers and Accountants, per diem ...	...	0	15	6	1	0	0
Professional men, per diem ...	...	0	10	6	0	15	0
„ inclusive of all except travelling expenses, per diem ...	...	1	1	0	1	1	0
	...	2	2	0	—	—	—
Attorneys' Clerks, and other Clerks, per diem ...	...	0	10	6	2	2	0
Engineers, Surveyors, Physicians, and Surgeons, per diem ...	...	2	2	0	3	3	0
Notaries ...	...	1	1	0	0	15	0
Officers of Army or Navy ...	...	1	1	0	1	1	0
Esquires, Gentlemen, Merchants, and Bankers, are allowed one guinea conduct money with their Subpoenas, but are not entitled to any daily allowance except a reasonable sum for Refreshments	...	2	2	0	2	2	0
Females, according to station in life ...	...	0	10	0	3	3	0
	...	0	15	0	2	2	0
*Travelling expenses as paid, not exceeding per mile one way, 1s. 6d.	...	0	15	0	1	1	0

That in all agency cases, close copies of proceedings at 4d. per folio, according to actual length, be allowed.

That in cases under £50 no allowance will be made in respect of the following matters :—
Attending Deponent to be sworn to Affidavit.

Advice on Evidence; Maps, Plans, or Models; Retainer; Clerks' Fees; Refresher Fee.

Conference; and only one Counsel will be allowed; and the fee, with brief, not more than three guineas; and on motion, not more than two guineas.

In cases above £50 :—

For Maps or Plans, when used, from five shillings to three guineas.

For making Survey, if any, from five to twenty pounds.

In all cases, no charges shall be allowed for "instructions," for Affidavit, nor for "attending Deponent to be sworn," if the Affidavit be made by the Attorney or his Clerk.

SCHEDULE OF FEES PAYABLE IN THE MASTER IN EQUITY'S OFFICE.

	£	s.	d.
Affixing Seal of Court to any Commission or Document ...	1	0	0
Sealing any Writ or Renewal ...	0	10	6
Every oath Administered ...	0	1	0
For marking exhibits attached to any Affidavit, an additional sum of ...	0	1	0
For every Recognizance settling ...	0	10	6
Acknowledging first Cognizor ...	0	7	6
Each name beyond the first ...	0	5	0

* In cases where there is steam communication, or the passage may be made by water, the travelling expenses will be limited to the amount actually paid for the transit.

	£	s.	d.
For every Office Search of Papers in Suit or matter pending	...	0	1 0
In other cases	...	0	2 6
Inspection of Documents, or taking Copies or Extract, per hour	...	0	3 4
For Summons for hearing in Chambers	...	0	3 0
For the Judge's Adjudication, or Order thereon	...	0	5 0
Setting down undefended Cause for hearing	...	0	10 0
Setting down defended Cause for taking evidence	...	0	10 0
Setting down Demurrer or Plea	...	0	10 0
Setting down defended Cause for hearing	...	0	10 0
The like on further directions	...	0	10 0
Rehearing	...	0	10 0
For every Decree on hearing	...	1	0 0
Or further directions	...	1	0 0
Decretal or other Order	...	0	10 6
Entering same on Roll, per folio	...	0	0 6
For every Warrant	...	0	3 0
Reports or Certificates, for drawing, per folio, exclusive of Schedules	...	0	1 0
Engrossing same	...	0	0 6
Signuing	...	1	0 0
Entering same per folio	...	0	0 6

Abstracts.

Perusing every three sheets	...	0	6 8
Conditions of Sale, settling ordinary form	...	0	5 0
Long and special, according to circumstances, from ...	...	1	1 0
	...	3	3 0

Advertisements.

Settling ordinary form	...	0	5 0
Special, according to circumstances	...	1	1 0
Allowance of Master, for signing the Allowance of any Account, or other document not otherwise herein specially provided for	...	0	5 0
For attendance to produce documents in the Supreme Court (except when sitting in Equity), or in any other Court	...	0	10 6
Attending any Sale	...	1	1 0
<i>Taxing Costs</i> , Two and a Half per cent.			

Deeds.

Perusing and Settling, not exceeding thirty folios	...	1	0 0
Exceeding thirty, not exceeding fifty	...	1	10 0
Exceeding fifty, not exceeding one hundred	...	2	10 0
Exceeding one hundred	...	3	0 0
Examining Engrossment, per skin	...	0	3 4
Signing Allowance	...	0	5 0
Comparing Books, Papers, &c., with Schedule, when deposited or delivered out	...	0	10 6
Drawing Writ of Injunction	...	1	1 0
Filing every Roll and Petition	...	0	5 0
Filing every Affidavit or other document, not otherwise herein specially provided for	...	0	1 0
Interrogatories, Settling, per folio	...	0	1 0
Signing Allowance	...	0	5 0
Office, or other copies, per folio	...	0	0 6
For every Subpœna	...	0	7 6

Solicitors' Charges.

The same as at Common Law, as nearly as the nature of the business done, and the circumstances will allow.

Fees payable in Lunacy.

To the Commissioner for the first Meeting	...	5	5 0
For each adjourned Meeting	...	3	3 0
To the Assessor for the first Meeting	...	3	3 0
For each adjourned Meeting	...		
To the Solicitor on the first Meeting	...	1	1 0
For each adjourned Meeting	...	0	13 4
To each Juryman on the first Meeting	...	0	10 6
For each adjourned Meeting	...	0	5 0

In all other cases the Fees, Costs, and Charges shall be the same as at Common Law, as nearly as the nature of the business done, and the circumstances will allow.

FEES AND CHARGES IN ECCLESIASTICAL JURISDICTION.

Probates.

	Fees paid at Public Office.	Charges of a Proctor.
	£ s. d.	£ s. d.
£1000 and upwards	7 3 4	9 8 10
Under £1000 ...	6 3 4	8 5 6
„ £600 ...	5 3 4	7 2 2
„ £300 ...	3 3 4	4 15 6
„ £100 ...	1 2 0	2 3 0
„ £20 ...	0 11 0	1 0 0
„ £5 ...	0 1 0	0 7 0

Administration.

	Fees paid at Public Office.	Charges of a Proctor.
	£ s. d.	£ s. d.
£1000 and upwards	8 0 4	10 1 2
Under £1000 ...	7 0 4	8 17 10
„ £600 ...	6 0 4	7 14 6
„ £300 ...	4 0 4	5 7 10
„ £100 ...	1 19 0	2 14 6
„ £40 ...	1 10 8	2 4 0
„ £20 ...	0 19 8	1 9 2
„ £5 ...	0 2 0	0 9 6

With Common Law Charges, according to Common Law Scale, for all matters and things done herein.

FEES AND CHARGES IN THE SHERIFF'S DEPARTMENT.

	£ s. d.
For every Warrant granted by the Sheriff to his Officer upon any Writ or process	... 0 5 0
And on Crown or Outlawry process, an additional ...	... 0 2 6
On Warrant for an arrest ...	... 0 15 0
On Bail Bond, or deposit of money	
For a Bail Bond of any description, inclusive of filing same ...	... 1 11 6
Assignment of Bail or other bond ...	... 0 7 6
For the Return to any Writ of habeas corpus, if one action ...	... 0 12 6
And for each action after the first ...	... 0 2 6

Poundage.

For executing every Writ of Fi. Fa., Ca. Sa., or Judge's Warrant, five per cent. on the first hundred pounds, and two and a half per cent. on all above that, upon the sum received under the execution only.	
For executing every Extent, or Habere facias possessionem, the sum of twelve pence for every twenty shillings of the yearly value of the land, where possession or seisin shall be given, if such yearly value shall not exceed one hundred pounds; and six pence in every twenty shillings if the yearly value is above that sum.	
Inquisitions or Writs of Extent, and the like	
For summoning Jury, use of Room, presiding at Inquisitions, &c. ...	... 3 3 0
Jury ...	... 0 12 0
Travelling expenses of the Sheriff from his office to the place of Inquisition, per mile ...	... 0 2 0
For drawing and engrossing the Inquisition, per folio ...	... 0 1 6
For a Summons for the attendance of a witness ...	... 0 5 0

In Replevin.

	£	s.	d.
For a Bond in Replevin	1	11	6
Precept to Bailiff	0	5	0
Notice for service on Defendant	0	2	6
Appraiser, where the sum demanded and due shall not exceed fifty pounds, for appraisement and affidavit of value	0	10	6
When it shall exceed fifty pounds	1	1	0
And his travelling expenses from his residence to the place where the goods are, per mile	0	2	0
Bailiff for summoning and delivering goods to tenant	1	1	0
For a writ of retorno habendo	0	7	6

Writs of Summons and Foreign Attachment.

For the service of each Foreign Attachment on each garnishee	0	10	6
And mileage, out only, per mile	0	2	0

Jury Process.

For attending a view, if within five miles of the office of Sheriff	1	1	0
If a greater distance	2	2	0
Travelling, per mile	0	2	0
When a view shall be had for summoning each juror, if within five miles of the office of Deputy Sheriff	0	2	6
If a greater distance	0	5	0
For attending every inquisition	1	1	0

In Equity.

Executing a Writ habere facias possessionem	1	1	0
Taking bail	0	10	6
Producing a person at the bar of the Court	0	5	0
Travelling expenses to Bailiff, out only, per mile	0	2	0
For Executing process of Attachment	1	1	0
For making an office copy of any document, per folio	0	0	6
For every search	0	1	0
For inspection of documents, or taking copies or extracts, per hour	0	3	0
For filing each notice in the office of Sheriff	0	1	0
For receiving and entering every order of any suspension of any Writ	0	2	6
For advertising each notice of sale, as per account actually paid			

Fees to the Bailiffs.

To the Bailiff for executing Warrants on Extent, Capias, Fi. Fa., Ca. Sa, Ne Excat, Attachment, Writ of Possession, Forfeited Recognizances, and all other like matters, for each, if the distance from the Sheriff's office or residence of the Bailiff do not exceed five miles	1	1	0
If beyond that distance, per mile	0	2	0
For mileage in the execution of all process, if more than one mile from the residence of the Sheriff's Bailiff, per mile	0	2	0
For each man left in possession, per day	0	10	0
And mileage when absolutely necessary, per mile	0	0	6
For conveying the Defendant to gaol from the place of arrest, per mile	0	2	0
For the Bailiff to conduct Prisoners to gaol, per day	0	10	6

Colonial Secretary's Office,
Melbourne, 4th February, 1854.

DEPASTURE LICENSES FOR 1854.

HIS Excellency the Lieutenant Governor directs the publication of the subjoined Estimate of the Grazing Capabilities of all runs of Crown Lands held under License in the several Districts of the Colony, according to which estimate the License Fees for the current year will be levied.

2. Payment of License Fee in each case is required to be made at the Colonial Treasury, Melbourne, within the period commencing 15th February, and ending 31st March next.

3. Upon all Licenses issued after the latter date an additional charge of twenty-five per cent. will be imposed.

4. Those Licensees who may object to the estimate of the grazing capabilities of their runs may obtain a re-consideration of such estimate by forwarding an application to that effect to the Chief Commissioner of Crown Lands, Melbourne, not later than the 28th February, 1854.

By His Excellency's Command,
JOHN FOSTER.

WIMMERA DISTRICT.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Afleck, J. W. and D. ...	Pleasant Banks ...	12,000	
Armstrong, George ...	Fullham ...	12,000	
Armstrong, George ...	Mundarra ...	6,000	160
Armstrong, George ...	Ganoo Ganoo ...	6,000	160
Atkinson and Pepper ...	Lake Hindmarsh, Pine Hill ...	10,000	
Ayrey and Nichol ...	Waranoke ...	20,000	
Bagot, E. M. ...	Lindsay Island ...		1,280
Bagot, E. M. ...	Woolwoolla ...		1,920
Baillie, Thomas ...	Polkemmet ...	8,000	
Baillie, Thomas ...	Wyn Wyn ...	8,000	
Baird, M. H. ...	Yan Yip ...	4,000	
Bell, W. M. ...	Kadnook ...	30,000	
Beveridge, Andrew ...	Tyntyndia, Swan Hill ...	10,000	
Blunden, John ...	Concungilla ...	20,000	
Brock, Brothers ...	Conover ...	6,000	
Brock, Brothers ...	Swan Water North ...	6,000	
Cameron, Daniel ...	Blackheath ...	6,000	
Cameron, Daniel ...	Woregwine ...	9,000	
Cameron, J. Allan ...	Decameron ...	20,000	640
Cameron, J. Allan ...	Navarre ...	10,000	
Campbell, James ...	Strathfillan ...	20,000	
Carter, Charles ...	Brim Spring ...	4,000	
Cay and Kaye ...	West Charlton ...	25,000	
Carfrae, L., and J. C. Jervis ...	Rosbrook ...	12,000	
Carfrae, L., and J. C. Jervis ...	Wartook ...		640
Chirnside, Thomas ...	Barton ...	8,000	640
Clapperton, Thomas ...	Six Mile Creek ...	4,000	
Clarke and Dixon ...	Woodlands ...	36,000	640
Coghill, William ...	Burra Burra ...		640
Coghill, William ...	Piangil ...		640
Coppock, John ...	Albacutya ...	8,000	
Creswick, Henry ...	Bangero Plains ...	8,000	
Creswick, Henry ...	Gerahmin ...	4,000	
Creswick, Henry ...	South Tyrell ...	8,000	
Crozier and Rutherford ...	Cowea ...	16,000	
Crozier and Rutherford ...	Kulmine ...	16,000	
Darlot and McLachlan ...	Brighton ...	28,000	640
Davis, Henry ...	Davis Plains ...	8,000	
Dennis, Brothers ...	Robertson's Station ...	8,000	
Dennis, W. A. and J. ...	Car's Plains ...	16,000	
Donald, J. S. and W. ...	Buninyong East ...	24,000	
Donald, J. S. and W. ...	Corack ...	12,000	
Donald, J. S. and W. ...	Spring Bank West ...	8,000	
Edgar and Birmingham ...	Mullagh ...	12,000	
Edgar and Birmingham ...	The Pine Hill ...	9,000	160
Ellerman, H. C. and H. C. ...	Antwerp ...	10,000	320
Ellis, James ...	Avoca Forest ...	8,000	
Firebrace, W. and R. J. ...	Vectis ...	25,000	640
Firebrace, W. and R. J. ...	Mount Elgin ...	15,000	
Gibson, Thomas L. ...	Boringalbert ...	30,000	
Glass, Hugh ...	Rathescar ...	14,000	
Glendinning and Urquhart ...	The Blasted Heath ...	6,000	
Glendinning and Urquhart ...	St. Mary's Lake ...	18,000	

WIMMERA DISTRICT.—Continued.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Gordon, James ...	Newlands ...	20,000	
Govet, George ...	Unnamed ...	10,000	
Grant, John ...	Bumbang ...	12,000	320
Greene, Mrs. Ann ...	Glenwillan ...	18,000	320
Hamilton, Thomas ...	Second Kout Narin ...	12,000	160
Hamilton, James ...	Narung ...	8,000	
Heape and Grice ...	Bunyip ...	8,000	
Heape, Grice, and Sherratt ...	Yatnat ...	20,000	
Hogg, E. J. ...	Yerree Yerree, Lower Murray ...	10,000	
Holmes, E. C. and R. Teek ...	Wiremberchep ...	14,000	
Hope, R. C. ...	Bolangum ...	14,000	160
Hope, R. C. and G. ...	Lake Wallan ...	24,000	640
Hines, F. P. ...	Newharper ...	8,000	
Irvine, Alexander ...	The Junction ...	22,000	320
Jones, Dewas Owen ...	Tallagiera ...	10,000	
Jones, Highway ...	Tatyara ...	8,000	
Keene and Orr ...	Mournpoul ...	10,000	
Keene and Orr ...	Gayfield ...	12,000	
Kiddle, William ...	Tittibong ...	10,000	
Learmonth, John ...	Avoca and Wycheproof ...	20,000	
Little, James ...	Yannack-a-Yannack ...	8,000	
Little, James ...	Mackenzie Springs ...	4,000	
Love, Andrew ...	Wallaloo ...	8,000	160
Love, Andrew, jun. ...	Sand Hills ...	8,000	
Lyon and Ferrers ...	Morton Plains ...	25,000	
Macredie, Robert R. ...	Banyenong ...	16,000	160
Macredie, Robert R. ...	Laen ...	10,000	
Matheson, Sir John ...	York Plains ...	12,000	
Mason and Welch ...	El Dorado ...	8,000	
McCallum, Alexander ...	Youngera ...	8,000	
McGrath, Brothers ...	Kidd's Station, Lower Murray ...	12,000	
McGuinness and Bell ...	Corang Lake ...	12,000	
McKellar, John ...	Lockhart ...	16,000	
McKinnon, Colin ...	Mountain Creek ...	16,000	160
McLachlan, A. and R. ...	Richavon ...	24,000	
McLeod, H. L. ...	Benyo ...	14,000	160
McMillan, Archibald ...	Irrewarra ...	4,000	160
McMillan, Archibald ...	Sheep Hills ...	12,000	
McPherson, Dugald ...	Ashens ...	18,000	160
McPherson, Dugald ...	Nhill ...	14,000	
Moffatt, Mrs. Jessie ...	Lemon Springs ...	8,000	160
Morton, W. L. ...	Plains of Thalia ...	14,000	
Officer, Robert ...	Mount Talbot ...	16,000	640
Officer, Robert ...	Salt Lakes, or Longmere ...	6,000	
Orr, James ...	Yewang ...	10,000	
Orr, James ...	Towanninnie ...	14,000	
Patterson, William ...	Upper Regions, Wimmera ...	14,000	640
Payne, Charles ...	Swan Water South ...	10,000	
Pinson, Henry ...	Swinton ...	20,000	
Raleigh, Joseph ...	Springfield ...	10,000	
Robertson, J. J. and T. ...	Murra Murra ...	6,000	640
Rostron, Lawrence ...	Tottington ...	16,000	320
Rostron, Lawrence ...	Ramsbottom ...	15,000	
Russell, Andrew ...	Pine Plain ...	8,000	
Russell, Andrew ...	Outlet of Lake Hindmarsh ...	4,000	
Rutherford, William ...	Pyrenees Ranges ...	4,000	
Scales, Adolphus ...	Lalbert ...	8,000	
Scott and Sons ...	Warracknabeen ...	16,000	
Shanahan, M. ...	Marnoo ...	14,000	
Simson, J. and S. ...	Glenisla ...	10,000	
Sinclair, John ...	Allan Vale ...	20,000	160
Splatt, W. F. ...	Lake Boga ...	10,000	
Splatt, W. F. ...	Bael Bael ...	10,000	
Splatt, W. F. ...	Quambatock ...	12,000	
Stanbridge, W. E. ...	Tyrrell ...	8,000	
Splatt and Pynsent ...	Wonwondah ...	26,000	
Splatt and Pynsent ...	La Rose or Mokepille ...	...	3,200
Splatt and Pynsent ...	Lexington ...	30,000	
Taylor, William ...	Longernon ...	40,000	320
Thompson and Armstrong ...	Avon Plains ...	14,000	
Urquhart, George ...	Mary Vale ...	34,000	640
Urquhart, George ...	Balerook ...	8,000	
Walker, Alexander ...	Delmyong ...	6,000	
Wallace, William ...	Elderslie ...	18,000	320

WIMMERA DISTRICT.—Continued.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Whittaker, James J. B. and Jas. jun.	Longlands	8,000	
Wilson, Brothers	Walmer and Tulganny	10,000	
Wilson, Brothers	Kewell	20,000	
Young and Carfrae	Ledcourt	15,000	160
Young and Carfrae	Newington	15,000	
Younger, George	Rose Bank	8,000	160

MURRAY DISTRICT.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Anderson, Joseph	Mangalore	25,000	
Bond, Thomas	Bungamaroo	8,000	
Barber, Geo. H.	Barnawartha	8,000	
Bould, Joseph	Boorahman	6,500	
Box, Richard	Barwegec	4,000	
Budd, R. H.	Camambo	10,000	
Bear and Dunsford	Dederang	5,000	
Barber, Isabella	Gundowring	25,000	
Brown, James L.	Gooramadda	10,000	
Brock, John	Gobur	4,000	
Bear, T. H.	Kotupna	10,000	
Black and McKellar	Lima	20,000	
Bourke, Lawrence	Mundoona	4,000	
Brock, John	Miller's Ponds	12,000	
Bowler, Samuel	Mitta Mitta	7,000	
Bond, Thomas	Stony Creek	4,000	
Brown and Webster	Warranbayne	10,000	
Brown and Ryan	Wourrough	6,000	
Bon, John	Wappan	14,000	
Clifton, W. S. and H.	Arcadia	10,000	
Clarke, Thomas	Brimin	4,000	
Crook, Edward	Benamba	4,000	
Chenery, G. and A.	Broken Creek	4,000	
Chenery, G. and A.	Delatite	10,000	
Crook, Edward	Hinnomongy	20,000	
Cook, Robert	Jingellac	4,000	
Clarke, Richard	Junction	2,000	
Chenery, G. and A.	Loyola	16,000	
Chisholm, J. W.	Myrhee	32,000	
Connor, James	Merrimarebung	8,000	
Clarke, Wm.	Ovens Crossing Place	4,000	
Cook, Robert	Thowgola	6,000	
Chenery, G. and A.	Yabba Yabba	8,000	
Docker, Joseph	Bontharambo	20,000	
Daniels, S.	Changue	4,000	
Docker, Joseph	Emu Plains	12,000	
Docker, Joseph	Upotipotpon	6,000	
Dempsey, Wm.	Marengo	4,000	
Evans, Joseph	Cowper's Heifer Station	10,000	
Faithful, George	Buffalo	4,000	
Forlonge, Wm.	Bailey Hill	4,000	
Forlonge, Wm.	Croppers	10,000	
Faithful, W. P.	Edi	18,000	
Forlonge, Wm.	Euroa	10,000	
Forlonge, Wm.	Hurdle Creek	6,000	
Fryer, Peter	Molka	4,000	
Forsyth, Robert	Maitoongoon	6,000	
Faithful, George	Oxley's Plains	18,000	
Forlonge, Wm.	Springs	4,000	

MURRAY DISTRICT.—Continued.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Forlonge, Wm.	Seven Creeks	12,000	
Foord, John	Wahgunyah	7,000	
Gray, George	Cobungura ..	10,000	
Green, E. B.	Fifteen Mile Creek ...	4,000	
Goodman, E. and J.	Goomalibee	8,000	
Goodman, E. and J.	Georambat	8,000	
Green, E. B.	Killawarra	12,000	
Gullifer, James	Lilliput ...	4,000	
Goodman, E. and J.	Mokoan ...	8,000	
Glass, Hugh	Mimamaluke	6,000	
Grey, George	Pelican Lagoou ...	4,000	
Griffin, Frederick	Preston ...	14,000	
Gall and Hill	Wombat Hill	4,000	
Gemmell, John	Woodaga ...	5,000	
Grant, Thomas	Switzerland ...	4,000	
Hervey, Mathew	Adjee ...	5,000	
Hervey, W. and M.	Begarry ...	4,000	
Hervey, W. and M.	Curriiong ...	5,000	
Hervey, Mathew	Cudjewa ...	10,000	
Heap and Grice	Fern Hills ...	4,000	
Hervey, Mathew	Gravels ...	4,000	
Hervey, Mathew	Jerramul ...	4,000	
Hillas, John	Myrtle Creek ...	12,000	
Highbett, Wm.	Maindample ...	14,000	
Hervey, Mathew	Tintaldra ...	7,000	
Hore, John ...	Talgarno ...	12,000	
Hervey, Mathew	Towong ...	6,000	
Huon, Wm.	Woodonga ...	13,000	
Hume, J. K. and L.	Yarrowomatong ...	16,000	
Ingham and Marsden ...	Wangara ...	4,000	
Johnston, R. and D.	Bethanga ...	10,500	
Johnson, John	Merriang ...	4,000	
Jones, Lloyd	Avenel ...	15,000	
Kelsall, Rodger	Borodomanan ...	18,000	
King, K. and J.	Denaran ...	12,000	
Kissock, John	Strathbogie ...	8,000	
Kinchington, G.	Thilingananga ...	4,000	
Lockhart and Clarke ...	Jallandoon ...	6,000	
Moore, John	Barjarg ...	15,000	
Matheson, Sir J.	Honeysuckle Creek ...	12,000	
Mair, Wm.	Mulindolingong ...	4,000	
Murphy and Looker ...	Moir (Lower) ...	10,000	
Mullins, Charles	Mogolemby ...	4,000	
McDonnell, Alex.	Moir (Upper) ...	10,000	
Malcolm, James	Mount Battery ...	16,000	
McDonald, Owen	Noorongong ...	6,000	
McFarlane, J.	Onco ...	18,000	
McLaren, J. C.	Strathmerton ...	20,000	
Murphy, Francis	Tarawingong ...	12,000	
Mitchell, Thomas	Tanganbalanga ...	8,000	
Moore, Charles	Wagra ...	8,000	
Mackay, G. E.	Wondillygong ...	12,000	
McLaurin, Messrs.	Yabba ...	6,000	
McKay, G. E.	Yackandanda ...	4,000	
McDonnell, R.	Yieland ...	8,000	
Maxwell and Glass ...	Cathkin ...	8,000	
Nicholson, D.	Saintfield ...	4,000	
Orr, James ...	Benalla ...	12,000	
Osborne, T. and H.	Kergunia ...	6,000	
Osborne, James	Yackandanda ...	9,000	
Outhwaite, R.	Ghin Ghin ...	4,000	
Payne, F. J.	Bungil and Koctong ...	6,000	
Palmer, J. F.	Bonegilla ...	18,000	
Philpotts, Octavius ...	Cobram ...	10,000	
Pearce, John	Murraramungy ...	6,000	

MURRAY DISTRICT.—Continued.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Pettit and Kerr	Mount Pleasant	6,000	
Prendergast, John	Omeo	6,000	
Payne, F. S.	Thologolong	4,000	
Payne, Charles	Whitefield	12,000	
Pettit and Kerr	Eildon	4,000	
Purcell and Glass	Old Crossing Place	10,000	
Roberts, James	Bungonia	9,000	
Reid, Brothers	Currargarmonge	12,000	
Ruffy, W. J. and A. W.	Glenlyon	4,000	
Ryan, Charles	Killeen	12,000	
Rae, James	Noorilim	12,000	
Rowan, G. C.	Peechella	10,000	
Rowan, G. C.	Springs	4,000	
Routh, J.	Tawanga	7,000	
Ruffy, Frederick	Tarcombe	8,000	
Ruffy, A. W.	Dropmore	4,000	
Ruffey, A. and W.	Nainbulbulla	4,000	
Street, Frederick	Baranduda	10,000	
Splatt, F. and E. L.	Emu Plains	4,000	
Smyth, H. W. H.	Gowangardie	10,000	
Stevenson, H. and P.	Kilfera	8,000	
Stuckley, Wm.	Port Punka	4,000	
Stewart, G. and S.	Rocky Passes	4,000	
Splatt, F. and E. L.	Springs	4,000	
Splatt, F. and E. L.	Tatong	10,000	
Sheppard, Sherbourn	Tallygaroopna	8,000	
Sydney, G. Watson	Wermatong	4,000	
Stewart, Gideon	Hobbie's Howe	5,000	
Thom, Archibald	Dicksons	.....	600
Turnbull, Thomas	Faithful's Creek	6,000	
Tramor, John	Fifteen Mile Creek	4,000	
Watson, S. G.	Burrowye	10,000	
Withers, Jason	El Dorado	9,000	
Were, J. B.	Howqua	4,000	
Winter, John	Junction Station	12,000	
Walker, Wm., and Co.	Junction Station, Delatite	4,000	
Wilson, James	Kangaroo Ground	4,000	
Wilson, R. D.	Laceby	6,000	
Wise, Wm.	Mitta Mitta	4,000	
Wheeler, Charles	Nariel	4,000	
Warby, Benjamin	Tamanick Plains	6,000	
Wilson, James	Talangatta	11,000	
Withers, Jason	Ullina	6,000	
White, H. J.	Upton	4,000	
Walker and Mackay	Waronby	6,000	
Watson, S. G.	Walwa	6,000	
Whitehead, Thomas	Wabba	4,000	
Wheeler, Henry	Wanghambeham	4,000	

GIPPS LAND DISTRICT.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Alexander, Robert ...	Genoa ...	.....	400
Bayliss, Edward W. ...	Merton ...	.....	640
Bennett, William ...	Hazlewood ...	.....	1,000
Bennett, William ...	Wilderness ...	.....	640
Buchanan and McMillan ...	Sandy Creek ...	5,000	200
Buntine, Hugh ...	Bruthen Creek ...	.....	600
Buckley, Patrick C. ...	Coady Vale ...	.....	600
Buckley, Patrick C. ...	Wullgullamarang ...	.....	130
Butler, Thomas ...	Deighton ...	.....	300
Buchanan, Isaac ...	Roseneath ...	.....	200
Buckley, Edmund ...	Gammon Creek ...	.....	1,200
Campbell and Co. ...	Bairnsdale ...	.....	1,500
Campbell and Co. ...	Buchan ...	2,000	.....
Campbell and Co. ...	Ensay ...	14,000	.....
Collins, John ...	Snugborough ...	.....	500
Crooke, Edward ...	Holey Plain ...	.....	500
Crooke, Edward ...	Tongemungie ...	4,000	.....
Crooke, Edward ...	Bindi ...	.....	500
Campbell, Alexander ...	Suggen Buggan ...	.....	700
Campbell, Duncan ...	Traralgon West ...	.....	640
Campbell, Duncan ...	Gelantiby ...	.....	700
Davis, James ...	Woodside ...	1,000	.....
Foster, John ...	The Heart ...	12,000	.....
Foster, John ...	Tangel ...	.....	300
Foster, John ...	Boisdale ...	22,000	.....
Foster, John ...	Dergo ...	5,000	.....
Foster, John ...	Glencoe ...	4,000	.....
Foster, John ...	Erin Vale ...	3,000	.....
Gerringe, Thomas ...	Mary Ville ...	.....	1,500
Hoddinott, Uriah ...	Sunville ...	.....	400
Jones, Frederick ...	Lucknow ...	12,500	.....
Jones, John W. ...	Fulham ...	.....	640
Johnson, John ...	Newburn Park ...	10,000	.....
King, John ...	Rosedale ...	8,000	.....
Loughnan and Taylor ...	Deighton ...	7,000	.....
Loughnan and Taylor ...	Emu Vale ...	9,000	.....
Lucas, Charles ...	Lowlands ...	.....	200
Lawson, Charles ...	Gingalla ...	.....	700
McLean, Brothers and Gilbert ...	Glenaladale ...	6,000	.....
McMillan, Angus ...	Bushy Park ...	.....	1,120
McMillan, Angus ...	Coagmundi ...	.....	640
McLeod, John C. ...	Orbost ...	.....	800
McDonald, Alexander ...	Armidale ...	.....	350
McFarlane, Malcolm ...	Glenfalach ...	6,000	.....
McFarlane, James ...	Hayfield ...	10,000	.....
Mickle and Bakewell ...	Numeralla or Lochend ...	.....	500
McPhail, John ...	Meadows ...	4,000	.....
McNaughton, John ...	Dutson ...	4,000	.....
Pearson, William ...	Kilmany Park ...	6,000	.....
Raymond, W. O. ...	Stratford ...	6,000	.....
Raymond, W. O. ...	Strathfieldsaye ...	18,000	1,000
Reeve, John ...	Snakes Bridge ...	20,000	1,200
Reeve, John ...	Scarne ...	.....	500
Scott, John ...	Delvine ...	.....	600
Smith, J. D., and Smith J. D. ...	Lindenow ...	12,000	.....
Stevenson, John ...	Wangarbill ...	6,000	.....
Turnbull, John F. ...	Loyang ...	.....	1,000
Turnbull, John F. ...	River Tyers ...	.....	640
Turnbull, John F. ...	Traralgon East ...	.....	640
Turnbull, Brothers ...	Kilmorie ...	.....	500
Turnbull, Brothers ...	Swan Reach ...	4,000	.....
Thomson and Cunningham ...	Clyde Bank ...	.....	1,600
Taylor, James ...	Warrigal Creek ...	.....	300
Whittakers, — ...	Tibbutt ...	.....	700
Weatherhead, — ...	Merrimingo ...	.....	640

WESTERN PORT DISTRICT.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Airey, George S.	Killingworth ...	16,000	
Aitken, John ...	Myer's Creek ...	8,000	
Aitken, John ...	Piccaniny Creek ...	8,000	1,280
Aitken, John ...	Tandara ...	8,000	
Aitken, John ...	Open Plains ...	4,000	
Aitken, John ...	Emmeline Vale ...	4,000	
Aitken, John ...	Bullock Creek ...	8,000	
Aitken, John ...	Flowerdale ...	8,000	640
Aitken, John ...	Mount Martha ...	4,000	
Aitken, John C. ...	Acheron ...		1,000
Aitken, John C. ...	Thornton ...		1,000
Argyle, Edward ...	St. Agnes ...	16,000	
Argyle, Edward ...	Duck Swamp ...	12,000	2,560
Adams and Bicknell ...	Sunday Creek ...	6,000	
Babington, Richard ...	Glenlyon ...	4,000	
Balcombe, Alexander ...	Checkengoork ...		640
Bamblett, William ...	Muddy Creek ...	6,000	
Barnett, William ...	Mitchell's Creek ...	6,000	
Barker, John ...	Cape Shanck ...		640
Barker, William ...	Mount Alexander ...	8,000	
Bathe, James ...	Toomah ...		640
Baxter, Benjamin ...	Carrup Carrup ...		640
Baynton, Thomas ...	Darlington ...	16,000	
Bear, John, Executors of ...	Serpentine Creek ...	25,000	
Bear, John, Executors of ...	East Loddon ...	25,000	
Bennett, Henry Grey ...	Muskerry ...	12,000	
Bett, John ...	Wharparella ...	16,000	
Birch, A. and Co. ...	Seven Hills ...	8,000	
Birch, A. and Co. ...	Bollarook ...	8,000	
Bourke and Neville ...	Minton's Creek ...		640
Bowman, David ...	Panty Gurn Gurn ...		640
Boyd, John Sim ...	Wallan Wallan ...		640
Bradshaw, Charles and J. ...	Glenmona ...	16,000	
Brierty, Robert ...	Steel's Flat ...		640
Broadhurst, R. H. ...	Belle Vue ...	6,000	960
Brock, John ...	Bullanda Vale ...	12,000	
Brock, John ...	Cameron's Run ...	8,000	
Brock, John ...	Moonee Jettee ...	4,000	
Brock, Brothers ...	Coonover ...	5,000	
Brown, George ...	Weandron ...		640
Bucknall, E. G. ...	Rodborough Vale ...	12,000	
Burchett, F. and A. ...	St. Germain's ...	6,000	
Burrell, Joseph B. ...	Arthur's Seat ...		640
Cay and Kaye ...	Buckerbaule ...	16,000	
Cay and Kaye ...	East Charlton ...	16,000	
Cay, Robert ...	Loddon Plains ...	6,000	
Cain, James ...	Steel's Creek ...	8,000	
Cain, James ...	Spring Field ...	12,000	
Cain, James ...	Mount Macedon Ranges ...	8,000	
Cain, James ...	Steel's Creek ...	8,000	
Campbell, Archibald ...	Ganawarra ...	12,000	2,000
Campbell, Archibald ...	Pine Hills ...	12,000	
Campbell, R. and D. ...	Bullock Creek ...	12,000	
Campbell, R. and D. ...	Weddikar ...	8,000	
Campbell, R. and D. ...	Meran ...	4,000	
Campbell, William ...	Strathloddon ...	4,000	
Campbell, William ...	Trio ...	4,000	
Campbell, William ...	Mount Hope and Mount Pyramid ...	16,000	
Campbell, William ...	Aberfoyle ...	5,000	
Cameron, Donald ...	Chimes and Tourello ...	30,000	
Castella, Paul De ...	Yereng ...		1,280
Catto, John ...	Loddon ...	20,000	
Clarke, W. J. T. ...	Beah Bean ...	4,000	
Clarke, Reay ...	Dry Creek or East Morandig ...	4,000	
Clowes, Thomas ...	Woodside ...	4,000	640
Clowes, Henry ...	Holcone ...	4,000	
Coghill, William ...	Glendarnell ...	20,000	
Cochrane, James ...	Béalaba ...	8,000	
Collyer, William D. ...	Mount Hope Creek ...	8,000	
Collyer, William D. ...	Toorumbarry ...	16,000	640
Collyer, William D. ...	Spring Plains ...	8,000	640
Collyer, John and William ...	Wild Duck Creek ...	4,000	
Corbett, Richard ...	Kilmore ...		640
Cotton, William ...	Doogallook ...	12,000	

WESTERN PORT DISTRICT.—Continued.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Cunningham and Sisters ...	Wanregnan ...	...	1,000
Cuthbert, James ...	Westaway ...	4,000	
Dendy, Henry ...	Christmas Hills ...	4,000	
Davey, James ...	Mount Eliza ...	4,000	
Dennistown, J. and A. ...	Green Hills ...	4,000	
Dickson, John ...	Gulf Station ...	8,000	
Donald, John and William ...	Spring Bank ...	8,000	
Dore and Hennessy ...	Mount Ararat... ..	...	640
Dougall and Harvey ...	Glenloth ...	12,000	
Drew, Harry ...	Coolort ...	...	640
Dryden, Edward ...	Newham ...	12,000	
Dunsford, W. E. ...	Lancefield ...	12,000	
Ebden, Charles H. ...	Reedy Lake ...	10,000	
Ebden, Charles H. ...	Baal Baal ...	10,000	
Ebden, Charles H. ...	Combatoook ...	10,000	
Egan, James ...	Major's Line ...	8,000	
Egan, John ...	Corinella ...	...	640
Ellis, James ...	Avoca Forest ...	12,000	
Fletcher, William ...	Cairn Curran ...	12,000	
Forsythe, Robert ...	Torpichen ...	4,000	
Flin, Michael ...	West Moranding ...	4,000	
Gairdner, William and John ...	French Island ...	8,000	
Gavan, Emily ...	Sunday Creek... ..	6,000	
Gavan, Emily ...	Mount Piper ...	...	1,280
Gibson and Fenton ...	Ravenswood ...	10,000	
Glass, Hugh ...	Netty Alloc ...	16,000	
Godfrey, Henry ...	Boort ...	16,000	
Groves, George, Executors of ...	Gobdarep ...	6,000	
Govett, George ...	Pastoria ...	10,000	
Hamilton, William ...	Glenarona ...	24,000	
Hardie, D. and H. ...	Glenburn ...	6,000	
Hawdon, Joseph ...	Tallarook ...	...	1,280
Hawdon, Joseph ...	Sheep Run ...	4,000	
Hennessy and Mulcahy ...	Mount Pleasant ...	...	640
Hepburn, John ...	Smeaton Hill ...	20,000	
Hepburn, John ...	Glendonald ...	12,000	
Hepburn, John ...	Mount Prospect ...	8,000	
Hodgkinson, James ...	Woodstock ...	16,000	
Hodgkinson, James ...	Maiden Hills ...	8,000	
Hodgkinson, James ...	Lamplough ...	4,000	
Hunter, William ...	Tarringowar ...	12,000	640
Hunter, William ...	Muckleford ...	12,000	
Hunter, William ...	Kin-ra-ra Creek ...	8,000	
Hunter, William ...	Kingowar ...	8,000	
Holmes, John ...	Tourbouric ...	12,000	
Hyde, Margaret... ..	Mount Campbell ...	6,000	
Hall, The Rev. William ...	Brenanah ...	8,000	
Hall, The Rev. William ...	Glenalbyn ...	4,000	
Hurst, Edward ...	Running Creek ...	6,000	
Jackson and Graham ...	Dimach Forest ...	20,000	
Jackson and Graham ...	Tragowell ...	24,000	
Jardine, Thomas ...	Coyurah Springs ...	8,000	
Jeffreys, Brothers ...	Kyneton ...	...	2,000
Jeffreys, Brothers ...	Burneweng ...	12,000	1,280
Johnston, Henry ...	Taggerty ...	...	640
Joyce, Brothers ...	Plaistowe ...	4,000	
Joyce, Brothers ...	Norwood ...	6,000	
Jennings, Henry ...	Balla Balla ...	...	640
Kennedy, Alexander ...	Bough Yards ...	8,000	
Kerr and Neil ...	Edgar's Plains ...	10,000	
King, Martha Jane ...	Bunguyan ...	...	640
Lecky, James ...	Gin Gin Bien ...	...	640
Lynott, Charles A. ...	Barnedown ...	10,000	
Linton, Andrew... ..	Pontesford ...	...	640
Lyon, C. H. and Ferrars ...	Upper Werribee ...	5,000	
Lyon, C. H. and Ferrars ...	Ballenee ...	5,000	
Lyon, C. H. and Ferrars ...	Morrokdong ...	...	640
Leahy and Egan ...	Speeds ...	...	640
McBain, Donald ...	Old Crossing Place ...	...	640
McFarlane, J. and P. ...	Island Station, part of Murrendinda ...	8,000	
McKenzie, Daniel ...	Bailleston ...	8,000	
McKenzie, Daniel ...	Boramboort ...	4,000	
McKenzie, Alexander ...	Reedy Creek ...	6,000	
McLachlan, Dugald ...	Glengower ...	16,000	

WESTERN PORT DISTRICT.—Continued.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
McLeod, Hector...	Lardedark ...	4,000	
McLachlan, Charles ...	Pentland Hills ...	8,000	
McMillan, John ...	Leaghur ...	6,000	
Malcolm, Donald ...	Powlett's Plains ...	12,000	
Matheson, Sir James ...	Wynna ...	14,000	
Miller, Alexander ...	Murrindinda ...	8,000	
Mickle, Bakewell, and Lyall ...	Yallock ...		1,280
Mickle, Bakewell, and Lyall ...	Red Bluff ...		640
Mickle, Bakewell, and Lyall ...	Torbinurruck ...		1,280
Mickle, Bakewell, and Lyall ...	Tooradin ...		1,000
Mickle, Bakewell, and Lyall ...	Great Swamp ...		
Mitchell, W. H. F. ...	Barfold ...		2,000
Mitchell, W. H. F. ...	Terrick Terrick ...	24,000	
Mollison, A. and W. ...	Terrick Terrick Plains ...	8,000	
Mollison, A. and W. ...	Fyalong ...	10,000	1,000
Mouatt, J. and G. ...	Yarraberb ...	4,000	
Moor and Glass ...	Niagaroon ...	6,000	
Morton, William L. ...	Salisbury Plains ...	16,000	
Murchison, John ...	Korresdale ...	6,000	
Matson, Henry ...	Bullengourke ...	8,000	
Murphy, James, and Looker, K. W. ...	Colbinabbin ...	12,000	
Murphy, James, and Looker, K. W. ...	Caragarac ...	8,000	
Murphy, James, and Looker, K. W. ...	Tongalla ...	4,000	
Murphy, James, and Looker, K. W. ...	Corop ...	4,000	
Murphy, James, and Looker, K. W. ...	Stewart's Plains ...	4,000	
McDonald, John ...	Clonbinane ...		640
Molloy, Edward... ..	Mayune ...	4,000	
Nicholson and Roach ...	Northwood ...	8,000	
O'Connor, Terence ...	Cardinia Creek ...		640
O'Dea, Patrick ...	Cornelia Creek ...	10,000	
Orr, James ...	Stratford Lodge ...	24,000	
Orr, James ...	Yawong Springs ...	16,000	
Orr, James ...	Coliban ...	8,000	640
Orr, James ...	Lower Coliban Run ...	8,000	
Payne, Charles ...	Waranga Park ...	4,000	
Patterson, Alexander ...	St. Germain's... ..		640
Patterson, John Hunter ...	Moorabbee ...	8,000	
Patterson, John Hunter ...	Langwoonar ...	8,000	
Patterson, John Hunter ...	Pine Grove ...	12,000	
Patterson, John Hunter ...	Kimbolton ...	8,000	
Paynter, Robert E. ...	Solitude ...		640
Pedder, Sir John Lewis ...	Cutumninnip... ..	6,000	
Peavor, Thomas... ..	Langley Vale ...	6,000	
Pender, Michael ...	Upper Plains ...		640
Peters, Charles ...	Garth ...	14,000	
Pohlman, R. T. ...	Glenhope ...	10,000	
Power, Thomas Herbert ...	Mount Misery ...		640
Purves, James ...	Tootgarook ...		640
Pyke, T. H. and W. ...	Theden ...	6,000	
Reedy and Hook ...	Minton's Creek ...		640
Riddell and Hamilton ...	Turltable ...	6,000	
Riddell and Hamilton ...	Cairn Hill ...	6,000	
Robertson, Thomas, and others	Mount Mitchell ...	12,000	
Robertson, James ...	Campaspe ...	10,000	
Robertson, William ...	Wooling ...	4,000	
Rogers, John ...	Elizabeth Island ...	4,000	
Ross, Robert ...	Axedale ...	16,000	
Rowan, George C., Executors of	Gunbower ...	20,000	1,280
Ruddell, Ralph ...	Tuerong ...		640
Ryrie, Donald ...	Dalry ...		640
Rowe, John P. ...	Restdown Plains ...	20,000	1,280
Symonds, George ...	View Hill ...		640
Saunders, Isaac ...	Compton's Creek ...	6,000	
Simson, Donald C., Executors of	Charlotte Plains ...	24,000	
Simson, Donald C., Executors of	Jane Vale ...	12,000	
Simson, Donald C., Executors of	Languycourie... ..	12,000	
Simson, Hector N. ...	Sutton Grange ...	16,000	
Simson, Hector N. ...	Dunolly ...	4,000	
Smith, William ...	Barker's Heifer Station...		640
Speed, William ...	Deerinal ...	8,000	
Staubridge, W. E. ...	Wombat ...	4,000	
Stevenson, H. and P. ...	Ardpatrick ...	8,000	
Stevenson, H. and P. ...	Wanalta ...	12,000	
Stevenson, H. and P. ...	Toolamba ...	12,000	

WESTERN PORT DISTRICT.—Continued.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Stone, Paine, and Stone ...	Balham Hill ...	6,000	
Sturt, E. P. S., and Barker, E. ...	Tanti Creek, Belloura ...		
Tait and Hamilton ...	Colbinibin ...	6,000	
Tuck, Henry ...	Minton's Creek ...		640
Underwood and Pickering ...	Muddy Creek ...		640
Watt, Ross ...	Stainforth's ...		640
Walsh and O'Brien ...	Mount Ararat Creek ...		640
Webster, James ...	Bumamoto ...		640
Waddell, Wm., Executors of ...	I. Y. U. ...		960
Waterfield and Budd ...	Chintin ...	4,000	320
Were, Nicholas ...	Borothat ...		640
Wheatley, Alfred E. ...	Terrick Terrick ...	20,000	
Willoby, William ...	Long Waring ...		640
Wilson, James Milne ...	Richmond Plains ...	8,000	
Wilson, James Milne ...	Spring Hill ...	8,000	
Yuille, A. B. ...	Bullanrong ...	4,000	

PORTLAND BAY DISTRICT.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		SHEEP.	CATTLE.
Anderson, Wm. ...	Borriyallock, south... ..	10,000	
Anderson, Robt. ...	Bolac Plains ...	8,000	
Anderson, Alex., jun....	Bangal ...	9,000	
Anderson, Brothers ...	Lower Crawford ...	4,000	
Armytage, George ...	Ingleby ...	6,000	
Armytage, George ...	Fulham ...	15,000	
Adeney, Wm. ...	Chocolyne ...	8,500	
Atkinson, Elizabeth C. ...	Beremboko ...	5,000	
Aitcheson, David ...	Kurac Kurac ...	20,000	
Ayrey, Charles ...	Mount Gellibrand ...	26,000	
Addison and Murray ...	Dunrobin ...	30,000	
Allen, W. W. ...	Colantet ...	6,000	
Austin and Smilie ...	Green Hills ...	6,000	
Austin, James ...	Joe ...	12,000	
Austin, James ...	Pollard's Old Station ...	4,000	
Austin, James ...	Green Vale ...	28,000	
Austin, J. and T. ...	Geranjamaraiah ...	12,000	
Austin, J. and T. ...	Waterloo Plains ...	8,000	
Austin, J. and T. ...	St. Enock's ...	30,000	
Brown, Thos., sen. and jun. ...	Yallock ...	20,000	
Brown, James ...	Mount Elephant ...	26,000	
Brown, John ...	Moppiaranum ...	14,000	
Brown, John ...	Squattleseamare ...	12,000	
Brown, Thomas ...	Mount Emu ...	30,000	
Brown, T. and G. A. ...	Green Vale ...	4,000	
Barclay, John ...	Ballan ...	4,000	
Belcher, J. H. ...	Glenlyon ...	6,000	
Belcher, J. H. ...	Mount Shadwell ...	32,000	
Burke, James ...	Limestone Ridge ...	6,000	
Burke, Andrew ...	Glenormiston ...	40,000	
Black, Neil and Co. ...	Sisters ...	20,000	
Black, Neil and Co. ...	Warronga... ..	8,000	
Black, Neil and Co. ...	Clune ...	20,000	
Blair, James ...	Kallabro ...	6,000	
Bates, J. E....	Peerewerrh ...	12,000	
Bacchus, W. H. ...	Mount Eckersley ...	4,000	
Bell, John ...	Watch Hill ...	20,000	
Bell, John ...	Lake Bolac ...	22,000	
Bell, John ...	Bolwarra ...	10,000	
Bradshaw, C. and J. ...			

PORTLAND BAY DISTRICT.—Continued.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Bilston, Thomas	Fitz Roy River	4,000	
Bilston, Thomas	Sinclair's Creek, east	4,000	
Boyle, John... ..	Nanapumelap	24,000	
Barker, Edw.	Kenilworth, south	14,000	
Blastock and Malcolm... ..	River Station	8,000	
Baird, M. H.	Piggoreet... ..	12,000	
Bradshaw, C. and J.	Borambeta	8,000	
Cameron, Alex.	Mount Sturgeon Plains	6,000	
Cameron, Donald	Morgiana	6,000	
Cameron, Donald	Mount Sturgeon Plains	22,000	
Cameron, Angus	Arandorang	4,000	
Cameron, Donald	Mount Eckersley	4,000	
Cameron, Donald	Oak Bank	4,000	
Cameron, A. and D.	Violet Creek	7,000	
Cameron, A. and D.	Narrawang	7,000	
Cameron A. and A.	Sutledge	4,000	
Coldham, John	Grassdale	13,000	
Coldham, George	Ardachy	8,000	
Currie, J. Lang	Geelugla	18,000	
Currie, J. Lang	West Elephant	4,500	
Cullen and Phillips	Tarone	18,000	
Cuthbert and Hammond	Ballank, No. 2	6,000	
Clarke, W. J. T.	Dowling Forest	30,000	
Cowie, J. A.	Bungletap West	10,000	
Campbell and Thomas... ..	Grafton	5,000	
Campbell and Thomas... ..	Knebsworth	8,000	
Campbell, McKnight and Irving	Dunmore	20,000	
Campbell, Colin	Bangor	14,000	
Campbell, Thos. Walton	Carambellac	16,000	
Campbell, Thos. Walton	North Elephant	8,000	
Campbell, Thos. Walton	South Elephant	10,000	
Campbell, Alex.	Eurambeen	30,000	
Cole, Nicholas	West Cloven Hills	13,000	
Cunningham, A. F.	Warambine	14,000	
Cunningham, A. F.	Mount Mercer	14,000	
Cunningham, A. F.	Mount Mercer Cattle Station... ..	10,000	
Cumming, John	Stoney Point	10,000	
Clyde Company	Golf Hill... ..	39,000	
Clyde Company	Termallum	32,000	
Churnside, John	Glenfine	20,000	
Churnside, T. and A.	Mahangor	18,000	
Churnside, T. and A.	Mount William	20,000	
Churnside and McNab	Curnong	17,000	
Curdie, Daniel	Tanderook	6,000	
Carmichael, Wm.	Blackfellows' Creek... ..	4,000	
Carmichael, Wm.	Harton Hill	30,000	
Carmichael, W. and G.	Refuge	6,000	
Carmichael, W. and G.	Retreat	10,000	
Cooper, D. E.	Warrapinjoe	8,000	
Cadden, Simeon	Gringegalgora	30,000	
Carr and Nolan	Lyne	14,000	
Calvert, John	Irrewarra... ..	27,000	
Calvert, John	Dreet	12,000	
Cook, C. Pybus	Lake Condon	10,000	
Coutts, George	East Strathdownie	16,000	
Carfrac, J. and D. T.	Konongwootong	27,000	
Craig, Angus	Eddington	5,000	
Castello, Paul De	Quamby	16,000	
hallis, John H.	Eumeralla, east	12,000	
e Little, Bros.	Carramut... ..	14,000	
wyer, Henry	Victoria Valley	13,000	
awson and Mitchell	Kangatong	16,000	
ennis, Bros.	Korangoballert	5,000	
avidson and Robertson	Satimir	14,000	
ibble and Edgerton	Bungal	8,000	

PORTLAND BAY DISTRICT.—Continued.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Dunlop, A. C. W. ...	Parasia ...	22,000	
Donald, James ...	Mount Ross ...	14,000	
Eddington, John ...	Ballangeich ...	10,000	
Elder, John... ..	Mindi ...	6,000	
Elms, G. W. ...	Eucremete ...	10,000	
Elms, G. W. ...	Cape Wrath ...	7,000	
Farie, Claud ...	Merang ...	14,000	
French, A. ...	Monivae ...	14,000	
Ferres, Compton ...	Woody Yaloak Ponds ...	18,000	
Fitzgerald, M. and J. ...	Monania ...	6,000	
Fallon, Thomas ...	Bogalara ...	4,000	
Gibb, Henry ...	Eilyer ...	15,000	
Gibb, Henry ...	Hopkins ...	14,000	
Gibb, Henry ...	Liberton Bank ...	4,000	
Gibb, Mathew ...	St. Patrick's Day ...	8,000	
Gordon and Matthews... ..	East Pigoreet ...	7,000	
Good, John ...	Injemira ...	6,000	
Gray, Chas. ...	Narab Narab ...	14,000	
Griffin and Craig ...	Grange Burn, (No. 2) ...	10,000	
Griffin, Frederick ...	Annackie... ..	4,000	
Griffiths and Green ...	Glenmore... ..	26,000	
Graham and Cobham ...	Falls of Hopkins ...	8,000	
Gothreaux and Wilson ...	The Gums ...	10,000	
Green, Ann ...	Englefield ...	18,000	
Grigg, T. N... ..	Barhoneyghurk ...	10,000	
Grigg, T. N... ..	Moreep ...	4,000	
Harding, Wm. ...	Mount Hesse ...	21,000	
Harding, Silas ...	Liulithgow Plains ...	30,000	
Hastie, John ...	Punpundal ...	14,000	
Henty, Edward ...	Cormel's Run ...	17,000	
Henty, Edward ...	Muntham... ..	57,000	
Henty, Francis ...	Merino Downs ...	23,000	
Hutcheson, G. and D... ..	Mount Struan ...	6,000	
Hutcheson, G. and D... ..	Runnymede ...	6,000	
Hutcheson, Peter ...	Glenronald ...	16,000	
Hutton, Wm. ...	Gazette ...	16,000	
Hopkins, J. R. ...	Hount Hepe ...	12,000	
Hopkins, J. R. ...	St. Stephen's ...	4,000	
Hill, Thomas ...	Yauher ...	4,000	
Hawkins, S. P. ...	Spring Bank ...	14,000	
Henwood, N. ...	Glenenlin, No. 2 ...	4,000	
Heape and Grice ...	Yat Nat ...	15,000	
Ingles, Peter ...	Ingleston ...	12,000	
Ingles, Peter ...	Warreneep ...	10,000	
Ingles, Peter ...	Lal Lal ...	14,000	
Innes, George ...	Buninyong Forest ...	4,000	
Jackson, S. W. ...	Sandford ...	15,000	
Jamieson, W. and R. ...	Eumeralla West ...	10,000	
Kippen, Wm. ...	Bohara ...	8,000	
Kennedy, Donald ...	Croxton ...	8,000	
Kennedy, David ...	Union ...	10,000	
Kidd, James ...	Bushy Creek ...	8,000	
Lang, Alexander ...	Brisbane Hill ...	8,000	
Lonsdale, Wm. ...	Grange ...	20,000	
Learmonth, Wm. ...	Ettrick ...	14,000	
Learmonth, Wm. ...	Ellangowan ...	4,000	
Learmonth, Wm. ...	Fitzroy L'Estrange... ..	4,000	
Learmonth, T. and S....	Buninyong ...	8,000	
Learmonth, T. and S....	Burrumbet ...	57,000	
Labilliere, C. E. ...	Yallock Vale ...	12,000	
Leak and McLachlan ...	Mombeong ...	4,000	
Lewis, Richard ...	Rife Downs ...	10,000	
Lyall, Wm. ...	Grassmere ...	10,000	
Love, A., jun. ...	Morangurch ...	12,000	
Lloyd, John P. ...	West Elephant, No. 1. ...	4,000	

PORTLAND BAY DISTRICT.—Continued.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
McLeod, J. N. ...	Castle Maddie ...	4,000	
McLeod, J. N. ...	Taharra ...	12,000	
McLeod, Magnus ...	Mount Clay ...	4,000	
McKinnon and Scott ...	Marrida Yallock ...	12,000	
McKinnon, L. ...	Mount Fyans ...	24,000	
McKinnon and Murchill ...	Jancourt ...	6,000	
McMillan, J. G. ...	Derell ...	10,000	
McMillan, J. G. ...	Commerallyghip ...	15,000	
McKeand, C. ...	Sinclair's Creek ...	5,000	
McKeand, E., jun. ...	Spring Burn ...	4,000	
McConnickie, W. and J. ...	Kangwootong ...	6,000	
McConnickie, W. and J. ...	Spring Vale ...	7,000	
McCrae, Duncan ...	Glenlivet ...	5,000	
McCrae, Duncan ...	Glenvenlin, No. 1. ...	6,000	
McCrae, Duncan ...	Pleasant Hills ...	5,000	
McDonald and McKenzie ...	Sinzort ...	4,000	
McArthur, P. and G. ...	Laurennys ...	8,000	
McArthur, Peter ...	Meringorott ...	9,000	
McArthur, P. and G. ...	Mummuberish ...	3,500	
McNicol and McKinnon ...	Dunneon ...	4,000	
McNicol, Donald ...	Ellingamite ...	4,000	
McNicol, Donald ...	Pullenmere ...	4,000	
McNicol and Smith ...	Bordngorong ...	4,000	
McCredie, G. T. ...	Lillerice ...	4,000	
McKellar, Thos. ...	Hyde Park ...	14,000	
McAllum, D. ...	Ardgarton ...	7,000	
McAllum, E. ...	East Ardno ...	4,000	
McAllum, E. ...	West Ardno ...	4,000	
McPherson, John ...	Nerin Nerin ...	21,000	
McPherson, Wm. ...	Naugela ...	9,000	
McLellan, Jno. ...	Tullick ...	4,000	
McEachern, Bros. ...	Heathfield ...	10,000	
McEachern, A. and M. ...	West Strathdownie ...	10,000	
McIntosh, Alexander ...	Glendinning ...	12,000	
McLochlan, Archibald ...	Nantingbool ...	6,000	
McLochlan, Archibald ...	Ballaarat ...	6,000	
McGregor, Saml. ...	Ardonaehie ...	6,000	
Mitchell, Wm. ...	Langi Willie ...	14,000	
Moodie, Jno. ...	Wando Dale ...	8,000	
Manifold, J. and P. ...	Purambeet ...	54,000	
Muirhead and Parker ...	Tea Tree Creek ...	4,000	
Muirhead and Parker ...	Jairum Jairum ...	16,000	
Muirhead, Robt. ...	Pollock Dale ...	10,000	
Munro and Cruickshanks ...	Crawford ...	24,000	
Munro and Cruickshanks ...	Wittlebury ...	10,000	
Munro and Cruickshanks ...	Melville Forest ...	10,000	
Munro and Cruickshanks ...	Wilderness ...	9,000	
Marr, John ...	Burril Burril ...	14,000	
Mundy, H. T. ...	Narambool ...	10,000	
Mercer, Geo. D. ...	Weatherboard ...	10,000	
Martin, Robt. ...	Mount Sturgeon ...	40,000	
Murray, Hugh ...	Warrior ...	10,000	
Murray, Hugh ...	Ellymite ...	14,000	
Murray, Andrew ...	Irrewelope ...	8,000	
Murray, Andrew ...	Wool Wool ...	8,000	
Mooney, John ...	Werangourt ...	20,000	
Must, Thomas ...	Argyle ...	10,000	
Murphy, Thos. ...	Negertu ...	6,000	
Nowlan, Wm. ...	Glenmire ...	4,000	
Nicholson, Mark ...	Junction of Black and Hop- kins' River ...	10,000	
Oliphant, Ebenezer ...	Woorongooroit ...	12,000	
Ormond, Francis ...	Borreyallock North ...	20,000	
Ormond, Francis ...	Borreyallock East ...	6,000	
Oakley and Petit ...	Mount Bute ...	25,000	

PORTLAND BAY DISTRICT.—Continued.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Patterson, Wm.	Hunterston	4,000	
Payne, Charles	Emu Hill	8,000	
Patterson, Alexander	Koroit	8,000	
Phillips, Henry	Mount Napier	16,000	
Phillips, Henry	Kilmany	12,000	
Phillips, John	Victoria Lagoon	6,000	
Postlethwaite, Wm.	Parin Yallock	13,000	
Postlethwaite, Wm.	Forest Station	4,000	
Pilleau, Arthur	Hilgay	9,000	
Pearson, John	Yarnbuck	10,000	
Peyton and Montray	St. Helen's	6,000	
Ross and McGill	Burrumbeep	12,000	
Ross and McGill	Tatyon	12,000	
Ross and McGill	Lanengerin	12,000	
Ross, John	Mount William Plains	12,000	
Russell, A. and Co.	Mawhallock	16,000	
Russell, Phillip	Carngham	16,000	
Russell, Simpson, and Russell	Allen's Home	8,000	
Russell, Simpson, and Russell	Mount Rebecca	8,000	
Russell, Simpson, and Russell	Long Water Holes	10,000	
Ritchie, James	Blackwood	8,000	
Ritchie, James	Fiery Creek	8,500	
Ritchie, John	View Lake	8,000	
Roadnight, Wm.	Stony Rises	8,000	
Roadnight, Thomas	River Station	4,000	
Robertson, J. G.	Wando Vale	9,000	
Robertson, George	Warrick	7,000	
Robertson, W. J.	Struan	4,000	
Robertson, Wm.	Undit	15,000	
Robertson, Wm.	Colet Colet	8,000	
Robertson, A. S.	Little Corangamite	22,000	
Robertson Brothers	Woodford	12,000	
Robertson Brothers	Kinkell	6,000	
Robertson, Mrs. J. V.	Kona Warren	17,000	
Richardson and Ayres	Keyang	6,000	
Reily, James	Knebsworth North	15,000	
Reily, Owen	Steep Bank Rivulet	6,000	
Reily, Owen	Cashmere	6,000	
Read, George F.	Cargerie	15,000	
Reid, W. J.	Woodburn	7,000	
Richardson, James	Gorin	12,000	
Rowe, William	Nairngal	8,000	
Rowe, William	East Gnarkeet	4,000	
Rowe, Alexander	Glenorchie	14,000	
Stodart, Dr.	Bung Bungle	5,000	
Stodart, Dr.	Mapunga	4,000	
Stodart, Dr.	Corumma	5,000	
Sutherland, Robert	Native Hut Creek	14,000	
Scott and Sons	Mount Buninyong	6,000	
Sharpe, Peter	Native Creek	8,000	
Steiglitz, C. Von	Dunchuna	9,000	
Stevens and Thomson	Yalla Ye Pourra	30,000	
Skine, Wm.	Kanowalla	14,000	
Skine, Wm.	Plains Station	12,000	
Saunders, John	Bryan O'Lynn	4,000	
Simson, J. S. T.	Glenisla	16,000	
Simson, Robert	Lang Kal Kal	16,000	
Simson, J. and R.	Trawalla	30,000	
Simson and Ralston	Dergholm	14,000	
Simson and Ralston	Roseneath	14,000	
Staughton, Simeon	Brisbane Ranges	20,000	
Stirling and Fairburn	Congbool	16,000	
Scales, Adolphus	Woodburn	10,000	
Stead, David	Bungletap East	10,000	
Stanhope and Craig	Buckley's Creek	4,000	

PORTLAND BAY DISTRICT.—Continued.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Smith, Frederick	Woodlands	9,000	
Smith, Alex. John	Borhoneyghurk	4,000	
Thomson, J. and J.	Keilambeet	25,000	
Thomson, Wm.	Park Hill	8,000	
Thomson, G.	Challicum	15,000	
Thomson, J. and G.	Yairam	12,000	
Thomson, Alexander	Grange Burne, No. 1.	10,000	
Trotter, John	South Stony Rises	8,000	
Tennent and Lyon	Gnarkeet	14,000	
Tulloch, T. E.	Bongmire	10,000	
Tulloch and Miller	Pieracle	12,000	
Twoomay, John	Old Stock Yards	6,000	
Vine, Richard	Woodburn	4,000	
Willis and Swanston	Knout Narin	40,000	
Whitehead, Robert	Spring Creek	16,000	
White, James	Louth	6,000	
Winter, John	Benshaw	12,000	
Winter, S. P.	Spring Valley	20,000	
Webster, J. H.	Green Hills	12,000	
Wallace, John	Ballank, No. 1.	6,000	
Ware, J. G.	Mederanooke	4,000	
Ware, J. G.	Kourt Koutnong	24,000	
Ware, J. G.	Jellalabad	8,000	
Ware, J. G.	Polliah	4,000	
Ware, Joseph	Minjah	18,000	
Ware, Joseph and John	Muston's Creek, No. 1.	6,000	
Ware, J. and G.	Muston's Creek, No. 2.	14,000	
Waldie, Thomas	Wyndholm	6,000	
Williamson, James	Woody Yaloak	12,000	
Young and Turnbull	Dundas	9,000	
Young and Turnbull	Koroit	9,000	
Young and Turnbull	Winnerburn	12,000	
Youle, Ebenezer	St. Kitts	7,000	

COUNTY OF GRANT.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Austin, S. and J. and T.	Kiuross	2,500	
Austin, S. and J.	Toulon	4,500	100
Austin, Thomas	St. Leonard's	4,000	120
Dewing, Frederick	Paraparap		1,000
Hopkins, J. R.	Wormbete	10,000	500
Harding, William	Ellenvale	2,000	350
Hope, R. C.	Native Creek	1,200	
Mercer, G.	Weatherboard	5,000	
Roadknight, Thomas	River Station	800	
Roadknight, Thomas	Gerangamete		800
Synnot, M.	Mowyoung	3,000	
Steiglitz, J. von	Station Peak	1,000	
Vicary, T. W.	Yan-yan-gurt	8,000	640
Vicary, George	Deen's Marsh	4,000	
Vicary and Roadknight	Cherrytree Hill	5,000	

COUNTY OF BOURKE.

LICENSEE.	STATION.	ESTIMATED GRAZING CAPABILITIES.	
		Sheep.	Cattle.
Budd, Wm. H.	Strangeways ... ..	...	640
Broadhurst, Mrs. C.	The Dean... ..	4,000	
Guthrie, Hugh M.	Rand's Run	4,000	
Harlin, John, Executors of	Glenvale ... ..	...	640

RUNS OBTAINED BY TENDER.

DISTRICT OF WIMMERA.

NAME OF LICENSEE.	NAME OF RUN.	ANNUAL LICENSE FEE.		
		£	s.	d.
Archbold and Sons	Brimin	10	0	0
Atkinson, Henry	Tulivea	25	0	0
Atkinson, Henry	Lourquon	12	10	0
Broughton and Herne	Morea Catkin	30	0	0
Hodgkinson, James	Lansdown	12	0	0
Hodgkinson, James	Knighton	12	0	0
Jackson, Rae and Co.	Brim	14	0	0
Keene and Orr... ..	Nurnurnemal	10	0	0
Little and Sons	Drumbanagho	18	0	0
McKellar, Jno.	Conieg	22	0	0
Pennington and Kennedy	Eureka	25	0	0
Swan, William	Cove	20	0	0

DISTRICT OF MURRAY.

NAME OF LICENSEE.	NAME OF RUN.	ANNUAL LICENSE FEE.		
		£	s.	d.
Ardlie and Sheppard	Nog-Nog-Wa	11	0	0
Bell, James	Glenmore	10	0	0
King, J. K.	Holland's Creek	30	0	0
King, John	Mulagong	15	0	0
Nicholson, C. W.	Tilivong	12	0	0
Taylor, William	Mount Frigid	11	0	0
Wise, William... ..	Magora	10	0	0
Wright and Tandy	Tom Groggin	10	0	0

RUNS OBTAINED BY TENDER.—*Continued.*

DISTRICT OF GIPPS' LAND.

NAME OF LICENSEE.	NAME OF RUN.	ANNUAL LICENSE FEE.
		£ s. d.
Brown and Hillier	Scrubby Forest	10 0 0
Coghill, George	Woodstock	15 0 0
Church, Henry	Castle Burn... ..	14 0 0
Cunninghame, R. C.	Red Grass Hills	14 0 0
Farley, William	Merton Rush	20 0 0
Hoddinott, Uriah	Warigal Creek	10 10 0
Jennings, Henry	Bureep Bureep	18 0 0
Lyall, William	Moi	60 0 0
McEachern, M.	Tarween	10 0 0
McDougall, D.... ..	Neoyang	10 0 0
Smith, Thomas	Reedy Creek	20 0 0

DISTRICT OF WESTERN PORT.

NAME OF LICENSEE.	NAME OF RUN.	ANNUAL LICENSE FEE.
		£ s. d.
Ahern, John	Bow Hill	14 0 0
Barnewall, John	Mulla Mullane	20 0 0
Coghill, George	Panne Bannawar	14 10 0
Cuthbert, James	Hurdy Gurdy	10 0 0
Cotton, John	Mohican	12 10 0
Main, J. P.	Cherrington	11 0 0
Nicholson and Cowx	Mount Disappointment	24 16 0
Pyrie, Donald	Parambool	20 0 0

DISTRICT OF PORTLAND BAY.

NAME OF LICENSEE.	NAME OF RUN.	ANNUAL LICENSE FEE.
		£ s. d.
Armstrong and Sons	Buntingdale, No. 1	650 0 0
Armstrong and Sons	Buntingdale, No. 2	400 0 0
Austin, James	Buntingdale, No. 3	15 0 0
Buckle, William	Rifle Ranges	10 0 0
Hutton, D.	Purdeet	414 0 0
Kirby, I. and E.	Dorodong Creek	15 0 0
McIntyre, H.	Fox Hall	20 0 0
McInnis, A.	Mount Burkett	12 0 0
Medley, T. W.	Snakey Creek	10 0 0
Murray, H.	Gnoora Reet	10 0 0
Twomey, John... ..	Kolor	427 10 0

PROCLAMATION

By His Excellency CHARLES JOSEPH LA TROBE, Esquire, Lieutenant Governor of the Colony of Victoria and its Dependencies, &c., &c., &c.

IN pursuance of the authority in me vested by a certain Act of the Imperial Parliament of Great Britain and Ireland, passed in the fifth and sixth years of Her Majesty's Reign, intituled, "*An Act for regulating the Sale of Waste Lands belonging to the Crown in the Australian Colonies*," I do hereby notify and proclaim that the following portions of Crown Lands will be offered for sale by public auction, at the Police Office, Kyneton, on Monday, the twentieth day of March, 1854, at eleven o'clock, at the upset price affixed to each lot respectively, on the terms and conditions and under the provisions of the above mentioned Act. Deposit—10 per cent.

TOWN LOTS.

Lot.	Allotment.	Section.	Area.			Price per Lot.			County.	Situation.
			A.	R.	P.	£	s.	d.		
1	3	6	0	2	0	4	0	0	Dalhousie	In the Township of Kyneton, on the road to Castle-maine, &c.
2	4	"	0	2	0	4	0	0		
3	8	"	0	2	0	4	0	0		
4	10	"	0	2	0	4	0	0		
5	3	8	0	2	0	4	0	0		
6	4	"	0	2	0	4	0	0		
7	1	10	0	2	0	4	0	0		
8	2	"	0	2	0	4	0	0		
9	3	"	0	2	0	4	0	0		
10	4	"	0	2	0	4	0	0		
11	5	"	0	2	0	4	0	0		
12	6	"	0	2	0	4	0	0		
13	7	"	0	2	0	4	0	0		
14	8	"	0	2	0	4	0	0		
15	9	"	0	2	0	4	0	0		
16	10	"	0	2	0	4	0	0		

SPECIAL COUNTRY LOTS.

Lot.	Allotment.	Section.	Area.			Price per Lot.			County.	Situation.
			A.	R.	P.	£	s.	d.		
1	C	49	30	0	0	60	0	0	Dalhousie	In the Parish of Lauriston, adjoining the Township of Kyneton.
2	D	52	19	0	0	38	0	0		
3	I	"	20	0	0	40	0	0		
4	C	53	30	0	0	60	0	0		
5	F	"	30	0	0	60	0	0		
6	F	56	14	0	0	35	0	0		
7	G	"	15	0	0	30	0	0		
8	B	69	12	2	0	31	5	0		
9	D	"	30	0	0	60	0	0		
10	F	"	30	0	0	60	0	0		
11	H	"	5	0	0	12	10	0		
12	J	"	5	0	0	12	10	0		
13	L	"	9	0	0	22	10	0		
14	N	"	28	2	0	57	0	0		
15	P	"	23	3	0	47	10	0		
16	R	"	11	1	0	28	2	6		
17	B	72	20	0	0	40	0	0		
18	D	"	20	0	0	40	0	0		
19	F	"	20	0	0	40	0	0		
20	G	"	10	0	0	25	0	0		
21	I	"	10	0	0	25	0	0		
22	L	"	20	0	0	40	0	0		
23	N	"	30	0	0	60	0	0		
24	P	"	30	0	0	60	0	0		
25	B	75	28	0	0	56	0	0		

SPECIAL COUNTRY LOTS—continued.

Lot.	Allotment.	Section.	Area.			Price per Lot.			County.	Situation.
			A.	R.	P.	£	s.	d.		
26	D	75	20	0	0	40	0	0	Dalhousie	In the Parish of Lauriston, adjoining the Township of Kyneton.
27	F	"	30	0	0	60	0	0		
28	A	76	30	0	0	60	0	0		
29	C	"	15	0	0	30	0	0		
30	E	"	15	0	0	30	0	0		
31	G	"	18	0	0	36	0	0		
32	A	77	12	2	0	31	5	0		
33	D	"	25	0	0	50	0	0		
34	F	"	30	0	0	60	0	0		
35	J	"	5	0	0	12	10	0		
36	N	"	27	3	34	55	18	6		
37	P	"	22	2	0	45	0	0		
38	Q	"	11	1	0	28	2	6		
39	B	78	18	0	0	36	0	0		
40	D	"	20	0	0	40	0	0		
41	F	"	20	0	0	40	0	0		
42	J	"	5	0	0	12	10	0		
43	Q	"	20	0	0	40	0	0		
44	S	"	20	0	0	40	0	0		
45	V	"	18	0	0	36	0	0		
46	A	59	19	0	0	38	0	0	Talbot	In the Parish of Edgecombe, and adjoining the Town of Malmsbury.
47	B	"	19	0	0	38	0	0		
48	C	"	19	0	0	38	0	0		
49	D	"	19	0	0	38	0	0		
50	E	"	19	0	0	38	0	0		
51	F	"	19	0	0	38	0	0		
52	O	"	23	1	0	46	10	0		
53	P	"	19	0	0	38	0	0		
54	Q	"	19	0	0	38	0	0		
55	R	"	19	0	0	38	0	0		
56	S	"	19	0	0	38	0	0		
57	T	"	19	0	0	38	0	0		
58	A	60	30	0	0	60	0	0		
59	B	"	30	0	0	60	0	0		
60	C	"	20	0	0	40	0	0		
61	D	"	20	0	0	40	0	0		
62	E	"	24	1	36	48	19	0		
63	F	"	23	1	4	46	11	0		
64	G	"	20	0	0	40	0	0		
65	H	"	30	0	0	60	0	0		
66	I	"	30	0	0	60	0	0		

Given under my Hand and the Seal of the Colony, at Melbourne, this ninth day of February, in the year of our Lord One thousand eight hundred and fifty-four, and in the seventeenth year of Her Majesty's Reign.

(L.S.)

C. J. LA TROBE.

By His Excellency's Command,
JOHN FOSTER.

GOD SAVE THE QUEEN!

Colonial Secretary's Office,
Melbourne, 10th February, 1854.
By His Excellency's Command,
JOHN FOSTER.

THIS Excellency the Lieutenant Governor has been pleased to direct the publication of the following Meteorological Observations for general information.

METEOROLOGICAL JOURNAL, KEPT AT ALBERTON (GIPPS' LAND), DURING THE MONTH OF JANUARY, 1854.

ELEVATION—THIRTY FEET ABOVE THE LEVEL OF THE SEA.

Moon's Age.	Date.	Barometer.			Attached Thermometer.				Thermometer in Shade.				Maximum Temperature.	Minimum Temperature.	Prevailing Winds.	GENERAL REMARKS.	
		8½ A.M.	2½ P.M.	Sunset.	9 P.M.	8½ A.M.	2½ P.M.	Sunset.	9 P.M.								
2	1st	29-67	29-67	29-67	29-67	62	71	72	72	71	72	63	60	80	40	N. Easterly.	Light winds and fine.
3	2nd	29-60	29-60	29-67	29-70	66	76	74	73	87	76	67	64	92	43	Easterly.	Fresh air to fresh winds, with heavy thunder, lightning, and showers
4	3rd	29-52	29-50	29-57	29-72	68	82	86	81	87	106	81	73	106	50	E. to West.	Light winds and fine.
5	4th	29-62	29-62	29-72	29-75	74	74	70	68	73	71	59	60	80	63	Westerly.	Moderate winds and cloudy.
6	5th	29-85	29-87	29-90	29-92	65	70	69	69	75	72	60	60	80	43	Westerly.	Moderate winds and fine.
7	6th	29-82	29-82	29-82	29-82	64	71	71	69	62	65	60	60	78	47	E. to West.	Light air to fresh winds and fine. Cloudy at night.
8	7th	29-72	29-61	29-62	29-66	66	69	66	66	65	68	57	65	68	57	Westerly.	Moderate winds and fine.
9	8th	29-62	29-65	29-71	29-75	64	68	66	65	65	69	56	56	72	55	Easterly.	Moderate winds and fine.
10	9th	29-87	29-91	29-95	29-96	61	65	66	65	74	72	60	74	51	N. to West.	Light winds to fresh winds. Heavy thunder lightning, and rain.	
11	10th	29-85	29-80	29-80	29-80	61	72	72	72	96	102	70	64	103	39	Westerly.	Fresh winds and fine.
12	11th	29-60	29-50	29-62	29-62	68	84	84	78	60	65	57	62	67	49	Southerly.	Light winds and fine.
13	12th	29-75	29-75	29-77	29-75	64	65	64	64	60	65	60	56	76	44	Easterly.	Light winds and fine.
14	13th	29-62	29-62	29-72	29-65	64	73	70	69	72	73	62	54	75	45	N.W.	Moderate winds and fine. Thunder, lightning, and light showers.
15	14th	29-60	29-47	29-47	29-52	64	73	76	73	69	73	68	63	93	48	Westerly.	Strong winds and fine. Clear weather.
16	15th	29-60	29-60	29-67	29-70	63	70	70	70	67	70	65	65	72	44	Easterly.	Moderate winds and fine.
17	16th	29-62	29-67	29-72	29-75	63	70	73	66	73	69	64	64	75	47	N. to West.	Strong winds and overcast with small rain. Squally.
18	17th	29-67	29-70	29-67	29-62	65	73	72	67	66	73	69	51	74	60	Westerly.	Fresh gales, with squalls and showers.
19	18th	29-46	29-47	29-57	29-57	62	65	64	63	68	61	62	54	69	48	S.Easterly.	Light winds and fine.
20	19th	29-47	29-47	29-42	29-42	60	63	62	61	55	59	55	54	61	52	E. to West.	Moderate and fine. Fresh gales and overcast.
21	20th	29-25	29-27	29-35	29-36	60	63	62	61	66	65	57	63	66	44	Westerly.	Strong gales with squalls and showers.
22	21st	29-50	29-56	29-55	29-60	59	64	64	64	65	65	67	63	76	48	Westerly.	Strong winds with squalls and showers.
23	22nd	29-42	29-35	29-27	29-25	64	71	71	70	70	65	65	65	68	51	Easterly.	Moderate winds and fine.
24	23rd	29-50	29-30	29-42	29-45	62	64	64	64	65	65	57	56	73	52	Westerly.	Light winds and fine.
25	24th	29-25	29-30	29-42	29-45	62	64	64	67	66	68	70	60	72	43	S.Westerly.	Fresh gales and squally.
26	25th	29-32	29-57	29-60	29-62	63	67	67	66	68	71	60	50	72	43	Easterly.	Light winds and fine.
27	26th	29-87	29-72	29-77	29-80	60	70	69	68	76	68	62	65	78	39	S.W.	Light winds and fine.
28	27th	29-75	29-72	29-70	29-70	64	71	70	68	76	68	62	61	95	55	N.W. to S.W.	Fresh winds, clear, to moderate winds, with thunder, lightning, and
29	28th	29-42	29-42	29-52	29-52	63	77	74	73	82	82	60	56	77	47	W. to N.E.	(showers, Moderate winds with passing clouds.
30	29th	29-55	29-51	29-50	29-47	67	70	70	68	65	66	60	56	77	47	Westerly.	Fresh gales with clouds.
1	30th	29-37	29-51	29-65	29-67	65	67	64	64	76	66	56	54	77	47		
2	31st	29-37	29-51	29-65	29-67	65	67	64	64	76	66	56	54	77	47		
Mean of Month		29-59	29-60	29-64	29-62	64-3	70-5	69-6	68-5	69-5	71-9	61-6	57-3	77-4	48-5		

EDGAR SLADE, Lieut. R.N.

Colonial Secretary's Office,
Melbourne, 18th January, 1854.

MELBOURNE LAND SALE.

WITH reference to the Proclamation contained in the *Government Gazette* of the 13th instant, relative to a Sale of certain Crown Lands to be held at Melbourne on the 21st proximo: Notice is hereby given that Lots 20 to 48 are withdrawn from the said Sale.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 18th January, 1854.

HAMILTON LAND SALE.

WITH reference to the Proclamation contained in the *Government Gazette* of the 6th instant, relative to a Sale of certain Crown Lands to be held at Hamilton on the 17th proximo: Notice is hereby given that Lots 1, 8, and 9 (being allotments 1, 8, and 9 of section C, in the parish of North Hamilton), are withdrawn from the said Sale to allow an alteration to be made in the survey.

By His Excellency's Command,
JOHN FOSTER

Colonial Secretary's Office,
Melbourne, 12th January, 1854

ONE HUNDRED POUNDS REWARD.

WHEREAS it has been represented to the Government that in the month of December last, the body of a man, murdered, was found in a waterhole, adjoining Mr. Gibson's Station, in the District of Sandhurst, name unknown: Notice is hereby given that the above Reward will be paid to any person or persons who shall give such information as will lead to the apprehension and conviction of the murderer or murderers.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 28th December, 1853.

FIFTY POUNDS REWARD.

WHEREAS information has been received by the Government that on or about the 19th instant the large iron buoy placed on Prince George's Bank was maliciously run into by some vessel and sunk: Notice is hereby given that a reward of Fifty Pounds will be paid for such information as shall lead to the discovery of the name of the vessel, or apprehension of the offenders.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 8th November, 1853.

TWENTY-FIVE POUNDS REWARD.

WHEREAS it has been represented to the Government that a Female Infant, about three weeks old, having been deserted by her mother, was picked up by the police at the door of the Roman Catholic Chapel, on the evening of Sunday, the 6th instant: Notice is hereby given, that a Reward of Twenty-five Pounds will be paid to any person or persons for such information as shall lead to the apprehension and conviction of the mother of the said infant.

By His Excellency's Command,
JOHN FOSTER.

No. 13.—FEBRUARY 14TH, 1854.—26.

Colonial Secretary's Office,
Melbourne, 26th November, 1853.

ONE HUNDRED POUNDS REWARD.

A REWARD of £100 is hereby offered for the apprehension of ROBERT ROBERTS, *alias* BIG BOB, who is charged with having, on the 21st instant, in the City of Melbourne, murdered ELIZA McKEOWN.

DESCRIPTION OF MURDERER.

Name—ROBERT ROBERTS, *alias* BIG BOB.
Age—Thirty years.
Height—Five feet nine inches.
Size—Stout.
Hair—Dark.
Whiskers—Dark, very full.
Complexion—Reddish, very much sunburnt.
Visage—Full, high cheek bones.
Wore, when last seen, a dark hairy pea coat over a dark cloth coat, cabbage-tree hat.

This man is well known to, and was formerly a mate of a man named FRANK REED, a stone-mason, residing near the Shepherd's Arms, Collingwood. He is also well known in the neighbourhood of the Elephant and Castle Inn, Little Bourke-street, and was seen at the bar of that house shortly after the murder had taken place.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 18th January, 1854.

FIVE POUNDS REWARD.

WHEREAS it has been represented to the Government that the undermentioned prisoner effected his escape from the Main Dépôt, Pentridge, on the morning of the 14th instant: Notice is hereby given that the above Reward will be paid to any person or persons who shall lodge in any of Her Majesty's gaols the said prisoner.

By His Excellency's Command,
JOHN FOSTER.

DESCRIPTION OF THE PRISONER.

Name—DANIEL DELANY
Age—Twenty-three years
Complexion—Fresh
Hair—Light Brown
Eyes—Grey
Height—Five feet eight and a half inches
Particular marks—Scar on fore finger of left hand, large scar on cap of right knee, scar on right leg, large scar on left leg
Ship to the Colony—*Vulcan*, from Cork, in 1852
Offence—Desertion from the 40th Regiment
Sentence—Ten years transportation, commuted to eight years on the roads
Date of Conviction—8th December, 1852
Remarks—Late a soldier in the 40th Regiment; no relations in the Colony; tried by general Court Martial at Melbourne

Colonial Secretary's Office,
Melbourne, 26th November, 1853.

THREE HUNDRED POUNDS REWARD.

A REWARD of £100 is hereby offered for the apprehension and conviction of either of the undermentioned Men, who stand charged with Rape and Robbery, at Brown's Tent, Five-mile Creek, near the Goulburn Diggings, on the 7th of October last.

DESCRIPTION OF THE MEN.

Name, JOE; age, 25 years; height, 5 feet 3 inches; size, stoutish; complexion, sallow; hair, dark; whiskers, rather lighter than hair; dress, a monkey jacket, corduroy trousers, black wide-awake. Lips slightly. Has kept a grog shop on the Bendigo. His wife is a short, stout, black-haired Irishwoman.

Name, unknown; age, 30 years; height, 5 feet 9 inches; size, thinish; complexion, light; hair, red and curly; whiskers, red. Very much pock-pitted. Has lost two teeth in front. Is supposed to have a scar on right wrist, and is very ill looking. Wore a black dress frock coat, which was torn.

Name, unknown; age, 27 years; height, 5 feet 3 or 4 inches; size, stout; complexion, very dark; hair and eyes, very black; whiskers, black, bushy, and meeting under chin. Wore a blue shirt and a white wide-awake with black ribbon. Has been a sailor.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 23rd November, 1853.

FIVE POUNDS REWARD.

WHEREAS it has been represented to the Government that the undermentioned prisoner effected his escape from the Main Dépôt, Pentridge, on the afternoon of the 15th instant: Notice is hereby given, that a Reward of Five Pounds will be paid to any person or persons who shall lodge in any of Her Majesty's Gaols the said Prisoner.

By His Excellency's Command,
JOHN FOSTER.

DESCRIPTION OF THE PRISONER.

Name—SAMUEL BENNETT.
Age—Thirty years.
Complexion—Fresh.
Hair—Dark.
Eyes—Blue.
Height 5 feet 5½ inches.
Particular marks—Scar on back of head, right side, marks of flagellation on back, large scar on right shin.
Ship to Colony—Schooner *Clarence*, from Launceston.
Offence—Convicted at Castlemaine, for feloniously entering a tent.
Sentence—Two years in a House of Correction.
Date of Conviction—23rd March, 1853.

BALLAN.

PUBLIC POUND AND POUNDKEEPER.

NOTICE is hereby given that in pursuance of the second section of the Act of Council, 4th William IV. No. 3, the Justices in Petty Sessions assembled at Bacchus Marsh, this day, approved of a Public Pound being established at the Township of Ballan, in the District of Bacchus Marsh; and that the said Justices, at the same Court of Petty Sessions, appointed

MR. ANDREW ARMSTRONG

to be Keeper of the said Public Pound.

By order,
THOMAS J. W. D'IFFANGER,
Clerk of Petty Sessions.

Police Office, Bacchus Marsh,
4th February, 1854.

POLICE DEPARTMENT.

RETURN of Appointments, Promotions, and Decrease in the Police Force, for the week ending February, 1854.

APPOINTMENTS.

William Napper Nevill, trooper, mounted police
Sexton Bailey, ditto
Samuel Jones, ditto
William Hill, ditto
Henry Bryan, ditto
John Carruthers, ditto
John Carroll, ditto
William Betolly, ditto
Samuel Dalgliesh, ditto
Robert Wilkin, ditto
William Schorbach, ditto
Colin Campbell, ditto
George Stratton Murphy, ditto
Hugh Gulliver, ditto
John Mansugh, ditto
Samuel Henry Stratford, ditto
George Henry Dods, ditto
Alexander McCrae, ditto
George Bruton, foot constable
Robert Hunter, ditto
Samuel Watson, ditto

PROMOTIONS.

Arthur Tuke, mounted trooper, to be corporal
James McGranaghan, acting serjeant, to be serjeant
Richard Pilkington, ditto
John F. Alexander, constable, acting serjeant
John Daley, ditto
Abraham A. Fenton, ditto

RESIGNATIONS.

George Nichols, mounted detective
John Cameron, ditto
William Yardley, mounted corporal
Alexander Hill, trooper, mounted police
George Robinson, ditto
William Chadwick, ditto
Hector Innes, ditto
William Cotterm, ditto
Thomas Robinson, ditto
Edmund Burke, foot constable
William Brown, ditto
Richard Owers, ditto

DISCHARGES.

John Witto, trooper, mounted police
Charles Anderson, ditto
Walter McCall, foot constable

ABSCONDED.

James Williams, foot constable

DISMISSALS.

Robert Owen, serjeant, foot police
 John Middleton, ditto
 John Adams, trooper, mounted police
 David Stewart, ditto
 James Young, ditto
 H. W. Hamilton, foot constable
 Robert McPherson, ditto
 Martin Lynch, ditto

PENAL DEPARTMENT.

DISMISSAL.

Michael Cameron, warder

W. H. F. MITCHELL,
 Chief Commissioner.

Police Department,
 Chief Commissioner's Office,
 10th February, 1854.

Audit Office,
 Melbourne, 13th February, 1854.

WARRANTS for the Payments described in the accompanying Schedule (shewing the Name of Claimant, Department, and nature of the service) have been passed to the Colonial Treasury during the week from the 6th to the 11th February, 1854, inclusive.

EDWARD GRIMES,
 Auditor General.

Treasurer, Melbourne Hospital, Miscellaneous, fines collected by Petty Sessions
 Treasurer, Benevolent Asylum, Melbourne, Miscellaneous, fines collected by Petty Sessions
 Treasurer, Hospital and Infirmary, Geelong, Miscellaneous, fines collected by Petty Sessions
 Treasurer, Hospital, Castlemaine, Miscellaneous, fines collected by Petty Sessions
 Treasurer, Hospital, Bendigo, Miscellaneous, fines collected by Petty Sessions
 Treasurer, Benevolent Society, Portland, Miscellaneous, fines collected by Petty Sessions
 Treasurer, Benevolent Society, Belfast, Miscellaneous, fines collected by Petty Sessions
 Treasurer, Benevolent Society, Warrnambool, Miscellaneous, fines collected by Petty Sessions
 Lawson and Brett, Miscellaneous, compensation for damage to a lighter
 Trustees of Hawthorn Church, Ecclesiastical, towards the erection
 James Allison, Crown Lands, commission on sales
 William Thomas, Aborigines, forage allowance
 George Mackay, County Courts, travelling expenses
 F. Champion and others, Ecclesiastical, in aid of the erection of Christ Church, Geelong
 George Mackay, County Courts, salary
 F. A. Powlett, Commissioner of Crown Lands, adjustment
 P. Nicholson and others, Customs, allowances for house rent (2)
 A. M. McCrac and W. N. Gray, Petty Sessions, allowances for house rent (3)
 G. V. Butler, Colonial Barrack Master, adjustment
 N. Campbell, Registrar General, adjustments (2)
 E. Davy, Assay Master, adjustment
 A. J. Agg, Immigration Agent, adjustment
 A. R. C. Selwyn, Geological Survey, adjustment
 Edward Grimes, Immigration Agent, adjustment (25)
 C. Holmer, Colonial Storekeeper, adjustment
 C. H. Pain and others, Post Office, salaries
 E. W. Kelly and J. T. Grigor, Coroners, salaries (2)
 John Whitby and others, Post Office, Beechworth, salaries
 William Weir and others, Coroner, salaries (2)
 John Martin, Ecclesiastical, stipend
 Robert Jamieson, Tender Board, salary
 Claud Farie, Sheriff, adjustments (22)

Thomas Shaw, Post Office, conveyance of mails
 Christopher Browne, Post Office, Conveyance of mails
 A. McCrac, Post Office, allowances to masters of vessels
 Charles H. Watts, Post Office, travelling expenses
 William Rutledge, Post Office, conveyance of mails
 James Cowie, General Police Force, saddlery (2)
 John Flinn and others, General Police Force, rewards (2)
 George Wharton, Public Buildings, premium for plans for new Legislative Council Chambers
 Francis White, Public Buildings, premium for plans for new Legislative Council Chambers
 S. and R. Gregory, Vessels and Public Works, Marine, a ship's caboose
 George Jenkyn, Miscellaneous, towards erection of a pound
 John Watt, Police, Sandhurst, stamps
 William Weir, Coroner, horse hire
 G. S. Wilson, Public Buildings, timber
 Patrick Kees, Public Buildings, water
 William H. Archer, Transport, travelling expenses
 George Foster, Post Office, conveyance of mails
 T. and F. Stephens, Post Office, conveyance of mails
 William Piper, Commissioner of Crown Lands, forage allowance
 Roderick Forbes, Inspectors under the Scab Act, forage allowance
 Francis Murphy, Central Road Board, adjustment
 W. H. Wright, Chief Commissioner of the Gold Fields, adjustment
 C. Holmer, Colonial Storekeeper, adjustment (2)
 R. P. Bower, Military, adjustment
 Robert Carey, His Excellency, adjustment
 C. Holmer, Police, adjustment
 Claud Farie, Gaol, adjustment (7)
 C. Holmer, Gaol, adjustment
 Trustees, Ecclesiastical, towards erection of Hawthorn Church
 James Green, Surveyor General, travelling expenses
 Joseph H. Carvosso and others, Aborigines, salaries
 W. M. Tennent and Co., Crown Lands, commission on sales

Imprests.

E. Grimes, Auditor General, salaries
 C. Campbell, Inspector of Schools, in aid of buildings
 John Price, Penal Establishments, salaries (3)
 W. H. Wright, Chief Commissioner of the Gold Fields, salaries and contingencies
 William McCrac, Colonial Surgeon, salaries
 A. McCrac, Post Office, mail contracts (2)
 President of Road Board, Belfast, Public Works, repairs of roads
 R. W. Pohlman, Administration of Justice, assessors' fees, &c.

GENERAL POLICE ACCOUNTS.

IT is requested that all accounts of expenses incurred by the General Police Force during the year 1853, may be made up to 31st December last, and forwarded to this office for payment with as little delay as possible.

W. MAIR,
 Paymaster of Police.

Police Pay Office,
 31st January, 1854.

IN pursuance of Section 8 of the Victoria Steam Navigation Act, the Victoria Steam Navigation Board hereby limits the Number of Passengers to be carried by the undermentioned Steamers to the numbers placed opposite their respective names.

SEA-GOING STEAM VESSELS.

<i>Farra Farra</i> ...	Two hundred and twenty-seven	227
<i>Waratah</i> ...	One hundred and sixty-three	163
<i>Shamrock</i> ...	One hundred and thirty-four	134
<i>Clarence</i> ...	One hundred and thirty-seven	137
<i>Pirate</i> ...	One hundred and eighty-one	181
<i>Hellespont</i> ...	One hundred and ninety-two	192
<i>Tasmania</i> ...	Two hundred and thirty-nine	239
<i>Lady Bird</i> ...	One hundred and two	102
<i>Iron Tasmania</i> ...	One hundred and eighty-three	183
<i>Manchester</i> ...	One hundred and thirteen	113
<i>West Wind</i> ...	One hundred and eighty	180
<i>Sir John Harvey</i> ...	Two hundred and twenty	220
<i>Havilah</i> ...	One hundred and forty-three	143

<i>London</i> ...	Three hundred and seven	307
<i>Antelope</i> ...	Four hundred and fifty-three	453
<i>Black Swan</i> ...	Ninety-eight	98

RIVER AND BAY STEAM VESSELS.

<i>Lioness</i> ...	One hundred and eighty...	180
<i>Maitland</i> ...	Two hundred	200
<i>Vesta</i> ...	One hundred and fifty	150
<i>Kangaroo</i> ...	One hundred and thirty...	130

<i>Diamond</i> ...	One hundred and ten	110
<i>Melbourne</i> ...	One hundred and ninety	190
<i>Prince Albert</i> ...	Two hundred and thirty-four	234
<i>Aphrasia</i> ...	One hundred and eighty	180
<i>Gipsy</i> ...	One hundred and fifty	150
<i>Comet</i> ...	One hundred and sixty	160
<i>Keera</i> ...	Two hundred	200
<i>Duncan Hoyle</i> ...	Two hundred and twenty-four	224
<i>Balloarat</i> ...	One hundred and eighty...	180
<i>Hercules</i> ...	One hundred and seventy	170
<i>Lowestoft</i> ...	One hundred and seventy-five	175
<i>Star</i> ...	Eighty	80
<i>Agenorina</i> ...	Fifty	50
<i>Diana</i> ...	Fifteen	15
<i>Sophia</i> ...	One hundred and seventy	170

HUGH C. E. CHILDERS,
Collector of Customs,
Chairman.

Custom House,
Melbourne, 1st February, 1854.

General Post Office,
Melbourne, 3rd January, 1854.

THE immensity of the number of applications made at this Office to have letters forwarded otherwise than directed, or arrested and re-directed in course of proper transmission according to the address, makes invariable attention to such requests impossible. Persons changing residence are therefore requested to give the necessary directions to their correspondents, as, while every possible attention will be rendered to their requests, unvarying and prompt compliance cannot always be ensured without unjustly delaying the circulation of the correspondence of the bulk of the population.

Persons addressing letters to the country districts are particularly requested to use the authorised name of the proper Post Office, without which this Department cannot be responsible for the due forwarding of the same.

A. McCRAE,
Postmaster General.

Crown Land Commissioner's Office,
Melbourne, 11th February, 1854.

DESERTED TENTS, CANVASTOWN.

NOTICE is hereby given that all Tents now unoccupied at the Government Camping Ground, South Melbourne, will be sold on the 1st day of March next, unless claimed before that date.

N. A. FENWICK,
Commissioner of Crown Lands.

Central Road Board Office,
Melbourne, 1st February, 1854.

ROAD FROM MOUNT ALEXANDER ROAD TO SOLOMON'S FORD.

NOTICE is hereby given that a Map and Survey Plan, describing the exact course and bearings of, and the admeasurements required for, a new Road proposed to be made by the Central Road Board in the line of road leading from the Mount Alexander Road to Solomon's Ford, together with a description of the lands through which the same is proposed to pass, and the names of the owners and occupiers thereof, so far as they are known, and also an estimate of the expense of the said work, have been

deposited in the Office of the Surveyor General, Melbourne.

The new road will commence where the present road terminates, at the eastern boundary of section No. 12, Parish of Doutta Galla; thence running westerly 27 chains, and passing through the properties of Messrs. Miller and McKlusky and Mr. Dugald McPhail; thence running north 81 deg., west 3 chains 25 links; thence running north 73 deg., west 12 chains 50 links, and passing through the property of Mr. Dugald McPhail; thence running south 80 deg., west 25 chains; and thence running south 74 deg., west 15 chains, through the property of Mrs. Catherine Sinclair, to its junction with the present road, commencing at the dividing line between sections Nos. 11 and 12.

The quantity of land required to be taken for the proposed new line of road is eight acres one rood and four perches, and the estimated cost of effecting the said work is two thousand two hundred and eighty pounds (£2280).

All persons affected by the proposed alteration are requested to set forth in writing (addressed to the President of the Central Road Board, Melbourne), within forty days from the first publication of this notice, any well-grounded objections that they may have to the said alteration, failing which they will be hereafter precluded from making any such objections, or claiming any compensation whatsoever.

FRANCIS MURPHY,
President of the Central Road Board.

Hawthorn,
26th January, 1853.

To J. F. PALMER, Esq., J.P., Burwood Hill,
Hawthorn:

SIR,—We, the undersigned Landholders in the Hawthorn Road District, request that you will convene a Meeting of the Landholders and Householders in such Road District, to form a District Road Board, for the purpose of superintending, providing for, and completing the construction, repair, and maintenance of the Roads in such Road District, and for carrying out therein the provisions in the Act contained:—

AUGUSTUS F. A. GREEVES, J.P., M.L.C.

JOHN HODGSON, J.P., M.L.C.

A. THOMSON, J.P., M.L.C.

CHARLES HOLMER.

GEORGE ANNAND, M.L.C.

JAMES MURPHY, M.L.C.

JOHN O'SHANASSY, M.L.C.

J. T. SMITH, J.P., M.L.C.

FREDERICK ATKYNS.

JAMES CONNELL.

THOS. H. POWER.

WILLIAM OSWIN.

JOHN CONNELL.

WILLIAM COMNAFORD.

THOMAS MCINTYRE.

Landholders in the Road District of Hawthorn.

In pursuance of the above requisition, and in conformity with the Act of Council, 16 Vict., No. 40, Sec. 10, I hereby convene a Meeting of the Landholders and Householders resident within the Hawthorn Road District, on Saturday, 18th February, at two o'clock in the afternoon, to be held at the RED LION INN, in the said parish of Hawthorn, for the purpose of forming a District Road Board.

(Signed) J. F. PALMER, J.P.
26th January, 1854.

CRIMINAL SESSIONS.

MELBOURNE.

IT is ordered that a Criminal Session and General Gaol Delivery of the Supreme Court of the Colony of Victoria, be holden at the Court House, La Trobe-street, in the City of Melbourne, on Wednesday, the fifteenth day of February now next ensuing, at the hour of Ten o'clock in the forenoon, at which all parties concerned are requested to give their attendance.

Dated this sixth day of January, A.D., 1854.

REDMOND BARRY,
Acting Chief Justice.
EDWARD EYRE WILLIAMS.

COUNTY COURT OF BOURKE.

JURISDICTION TO £10 AND £50.

NOTICE is hereby given that the County Court of Bourke will be holden at this Court House, on Friday the third day of March next, and the following days, at the hour of ten o'clock in the forenoon.

All cases when the amount sued for does not exceed £10 and all undefended cases in the £50 Jurisdiction of the Court, will be set down for the first day.

All defended cases in the £50 Jurisdiction, will be set down for the following days.

Plaints must be delivered at this office on or before Thursday the 16th day of February instant.

Defences or sets off must be filed on or before Saturday the 25th instant.

THOMAS INGRAM,
Clerk.

Little Collins-street,
8th February, 1854.

Police Office, Kilmore,
24th January, 1854.

REMOVAL OF POUND.

NOTICE is hereby given, that it is the intention of the Justices of the Peace for this District to remove the Kilmore Pound to a spot situate at McLeod's Creek, on the run of — Linton, Esq., J.P., in one month from the date hereof, under the provisions of the Act of Council, 4 Wm. IV., No. 3, Sec. 2.

(By Order,) ROBERT LE POER TRENCH,
Clerk of Petty Sessions.

SANDHURST.

STOLEN HORSES.

NOTICE is hereby given that the following horses, supposed to have been stolen, and now in the possession of the Police at Sandhurst, will be sold on Saturday, the 25th instant, at the Police Office Yard, Swanston-street, Melbourne, unless previously claimed and all expenses paid.

- 1 brown horse, branded IM near shoulder, PC off shoulder
- 1 small bay horse, branded JH
- 1 bay mare, branded JM conjoined near shoulder

C. MAC MAHON.

Police Department,
Chief Commissioner's Office,
10th February, 1854.

No. 13.—FEBRUARY 14TH, 1854.—27.

CAMPASPE.

STOLEN HORSES.

NOTICE is hereby given that the following horses, supposed to have been stolen, are in the possession of the Police, and running in Mr. McDougall's Paddock, on the Campaspe. They will be sold on Saturday, the 25th instant, at twelve o'clock, at the Police Office Yard, Swanston-street, Melbourne, unless previously claimed and all expenses paid.

- 1 grey mare, branded S off shoulder
- 1 bay colt, no brands
- 1 iron grey horse, branded C near shoulder, and 5 off shoulder
- DL
- 1 brown foal

C. MAC MAHON.

Police Department,
Chief Commissioner's Office,
10th February, 1854.

BALLAARAT.

STOLEN HORSES.

NOTICE is hereby given that the following horses, supposed to have been stolen, and now in the possession of the police, at Ballarat, will be sold on Saturday, the 25th instant, at twelve o'clock, at the Police Office Yard, Swanston-street, Melbourne, unless previously claimed and all expenses paid.

- 1 bay mare, branded P 6 near shoulder
- 1 bay entire, branded JB conjoined near shoulder
- 1 bay mare, branded B near shoulder, star on EA forehead, long switch tail
- 1 bay mare, black points, branded ∞ off ribs, also newly branded JO near shoulder
- 1 bay horse, branded BB off shoulder
- 1 bay entire, no visible brand
- 1 chesnut mare, branded blotch B near shoulder
- 1 bay horse, branded JE conjoined near shoulder, C off shoulder

C. MAC MAHON.

Police Department,
Chief Commissioner's Office,
10th February, 1854.

WILLIAMSTOWN.

TRANSFER OF PUBLICANS' LICENSES.

NOTICE is hereby given that a Court of Petty Sessions will be held at the Police Office, Williamstown, on Tuesday the seventh day of March next, at the hour of ten o'clock in the forenoon, for the purpose of considering applications for the Transfer of Publicans' Licenses, pursuant to the Act of Council, 13th Victoria, No. 29.

All applications must be lodged with me on or before Tuesday the 14th day of February instant.

EDMD. BURKE,

Clerk of Petty Sessions.

Williamstown Police Court,
6th February, 1854.

WANGARATTA.

TRANSFER OF PUBLICANS' LICENSES.

NOTICE is hereby given that a Special Court of Petty Sessions will be holden at the Police Office, Wangaratta, on Tuesday, the seventh day of March next, at the hour of Ten o'clock in the forenoon, for the purpose of considering all applications for the Transfer of Publicans' General Licenses, under the Act of Council 13 Victoria, No. 29.

Applications must be filed with the undersigned on or before Tuesday, the 28th day of February,

(By order) **GRAHAM COLVILLE,**
Clerk of Petty Sessions.

Police Office, Wangaratta,
6th February, 1854.

DISTRICT OF THE LEIGH.

PUBLICANS' LICENSES.

NOTICE is hereby given that a Special Court of Petty Sessions will be holden at the Police Office, River Leigh Bridge, on Tuesday, the seventh day of March next, at twelve o'clock at noon, for the purpose of taking into consideration all Applications for District Publicans' Licenses and Transfer of Publicans' General Licenses, in accordance with Acts of Council 13 Vic., No. 29, and 16 Vic, No. 35.

Applications must be filed with me on or before the 14th day of February instant.

FRED. C. HEBERT,
Clerk of Petty Sessions.

Police Office, Leigh,
1st February, 1854.

HORSHAM.

TRANSFER OF PUBLICANS' LICENSES.

NOTICE is hereby given that a Court of Petty Sessions will be held at the Police Office, Horsham, on Tuesday, the seventh day of March next, at the hour of twelve o'clock, noon, for the purpose of considering applications for the Transfer of Publicans' Licenses, pursuant to the Act of Council, 13 Victoria, No. 29.

All applications must be lodged with me on or before Tuesday the 28th of February next.

ROBERT EWING,
Clerk of Petty Sessions.

Court House, Horsham,
28th January, 1854.

HORSHAM.

HAWKERS AND PEDLERS' LICENSES.

NOTICE is hereby given that a general meeting of the Justices of the Peace, acting in and for the Police District of Horsham, will be held at the Court House, Horsham, on Tuesday the 14th day of March next, at the hour of twelve o'clock, noon, in pursuance of the Act of Council 13 Victoria, No. 36, for the purpose of taking into consideration such applications for Hawkers and Pedlers' Licenses as shall be filed with me, on or before Tuesday, the 21st day of February next.

ROBERT EWING,
Clerk of Petty Sessions.

Court House, Horsham,
28th January, 1854.

Colonial Secretary's Office,
Melbourne, 31st January, 1854.

CONVEYANCE OF MAILS.

CONVEYANCE being required for the Post Office Mails as under, from the 1st March to the 31st December, 1854, persons desirous to contract for providing the same under the conditions advertized in the *Government Gazette*, under date of 31st July, 1853, are invited to deposit their offers in writing in the prescribed form (to be had on application at the Melbourne or any other Post Office in the Colony), endorsed "Tender for the Conveyance of Mails," in the Tender Box, at the Audit Office, Melbourne, at or before 11 A.M. of Tuesday the 21st day of February.

Between Castlemaine Post Office and the Post Office at Fryer's Creek, twice a week.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 6th February, 1854.

NEW JETTY AT GEELONG.

TENDERS will be received until 11 o'clock on Tuesday the 21st day of February next, from parties willing to contract for the work required in the construction of a new Jetty opposite Moorabool-street, Geelong.

Plans and specifications may be seen on application at the Colonial Engineer's Office, Melbourne, or the Assistant Engineer's Office, Geelong.

Tenders to be endorsed, "Tender for Geelong Jetty," and addressed, prepaid, to the Chairman of the Tender Board, Melbourne.

The Government will not necessarily accept the lowest or any tender.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 11th February, 1854.

TENDERS FOR OATS AND BRAN.

NOTICE is hereby given that Tenders will be received until Tuesday, the 21st instant, from parties willing to supply the Government with

1000 bushels Bran,
2000 ditto good feed Oats,

To be delivered at the Civil Commissariat Stores, at the corner of King and Bourke-streets. The price tendered to include bags, which must be of a good description, and fit to bear transport.

Tenders to be endorsed "Bran" or "Oats," as the case may be, and forwarded to the Civil Commissariat Office, Bourke-street west, accompanied with samples of the articles tendered for, properly marked, addressed to the Civil Commissariat Tender Board. Tenders will be received for either a part or the whole of the supplies above mentioned.

The Government will not necessarily accept the lowest or any Tender.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 7th February, 1854.
**IRON, ETC., FOR THE PENTRIDGE
STOCKADE.**

TENDERS will be received until 11 o'clock
on Tuesday, 28th February, 1854, to supply
and deliver at the Pentridge Stockade, Iron,
Ironmongery, &c. Schedules to be seen at the
Colonial Architect's Office, Melbourne.

Tenders to be endorsed, "Tender for the Supply
of Iron, Ironmongery, &c., at the Pentridge Stock-
ade," and addressed, prepaid, to the Chairman
of the Tender Board.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 20th January, 1854.
INFORMATION is requested to be given at
the Deputy Sheriff's Office, Geelong, re-
specting

JAMES PURCELL, JUN.,
son of James Purcell, carpenter to the House of
Industry, Dublin. He wrote to his parents in
September, 1852, stating that he was then about
to join the Mounted Police force.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 3rd November, 1853.
INFORMATION is requested at the Immi-
gration Office, Melbourne, respecting the
present abode of

HENRY GRAY,
late of Adelaide. He is supposed to be in the
neighbourhood of Bendigo.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 6th December, 1853.
INFORMATION is requested to be given at this
Office respecting

MURAT WAKEFIELD,
son of Felix Wakefield, Esquire.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 18th November, 1853.
INFORMATION is requested at this office
respecting

JOHN WRIGHT,
an Exile, who left England in the month of
August, 1849, by the ship *Adelaide*.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 30th January, 1854.
INFORMATION is requested to be given at
this office respecting

REGINALD SCAIFE, Esquire,
from London, for whom a packet is lying at this
Office.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 13th December, 1853.
INFORMATION is requested to be given at
this office respecting

SALVATOR WAKEFIELD,
son of Felix Wakefield, Esquire.
By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 13th December, 1853.
INFORMATION is requested to be given at
the office of the Chief Commissioner of the
Gold Fields, William-street, Melbourne, respect-
ing

JOHN NATHANIEL WELLS,
son of the Reverend John Wells, who arrived in
this Colony in the month of November, 1852, by
the ship *Marlborough*.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 29th November, 1853.
INFORMATION is requested to be given at
this office respecting

MR. JOHN PLUMBE,
nephew of Mr. Hooton, Tailor, Liverpool, who
left England about twelve months since.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 25th November, 1853.
INFORMATION is requested to be given at
the Immigration Office, Melbourne, respecting

MR. GEORGE BELL,
who arrived in this Colony by the ship *Courier*,
in the year 1850.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 15th November, 1853.
INFORMATION is requested at this Office
respecting

**HENRY JOHN COLLINS and HERBERT HURST
COLLINS,**
exiles, who left England on the 8th March, 1848,
in the ship *Anne Maria*, under the names of
John Jackson and George Moor.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 1st November, 1853.
INFORMATION is requested at this Office
respecting

ANNE GRIBBINS,
who disappeared from the Hospital Ship *Lysan-
der* on the 20th ult.

By His Excellency's Command,
JOHN FOSTER.

Personal Description.
Age, 22 years—height, 5 feet 2 inches—hair,
dark brown—eyes, blue—teeth, projecting—
complexion, delicate but swarthy.

Colonial Secretary's Office,
Melbourne, 15th December, 1853.
INFORMATION is requested to be given at
this Office respecting

ELIJAH GOLD,
who left Liverpool for Port Phillip in the month
of September, 1852, by the ship *Tancred*.

By His Excellency's Command,
JOHN FOSTER

Colonial Secretary's Office,
Melbourne, 30th December, 1853.
INFORMATION is requested to be given at this
Office respecting

EDWARD READ,
(son of Sarah Boswell), an exile, who arrived at Port
Phillip on the 24th of September, 1847, in the ship
Joseph Soames.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 18th November, 1853.
INFORMATION is requested at the Garrison
Orderly Room, Melbourne, as to the address
of

JAMES BOLES,
late a soldier in the 15th Hussars, that some-
thing to his advantage may be communicated to
him.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 30th January, 1854.
INFORMATION is requested to be communi-
cated at this Office respecting
EDGAR GEORGE MORSON,
who left England in 1841, and is believed to have
afterwards resided with Mr. John Humphries,
at Kissing Point, near Parramatta, in New South
Wales.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 30th January, 1854.
INFORMATION is requested to be given at
this Office respecting

THOMAS WAKE,
an Exile, who was convicted at Hertford, in
April, 1845, and transported to Van Diemen's
Land in the ship *Thomas Arbuthnot*. He is
supposed to be residing in the Western District.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 15th December, 1853.
INFORMATION is requested to be given at
the Office of the Chief Commissioner of
the Gold Fields, William-street, Melbourne,
respecting

MR. NICHOLAS WALSH,
late of St. Louis and California, who left the
latter place about August last, and landed in
Sydney. His wife is in Melbourne.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 28th November, 1853.

INFORMATION is requested to be given at
this office respecting the property or will of

TERENCE MALLON,
of county Armagh, Ireland, an exile. He
resided in Sydney in 1827, and is supposed to
have died in Melbourne, 16th May, 1844, leaving
a will dated 3rd February, 1844.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 22nd November, 1853.
INFORMATION is requested at this Office
respecting

THOMAS BENJAMIN GRASEBROOK,
who left England in 1841, and was last heard of
in April, 1850, at Seymour, in the Colony of
Victoria.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 16th January, 1854.
INFORMATION is requested to be given at
this Office respecting

WILLIAM ROSS,
an Exile, who was tried and sentenced at Aber-
deen in 1845, and arrived in this Colony by the
ship *Thomas Arbuthnot*, in 1846.

By His Excellency's Command,
JOHN FOSTER.

Colonial Secretary's Office,
Melbourne, 1st February, 1854.
INFORMATION is requested respecting the
address of

MR. SMITH ELLIS,
who was a purchaser of Crown Lands on the 6th
October, 1853.

By His Excellency's Command,
JOHN FOSTER.

NOTICE.

ADVERTISEMENTS forwarded by *Poundkeepers*
and others, intended for insertion in the
"VICTORIA GOVERNMENT GAZETTE" must be
sent under cover, *Post paid*, addressed to
the Government Printer.

Advertisements will be charged for at the
following rates, viz.:—One shilling for each
of the first six lines, and sixpence for every
additional line above six.

The GOVERNMENT GAZETTE is published
on TUESDAY and FRIDAY in each week, and
Notices for insertion must be received by the
Government Printer, on or before ten o'clock
of the day preceding the day of publication.

* * * All Advertisements intended for publi-
cation in the GOVERNMENT GAZETTE must be
paid for prior to insertion.

Private Advertisements.

NOTICE.

THE undersigned, being about to leave the Colony, on an absence of one or two years, requests all claims against him may be at once presented for payment, and all debts due to him settled without delay.

SKENE CRAIG.

Melbourne, 116, Collins-street west,
2nd February, 1854.

*In the Supreme Court of
the Colony of Victoria.*

Between EDWARD GREVILLE, Plaintiff,
and

HUGH LANG, Defendant.

WHEREAS an Action at Law has been commenced in this Honorable Court by the above named EDWARD GREVILLE against the above named HUGH LANG, to recover the sum of one thousand pounds, being the amount of a certain Bill of Exchange drawn by the said EDWARD GREVILLE upon and accepted by the said HUGH LANG, and by the said HUGH LANG dishonored and now remaining wholly unpaid, and also interest on the said sum of one thousand pounds from the twenty-eight day of August, one thousand eight hundred and fifty-three, until payment: And it having been alleged that the said HUGH LANG does not reside within this Colony a Writ of Foreign Attachment has been issued returnable on the twenty-third day of February, in the year of our Lord one thousand eight hundred and fifty-four, wherein JOHN CHARLES LLOYD and FREDERICK HUNT, trading under the name or style of "LLOYD AND HUNT," JOSHUA SNOWBALL, WILLIAM CHARLES CHRISTIAN HUMPHREYS, JAMES BLACKWOOD, and certain other persons trading under the name or style of "WHARTON, CAVID, AND LITTLE," are garnishees: Notice is hereby given that if at any time before final judgment in this action the said HUGH LANG or any person on his behalf, will give the security and file the appearance and plea required by Law, the attachment may be dissolved.

Dated this tenth day of February, A.D., 1854.

THEODORE HANCOCK, No. 87,
Collins-street west, Melbourne:
Agent for JOSEPH GIBBS DUFFETT, of Simpson's Road, in the County of Bourke, Plaintiff's Attorney.

NOTICE is hereby given that by Indenture bearing date this day, HENRY HINSON, of Collingwood, near Melbourne, draper, has assigned and transferred all his real and personal estate which he is possessed, or to which he is entitled in reversion, remainder, or expectancy, to FREDERICK JAMES SARGOOD and HENRY LANGLANDS, both of Melbourne, merchants, in trust for the benefit of his creditors generally: And notice is further given that the said deed lies for execution by the creditors at the office of WILLIAM CHARLES CHRISTMAS HUMPHREYS, solicitor, 64, Little Collins-street west, Melbourne.

Dated this third day of February, One thousand eight hundred and fifty-four.

HENRY HINSON.

Witness—
JOHN BARKER, J.P.

No. 13.—FEBRUARY 14TH, 1854.—28.

NOTICE is hereby given that by Indenture bearing date this day, CHARLES HENRY HUXTABLE, of Collins-street, has assigned and transferred all his real and personal estate of which he is possessed and to which he is entitled in reversion, remainder, or expectancy, to HENRY LANGLANDS, WILLIAM HENRY HILL, BENJAMIN COCKER, and JAMES LEWICE, all of Melbourne, Merchants, in trust for the benefit of his creditors generally. And notice is further given that the said deed lies for execution by the creditors, at the office of WILLIAM CHARLES CHRISTMAS HUMPHREYS, Solicitor, 64, Little Collins-street west, Melbourne.

Dated this twenty-fifth day of January, One thousand eight hundred and fifty-four.

C. H. HUXTABLE.

Witness—

JOHN HODGSON,
Mayor of Melbourne, J.P.

DISSOLUTION OF PARTNERSHIP.

WE, the undersigned, do mutually agree, this fourteenth day of December, 1853, to dissolve the partnership lately carried on as "W. H. BRADLEY AND Co., and all demands upon, or due to the said firm, will be received or discharged by the said W. H. BRADLEY.

W. R. WIGHT *pro* W. H. BRADLEY,
W. R. WIGHT,
BARNABAS MAYHEW.

Witness—

THOS. WM. HOOPER.

DISSOLUTION OF PARTNERSHIP.

NOTICE—The partnership heretofore existing between GEORGE MATTHEWS and SAMUEL POOK, wheelwrights, smiths, &c., Hanover-street, Collingwood, Colony of Victoria, was dissolved on the 19th November, 1853, by mutual consent. All debts due to the said estate to be paid to the said GEORGE MATTHEWS.

Dated this ninth day of February, 1854.

GEORGE MATTHEWS,
SAMUEL POOK.

Witness—

C. B. HALL.

THIRTY POUNDS REWARD.

LOST, near Gap Inn, a dark brown horse, branded XC off neck, and anchor near shoulder; also a bay mare, branded MW near shoulder; also a brown mare, blind on near eye, branded WW off shoulder,

and B near shoulder. Ten Pounds for each of the

said horses will be paid on delivery to Mr. CRISP, Jeweller, 50, Queen-street, Melbourne.

TWENTY POUNDS REWARD.

CAUTION TO POUNDKEEPERS, AUCTIONEERS, AND OTHERS.

LOST from Mr. Nicholson's Farm, Keilor Road, on Wednesday, 8th February, one dark bay draught mare, star and snip on face, white hind legs, short switch tail, stands about 16½ hands high, branded like *W* off shoulder; also, one light bay CA conjoined

draught mare, same marks and brands as above. Any person delivering them to JOHN DICK, at Mr. Nicholson's Farm, Keilor Road; or to PHILLIP MELLRICK, at the Victoria Stables, Melbourne, shall receive ten pounds for each horse.

TEN POUNDS REWARD.

CAUTION TO AUCTIONEERS, POUNDKEEPERS, AND OTHERS.

STOLEN from a stable in King-street, on Saturday night, February 4th, 1854, a black draught mare, branded SJ on near shoulder, white spot on forehead, rising five years old, about fifteen hands high, belonging to J. R. GRUNDY, 285, King-street, Melbourne, who will give the above reward on recovery.

J. R. GRUNDY.

February 13th, 1854.

TEN POUNDS REWARD.

STOLEN or strayed, on the 25th January, 1854, from near the Gap Inn, Mount Alexander Road, a bay horse, branded C on near shoulder, white face, hind legs white, and switch tail. A reward of £10 will be paid on delivery of the same and conviction of the thief, or a reward of £5 if strayed. To be delivered to Mr. STEPHEN BUDEN, Moor-street, near St. Mark's Church, Collingwood.

TEN POUNDS REWARD.

STOLEN from Kyneton, a black draught horse, branded AW near shoulder, π off shoulder, L near hind foot white, star in forehead, snip on nose. Five Pounds will be given on recovery of the above horse, or Ten Pounds on conviction of the thief.

GEORGE MIDDLEDITCH,
East Kyneton.

TEN POUNDS REWARD.

STRAYED or stolen on the 16th January last, from the paddock of Upper Hawthorn, a dark bay mare branded A on near neck. Any person giving such information as will lead to the recovery of the said mare to ROBERT ROBINETT, shall receive the above reward.

FIVE POUNDS REWARD.

STOLEN or strayed, a bay draught mare, stands about seventeen hands high, branded AE near shoulder (the two ends of the E bent forward forming half a circle). Any one returning the same to Mr. FISHER, Storekeeper, Peg-leg Gully, will receive the reward; or to JOHN YOUNGHUSBAND, Little Bourke-street, Melbourne, near the Rising Sun.

NOTICE.

IF the dark brown horse branded AW on near shoulder, and EC on off shoulder, left at Allan and Deason's stables, Gertrude-street, Collingwood, is not claimed on or before the 30th instant, it will be sold to pay expenses.
8th February, 1854.

STOLEN or strayed from Castlemaine, on or about 10th day of July, 1853, one chesnut horse, branded "OP" conjoined on near shoulder, and star on forehead.

Auctioneers and Poundkeepers are requested to note this to THOS. BROMFIELD.

55, Flinders-street east,
Melbourne, 18th January, 1854.

Impoundings.

IMPOUNDED at Shepparton (late Maguire's Punt), Lower Goulburn River, 4th February, 1854.

- 1 black horse, long tail, near hip down, near fore and two hind fetlocks white, star and snip on nose, B off side neck
- 1 bay horse, long tail, saddle marked, BD near shoulder
- 1 dark bay horse, long tail, star on forehead, two hind fetlocks white, a very sore back, indescribable brand like J over diamond with Z under near shoulder, $\frac{Z}{2}$ off shoulder

- 1 bay horse, long tail, WP off shoulder
- 1 black horse, long tail, I-M conjoined near shoulder, like JC under

- 1 bay horse, long tail, star on forehead, collar marked, JR conjoined near and off shoulder
- 1 bay mare, star on forehead, switch tail, like writing W off shoulder

- 1 bay mare, long tail, JW off shoulder
- 1 bay horse foal, progeny of the above, JW near shoulder

- 1 bay horse, star on forehead, switch tail, like horse shoe brand with M over and H with diamond under near shoulder
- 1 black horse, streak down face, near fore and hind fetlock white, long tail, EF off shoulder

- 1 dark bay mare, short dock tail, had a fistula cut out, $\frac{Z}{2}$ off neck near the ear
- 1 bay horse, long tail, small star on forehead, W within circle K near shoulder heart under, collar marked

- 1 grey horse, long tail, JR conjoined off shoulder
- 1 dark chesnut horse, long tail, off hind fetlock white, JF off shoulder

- 1 bay horse, long tail, near hind fetlock a little white, CO near shoulder, JC off shoulder

- 1 black horse, long tail, near fore and off fetlock white, small star on forehead, S under diamond near shoulder, like 1 near side under saddle, S off shoulder
- 1 dark bay mare, star on forehead, collar and saddle marked, long tail, II conjoined off shoulder

- 1 brown horse, long tail, sore back, DD near shoulder, WJ off shoulder

If not claimed and expenses paid on or before 7th March, 1854, will be sold according to Act of Council.

R. A. Q. HENRIQUES,

Poundkeeper.

28s. 6d.

IMPOUNDED at Kilmore, 31st January, 1854.

- 1 bay horse, short tail, ringbone off fore foot, star, snip, saddle, and collar marked, newly shod, —C near shoulder

- 1 light bay horse, black points, switch, saddle marked, G $\frac{1}{2}$ near shoulder
- 1 black mare, switch, off hind foot white, small stripe down face, saddle and collar marked, blotch off neck

- On 3rd February.
- 1 bay pony, saddle marked, rope on neck, G reversed near shoulder

- 1 grey horse, short tail, sore back, wart near thigh, RP near shoulder, L ribs
- 1 bay mare, hind feet white, star, saddle marked, BL near shoulder

- 1 bay mare, long tail, L near ribs, 38 off shoulder
- 1 dapple grey mare, saddle marked, switch, writing W off shoulder, W near shoulder

- 1 flea bitten grey horse, four shoes on, writing TM near shoulder

- On 31st January.
- 1 brown bullock, cock horns, OB off rump, like J-J conjoined (the tail of last J to right) shoulder, like writing GR near ribs

- 1 red bullock, OP off ribs and rump
- 1 red and white bullock, JR off rump
- 1 red sided cow, grey face, square with — under conjoined near ribs, TH rump
- 1 black bull, bald face, HL off ribs, JM rump
- 1 strawberry cow, square with — under conjoined near ribs, KB rump
- 1 white bullock, red neck, O off rump, diamond ribs
- 1 red sided cow, square with — under conjoined near ribs, WOII conjoined rump, like JJ off ribs, like JJ rump

12

- 1 brindle heifer, no brand
- 1 brindle sided bullock, strap and chain on neck, hobble strap on leg, WL off ribs, 33 rump
- 1 brown bullock, white flanks, illegible brand and N near rump
- 1 red sided bullock, DM near rump
- 1 yellow and white bullock, IW off rump

4

- 1 white bullock, brown spots, no brand
- 1 white bullock, like IF off ribs, IF rump
R reversed
- 1 red bullock, WH off rump, square with horse shoe R reversed
- brand near ribs, MK rump
- 1 red cow, white face and belly, square with — under conjoined near ribs, KB rump, JJ off ribs
- 1 red cow, JAS near ribs, MM off ribs
- 1 white bullock, writing B near thigh
- 1 brindle and white cow, LS (the L reversed) off ribs, II

SI writing M rump

- 1 red cow, white flanks, = near back, HO rump
- 1 black cow, writing M off ribs
- 1 red sided bullock, J near ribs, 4 off ribs, WR rump

- 1 brindle sided bullock, CHE (the HE conjoined) near shoulder, 8 rump, EP off ribs
- 1 strawberry bullock, illegible brand near rump, 7 thigh
- 1 yellow and white bullock, HW off rump
- 1 brown bullock, white tail and flanks ∞ off rump, MK conjoined

WH off ribs, WH rump

2

- 1 white bullock, off horn shelled, red spots, DL off ribs, PO near ribs
P ∞
- 1 red bullock, slightly brindled, 2 near shoulder, JC ribs, IW rump, CE off rump
- 1 red bullock, square with — under conjoined near ribs, MB rump, JR shoulder
- 1 yellow heifer, no brand

If not claimed and expenses paid on or before 25th March, 1854, will be sold according to Act of Council.

C. G. ANDERSON,
Poundkeeper.

47s.

IMPOUNDED at Lexton, 7th February, 1854.

- 1 black mare, long tail, GV near shoulder
- 1 chesnut foal, progeny of above
- 1 black horse, saddle and collar marked, P near shoulder

- 1 grey or roan yearling filly, near hind foot white, star, no brand

- 1 bay horse, near hind foot white, DJK (the JK R conjoined) near shoulder, JK conjoined off shoulder, blotch near rump

- 1 chesnut colt, stripe down face, like C and a 1 near shoulder

- 1 brown mare, black points, 1P near shoulder, ∞ off shoulder

- 1 chesnut colt, small star, like LA π

3

- 1 bay mare, star, black points, R2 near shoulder, rope and strap on neck

- 1 black horse, small star, short switch tail, like π T conjoined, like ρ S (the S reversed) off shoulder, TG off neck

TG

If not claimed and expenses paid on or before 8th March, 1854, will be sold according to Act of Council.

E. H. WILLIAMSON,
Poundkeeper.

18s. 6d.

IMPOUNDED at Gisborne, 7th February, 1854, by Robert Dunn, Esq.

- 1 iron grey mare, dark spot off shoulder, little white on back, H near shoulder

- 1 dark brown filly, long tail, no visible brand
- 1 dark brown or black mare, a few white hairs on forehead, illegible brand near neck, long tail

- 1 dark brown or black mare, long tail, S near thigh, F near shoulder, supposed C under

If not claimed and expenses paid on or before 9th March, 1854, will be sold according to Act of Council.

JAMES MCGILCHRIST ROBERTSON,
Poundkeeper.

10s. 6d.

IMPOUNDED at Gisborne, 8th February, 1854, by Lewis Clark, Esq.

- 1 bay filly, white snip on nose, off fore fetlock white, LD near shoulder

- 1 iron grey colt, long tail, off hind fetlock white, S near shoulder, illegible brand under

- 1 bay horse, saddle marked, IR near shoulder, MH near cheek, MH off cheek, rope on neck

- 1 dark brown mare, long tail, NI or MI off shoulder, with bay filly at foot

- 1 bay horse, long tail, four white feet, star on forehead, white snip on nose, DT near shoulder

- 1 bay horse, long tail, three white feet, white face, supposed JM near shoulder

- 1 bay mare, switch tail, off hind fetlock white, no visible brand

- 1 dark bay mare, JML conjoined near shoulder, XC

- small star on forehead, P near cheek

- 1 bay horse, switch tail, C near shoulder, JPH (the JP conjoined) near neck, near hind pastern joint swollen

- 1 brown colt, long tail, supposed X near shoulder

- 1 brown mare, lame off fore foot, C in diamond over 2 near shoulder, P near cheek, hind feet white, star on forehead

- 1 bay filly, long switch tail, no visible brand

- 1 bay colt, long tail, star on forehead, supposed T-P off shoulder

- 1 bay filly, long tail, no visible brand

- 1 bay yearling colt, star on forehead, long tail, no visible brand

- 1 brown colt, long tail, blotch supposed ∞ near S π

shoulder

If not claimed and expenses paid on or before 9th March, 1854, will be sold according to Act of Council.

JAMES MCGILCHRIST ROBERTSON,
Poundkeeper.

24s.

IMPOUNDED at Bacchus Marsh, 8th February, 1854.

1 yellow cow, IH off rump and thigh

IH

1 black sided cow, H·M near ribs, ITR near rump

1 black brown bullock, NK near rump, 7 off rump, 8 off ribs, 8 and blotch under off shoulder

1 white bullock, red cheeks, NK near rump, AC off rump

1 red and white spotted bullock, like BR off rump, R off ribs

If not claimed and expenses paid on or before 4th March, 1854, will be sold according to Act of Council.

R. PYKE,

12s.

Poundkeeper.

IMPOUNDED at Winchelsea, 6th February, 1854, by John Hopkins, Esq.

1 bay horse, branded TL off side neck, JPM (the JP conjoined) near shoulder, saddle marked, long tail

On same day by T. Austin, Esq.

1 black horse, branded ML conjoined near shoulder, MA off side neck, switch tail

If not claimed and expenses paid on or before 6th March, 1854, will be sold according to Act of Council.

JAMES O'CONNOR,

9s. 6d.

Poundkeeper.

IMPOUNDED at the Deep Creek, 6th February, 1854.

1 bay horse, star, HL near shoulder, near hind foot swollen, M) off shoulder, full shod

1 chesnut draught mare, hind feet white, star, spectacles near neck, V near shoulder, like H SP off neck

1 strawberry bullock, wide horns, IC off rump, IC off ribs

ID

1 yellow and white bullock, OQ near rump, near ear notched

1 yellow bullock, cock horns, two ∇ or compasses near rump

1 red steer, anchor off ribs, spectacles off rump and thigh

1 yellow sided poley steer, anchor off ribs, spectacles off rump

1 red and white spotted steer, anchor off ribs, spectacles off rump

1 yellow sided steer, anchor off ribs, spectacles off rump

1 yellow and white steer, spectacles off rump

1 yellow steer, lightly roan, near horn broken, anchor high on off back, spectacles off rump

1 red and white steer, spectacles off rump, anchor off shoulder

1 roan steer, two anchors off shoulder, spectacles off rump

1 red steer, anchor off ribs, spectacles off rump

1 red and white spotted steer, small hoop horns, anchor off ribs, spectacles off rump

1 brindled bullock, short tail, M near ribs, JJ

JP

2

off ribs

1 white bullock, R2 off rump and ribs, coupling rope and chain

1 white snail horned bullock, strawberry head and neck, blotch off rump

1 brindled bullock, near eye blind, wide horns, like CL off rump

1 strawberry bullock, cock horns, blotch and M off rump

1 strawberry bullock, Ω near rump and thigh,

Ω

(on back near side, coupling rope and chain

1 black bullock, cock horns, CT near shoulder and ribs, JL off rump and shoulder

1 red and white bullock, cock horns, A near shoulder, H and blotch off rump, W off ribs,

like 60 off shoulder, AA near horn

1 red cow, white belly, 50 near shoulder, ITH near rump

1 yellow sided cow, like B near shoulder

BB conjoined

If not claimed and expenses paid on or before 7th March, 1854, will be sold according to Act of Council.

W. J. GILBERT,

33s. 6d.

Poundkeeper.

IMPOUNDED at Braybrook Pound, 7th February, 1854, by Mr. J. Dick, Keilor Road.—Trespass 1s. each.

1 yellow bullock, white belly, legs, and head, piece of hobble on, near ribs MC, off ribs DH

1 red sided bullock, snail horns, slit in off ear, piece of hobble on, off rump \rightarrow D, off ribs \rightarrow D over HK

1 red sided bullock, slightly brindled, top off right ear, near shoulder like WO, near ribs EH, near thigh AD, off rump circle and bar through

1 yellow cow, near ribs MB, near rump JH, off ribs AD, off shoulder DK

If not claimed and expenses paid on or before 3rd March, 1854, will be sold according to Act of Council.

G. SCARBOROUGH,

12s. 6d.

Poundkeeper.

IMPOUNDED at the Public Pound of Ballarat Crossing Place, on the Loddon, in the Police District of Castlemaine, by F. Taylor, Esq.—Damages £2.

1 red bullock, JK conjoined off ribs

By Angus Kennedy, Esq.—Damages 10s. each.

1 bay mare, two white hind feet, star on forehead, HF conjoined near shoulder

1 dark brown mare, blotch brand like \int near

shoulder, small star on forehead

If not claimed and expenses paid on or before 14th February, 1854, will be sold according to Act of Council.

EDWARD WINDSOR,

11s. 6d.

Poundkeeper.

IMPOUNDED at the Pound, Ballarat Crossing Place, on the Loddon, in the Police district of Castlemaine.

1 bay horse, O off shoulder, indescribable brand near shoulder

1 black horse, H off shoulder, collar mark, white spots under saddle

1 bay horse, like DY near shoulder, near hind fetlock white

If not claimed and expenses paid on or before 2nd March, 1854, will be sold according to Act of Council.

E. WINDSOR,
10s. Poundkeeper.

IMPOUNDED at the Pound, Ballarat Crossing Place, on the Loddon, in the Police District of Castlemaine.

1 bay horse, B near shoulder, small star on forehead

PM
M

head

1 bay horse, black points, JG near shoulder

1 bay mare, Y off shoulder

1 bay pony, CG near shoulder

1 yellow bullock, S near rump, MC near shoulder

1 red and white bullock, E near rump, H off ribs

1 nobby brindle and white bullock, 2 off shoulder, blotch like WE off rump

red and white bullock, like 4 off shoulder, 1 BC—, off rump

4

1 brown bullock, 10 off ribs, like C near ribs

1 brown bullock, RA near ribs, JP near rump, KM off rump

WT

1 red and white bullock, blotch IM. D

1 light brindle bullock, LD near ribs, CH near rump, MS off ribs

1 red and white bullock, a heart on off rump, blotch off ribs, blotch near ribs

If not claimed and expenses paid on or before 24th February, 1854, will be sold according to Act of Council.

E. WINDSOR,
19s. 6d. Poundkeeper.

IMPOUNDED at South Geelong, 2nd February, 1854.

1 red heifer calf, little white on belly

1 bay mare, star, black points, long tail, collar and saddle marked, J near shoulder

1 red steer, stag horns, blotch like H off shoulder

1 red steer, snail horns, no visible brand

If not claimed and expenses paid on or before 10th March, 1854, will be sold according to Act of Council.

W. F. B. BOHUN,
9s. Poundkeeper.

IMPOUNDED at South Geelong, 8th February, 1854.

1 red steer, stag horns, I—F off shoulder

1 small red heifer, JB near shoulder

1 red heifer, cock horns, no visible brand, star, off ear marked

1 red cow, white tail, JD off rump, MI off ribs

1 red poley cow, F near shoulder, 2 off ribs, like Q—I near rump

1 strawberry poley cow, off ear marked, IL near rump, WL blotched near ribs, like SC off ribs

1 red heifer, white face, back, flanks, ears marked, I or B near ribs

S

1 strawberry poley steer, AC off rump

1 strawberry cow, cock horns, TT near ribs

1 white cow, red ears, like C near ribs

JO

No. 13.—FEBRUARY 14TH, 1854.—29.

1 brindle sided cow, white back and belly, C off rump, TM off ribs

1 black bullock, white face, snail horns, Q near rump

1 red sided cow, white back and belly, cock horns, M off rump

1 red steer, stag horns, H off rump

On 10th February, 1854.

1 red cow, cock horns, HAY over key off ribs, SS near ribs

S

1 white bullock, black head and rump, JS off rump

1 spotted poley cow, JVK conjoined near side, PAM

SWH

Y near rump, SP near ribs

1 black bullock, cock horns, CH off rump, WR

R

near horn

1 dun bullock, star, coupling rope, near ear marked, TA off ribs

If not claimed and expenses paid on or before 10th March, 1854, will be sold according to Act of Council.

W. F. B. BOHUN,
25s. 6d. Poundkeeper.

IMPOUNDED at Melbourne, by Dr McArthur.

1 brown sided cow, DM near rump

By Mr. Bergan.

1 yellow and white bullock, JT near shoulder, 2 near ribs, FG near hip, with other brands

By I. Byrne.

1 yellow and white spotted cow, appears JX off ribs

1 red and white bullock, RS off rump, indescribable brand off ribs

By Mr. Deane.

1 yellow cow, C conjoined near rump (the tail of C downwards)

1 brindle cow, BS off rump, illegible brand off ribs

1 blue sided cow, PT off rump

By I. Byrne.

1 roan cow, TB off ribs, C off rump, O off hip

1 black and white nobby bullock, illegible brand off rump

By Police.

1 bay horse, E conjoined near J conjoined off

GE (the G and E conjoined)
TG T G

shoulder

1 bay horse, indescribable brand near shoulder, two smoothing irons conjoined off neck

1 brown horse pony, G near saddle, indescribable brand near neck

1 brown horse, JH conjoined near F off shoulder

1 brown horse pony, 2 off shoulder

A

By Mr. Treacy.

1 light flea bitten horse, aged, crown near CG off shoulder, appears condemned brand near cheek

By Mr. Bergan.

1 brown horse, JA near shoulder

By Mr. Brock.

1 grey horse, apparently N near shoulder

1 red cow, hoop horns, two L's back to back within circle off thigh, indescribable brand near ribs and off shoulder

1 white and brindled cow, short tail, R within diamond off rump, blotch near rump

By Mathew McCaw, Esq.

1 red bullock, white back, near horn broken, blotch near shoulder, B off ribs, G off shoulder

F

1 strawberry bullock, blotch near shoulder, WD off ribs

1 red bullock, E off rump and thigh

B

1 red cow, H near ribs, an indescribable brand off ribs

1 brindle bullock, like EH near ribs, horse shoe near rump, JO off rump, blotch off thigh

1 white and yellow spotted bullock, bell on, short tail, PH near ribs, TS off rump, TS off ribs, TC

S

near horn

1 yellow cow, brown head, EB conjoined near ribs, YC near rump, CC off rump, PI off ribs

1 white bullock, W near ribs, blotch under, JH off rump, 4 off ribs

1 black bullock, broken hobble on, AA off rump and

A

A

thigh, T and blotch off ribs

1 red bullock, bell on, ∞ off rump, M off ribs, horse shoe off shoulder, WD near rump

1 magpie cow, like JW off ribs

5

1 small white steer, an indescribable brand off shoulder

1 yellow bullock, RC off ribs, JO near rump, 2 reversed off shoulder

1 red bullock, DP near shoulder, WC near ribs, L near rump, L off rump

1 dark strawberry bull, M off rump—Damages £5.

By Messrs. Wippell and Sons, Hartlands.

1 brindle bullock, near horn shelled, off horn sawn, 1-E conjoined off rump, Hf near ribs

1 brindle bullock, hoop horns, blotch and H off rump, blotch off shoulder

1 light strawberry bullock, red neck, ears marked, JO off rump

1 white bullock, tanned ears, E2 off rump, Hf near ribs

1 white and mouse colored bullock, spotted, H near shoulder

By Mr. John Wippell.—Damages 6s.

1 strawberry bullock, G off shoulder

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If not claimed and expenses paid on or before 7th March, 1854, will be sold according to Act of Council.

DAVID BELL,

38s. 6d.

Poundkeeper.

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