

## No. XIV.

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

**W**HEREAS the institution of Suits in Equity by *Rule Nisi* Preamble.  
authorized by the Act twelfth Victoria number one in the 12 Vic. No. 1 s. 9.  
ninth section thereof has been found by experience to be inconvenient  
and the proceedings therein are dilatory and expensive And whereas  
the pressure of business in the Supreme Court in Banco would be  
relieved if a single Judge were enabled to dispose of certain portions  
of that business in a separate Court notwithstanding the simultaneous  
sitting in Banco of the other Judges or two of them Be it therefore  
enacted by the Queen's Most Excellent Majesty by and with the  
advice and consent of the Legislative Council and Legislative Assembly  
of New South Wales in Parliament assembled and by the authority of  
the same as follows :—

1. From the time of the passing of this Act the ninth section The recited section  
repealed.  
of the said Act twelfth Victoria number one shall be repealed except

as

*Panama Postal Route.*

as to suits by *Rule Nisi* already instituted—all proceedings in which may be continued as if this Act had not been passed.

Proviso pending  
suits.

2. Provided that by consent of the parties the Court may direct any such suit now pending to be heard and decided and all orders in respect thereof to be made before and by the Primary Judge in Equity but subject in every such case to appeal from such Judge to the Court.

Certain cases of rule  
or summons to shew  
cause.

3. The Primary Judge may in any suit permit the plaintiff or defendant (upon an *ex parte* application for that purpose) to proceed by rule or summons to shew cause instead of by petition and to proceed by summons as in Chambers before the Master instead of by warrant.

One Judge may hold  
a Court in Insol-  
vency.

4. The Supreme Court may be holden by one Judge alone for all the purposes of the Act passed in the fifth year of Her Majesty commonly called the Insolvent Act and of the Acts passed for amending the same notwithstanding that the Court holden before two or more Judges may be at the same time sitting in Banco.

Proviso Appeals.

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

Ecclesiastical and  
Lunacy Jurisdiction.

6. The Supreme Court may be holden before and by the Primary Judge in Equity for the granting of probates and letters of administration or letters ad colligendum and for the exercise of the jurisdiction of the Court in cases of lunacy and over the persons and property of such as are of unsound mind and for the disposal of all motions and matters in relation thereto respectively.

Certain other  
matters in Banco.

7. The Supreme Court may be holden by one Judge alone for the disposal of all returns of fines and estreated recognizances and applications for and returns to writs of *habeas corpus* and cases under the Justices Acts of 1850 and 1853 notwithstanding that it may be Term time or that the Court holden before two or more Judges may be at the same time sitting in Banco.

Short title.

8. This Act may be cited for all purposes as the “Equity and Banco Business Expediting Act.”