

ceedings have been instituted; and all judgments and orders relating to land shall be prepared on parchment.

NON-COMPLIANCE.

594. Non-compliance with any of these rules shall not render the proceeding in which such non-compliance has occurred void, unless it is by these rules expressly so provided, but such proceedings may be set aside, either wholly or in part, as irregular, or amended, or otherwise dealt with in such manner, and upon such terms as the Court or a Judge, on any motion or summons taken out with reference to such non-compliance, may deem just.

VACATION AND HOLIDAYS.

595. The vacation shall extend from the 25th day of January to the 10th day of March, both days inclusive.

596. The following days shall be holidays in the Court and the offices thereof—that is to say, the days from Good Friday to Easter Tuesday, both inclusive; the days from Christmas Eve to 3rd January, both inclusive; the Birthday and the Accession Day of the reigning sovereign; the day of the proclamation of the Queen's sovereignty over these Islands (29th January); and the Birthday (9th November) of His Royal Highness the Prince of Wales; and, in each district, the anniversary of the establishment of the province.

REPEAL.

597. From and after the time this code is brought into force, all statutes and rules specified in the Schedule hereto, and all other statutes and rules, so far as they are inconsistent with this code, shall be and the same are hereby repealed.

CONSTRUCTION OF STATUTES AND OTHER RULES.

598. When by any statute reference is made to the system of procedure heretofore existing in any Court of civil jurisdiction and hereby abolished, such statute shall, for the purpose of bringing an action or taking proceedings thereunder, be interpreted as if reference had been made to the system of procedure brought into force by this code.

599. The rules made under particular statutes enumerated in the Schedule hereto shall remain in force: Provided that when in any of such rules reference is made to the system of procedure heretofore existing and hereby abolished, such rules shall, for the purpose of bringing any action or taking any proceedings thereunder, be interpreted as if reference had been made to the system of procedure brought into force by this code.

CASES NOT PROVIDED FOR.

600. If any case shall arise for which no form of procedure has been provided by this code, the Court or the Judge before whom such case shall arise shall dispose of such case as nearly as may be in accordance with the rules of this code affecting any similar case, or, if there are no such rules, in such manner as such Court or Judge shall deem best calculated to promote the ends of justice: Provided that the Judges of the Supreme Court shall, as soon as conveniently may be after such case has arisen, make a new rule or new rules to meet such case.

EXCEPTIONS FROM THE CODE.

601. Nothing in the foregoing rules shall affect the existing practice or procedure in any of the following causes or matters:—

- (1.) Criminal proceedings.
- (2.) Application for a writ of *habeas corpus*.
- (3.) Actions or proceedings commenced in any Court before this code is brought into force.

602. The practice, pleading, and procedure in the Supreme Court on all indictments, informations, and other criminal proceedings, and on application such as would be taken for a writ of *habeas corpus*, shall be the same as in England, so far as the English practice, pleading, and procedure is or are applicable to New Zealand, and consistent with any other rules of the Supreme Court and with the laws of New Zealand.

603. Actions or other proceedings commenced in any Court of civil jurisdiction before this code is brought into force, shall be continued according to the system of practice and procedure of such Court at the time action or proceeding was commenced.

REPORT OF SUB-COMMITTEE.

THE members of the Sub-Committee beg to report that they have examined the draft proposed code, and carefully considered the same.

They further beg to report that in their opinion the code proposed, as amended, is in accordance with the resolutions passed by the Commission, and that it will carry out the intention of its compilers—viz., to facilitate the work of the judicature, to prevent delay, and materially to lessen the cost of litigation.

Subject to further careful revision, the Sub-Committee annex herewith a draft of the proposed code.

J. N. WILSON.
GEORGE HARPER.
ALLAN HOLMES.