



ANNO QUARTO

VICTORIÆ REGINÆ,

No. 36.



By His Excellency SIR JOHN FRANKLIN, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer, and a Captain in Her Majesty's Royal Navy, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

AN ACT to amend the Law now in force with respect to the Service of Writs of Summons of the Supreme Court of this Island.

WHEREAS by the Charter of Justice for this Island the Sheriff **PREAMBLE.** and his successors are directed by themselves or their sufficient Deputies to execute and the said Sheriff and his said Deputies are by that Charter authorised to execute all the Writs Summonses Rules Orders Warrants Commands and Processes of the Supreme Court of Van Diemen's Land and to make Return of the same together with the manner of the execution thereof to the said Supreme Court—AND WHEREAS considerable expense has been incurred by the Government in the service of Summonses in distant parts of the Colony for which no adequate remuneration is provided—AND WHEREAS it is now by law competent to the Legislative Council notwithstanding the provisions contained in the said Charter of Justice to make provision in this behalf—

Summonses to be served by the Solicitors obtaining same or by persons employed by them.

BE IT THEREFORE ENACTED by His Excellency SIR JOHN FRANKLIN Knight Commander of the Royal Hanoverian Guelphic Order Knight of the Greek Order of the Redeemer and a Captain in Her Majesty's Royal Navy Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council that from and after the tenth day of January one thousand eight hundred and forty-one every Writ of Summons to compel the appearance of any defendant or defendants in any Action at Law to be brought in the said Supreme Court shall and may be served by any such person as may by law serve any Writ of Summons to compel the appearance of any defendant or defendants in any personal action brought in any of Her Majesty's Courts of Common Law at Westminster.

Judges may make Orders.

II. AND BE IT ENACTED that it shall be lawful for the Judges of the said Supreme Court to make in the present vacation such Orders as they may think fit touching the proof of the service of such Writs and touching the Cost of such service and every such Order shall have the same force and effect as a Rule of Court.

JOHN FRANKLIN.

Passed the Legislative Council this twenty-first day of December, one thousand eight hundred and forty,

RONALD C. GUNN, *Clerk of the Council.*