



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 299.

An Act to amend the "Local Courts Act, 1861."

[Assented to, February 28th, 1884.]

WHEREAS it is desirable to amend and declare the law with regard to the decisions of Local Courts of Full Jurisdiction —Be it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows :

Preamble.

1. Notwithstanding anything in the "Local Courts Act, 1861," contained, whenever in a Local Court of Full Jurisdiction, consisting of a Special Magistrate and two Justices of the Peace, two members of the Court shall have concurred or shall hereafter concur in any judgment, verdict, finding, decision, or order, the same shall not be invalid by reason only that the third member of the Court shall not have concurred therein ; but the concurrence of the majority of the members of the Court in any judgment, verdict, finding, decision, or order, shall suffice.

Absence of unanimity among members of Local Court of Full Jurisdiction not to invalidate past or future judgments, &c.

2. Notwithstanding anything to the contrary contained in the "Local Courts Act, 1861," it shall be lawful for any party to any action in any Local Court in whose favor any verdict or judgment has been given, unless the Court, Judge, or Special Magistrate shall otherwise order, to cause execution to be issued thereon forthwith after the same shall have been pronounced and entered in the record book.

Execution may issue.

3. No execution heretofore issued out of any Local Court shall be

Former executions validated.

The Local Courts Act Amendment Act.—1883-4.

be adjudged or be deemed unlawful or invalid solely on the ground that no order had been made for payment of the amount thereof, as required by section 111 of the said "Local Courts Act, 1861": Provided that nothing in this clause shall validate or affect any execution heretofore declared invalid by any Court, or in respect of the validity of which any litigation is now pending.

Court may nonsuit.

4. On the trial of any action in any Local Court, the Court, or in jury cases the Special Magistrate, may, at the close of the plaintiff's case, nonsuit the plaintiff, notwithstanding he objects to such nonsuit.

Act not to affect judgments, &c., already declared invalid.

5. This Act shall not apply to any judgment, verdict, finding, decision, or order heretofore declared invalid by the Supreme Court for want of unanimity among the members of any Local Court.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.