

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
5th August, 1913.

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE.]
Legislative Council, 22nd August, 1913.

Hon. Mr. Herdman.

MAGISTRATES' COURTS AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Magistrates' Courts Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

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1. This Act may be cited as the Magistrates' Courts Amendment Act, 1913, and shall form part of and be read together with the Magistrates' Courts Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

10 2. (1.) The Governor may from time to time, by warrant under his hand, appoint fit and proper persons to be Stipendiary Magistrates to exercise criminal and civil jurisdiction within New Zealand.

Appointment of Magistrates.

(2.) All Stipendiary Magistrates shall hold office during the pleasure of the Governor.

15 (3.) A person shall not be appointed a Magistrate unless,—
(a.) He is a barrister or solicitor of the Supreme Court of not less than five years standing; or

20 (b.) He has been continuously employed as Clerk of a Magistrate's Court for a period of at least ten years, and is a barrister or solicitor.

(4.) All Magistrates appointed under the principal Act and holding office on the commencement of this Act shall be deemed to have been appointed under this Act.

25 3. (1.) From and after the passing of this Act every Magistrate shall receive in each and every year a salary of seven hundred pounds:

Salaries.

Provided that the principal Magistrate exercising jurisdiction in Auckland, Wellington, Christchurch, and Dunedin respectively shall receive in each and every year a salary of eight hundred pounds.

30 (2.) All such salaries shall be paid out of the Consolidated Fund without further appropriation than this Act.

(3.) Nothing in this section shall be so construed as to reduce the salary received on the passing of this Act by any Magistrate.

Where Magistrate holds other office.

4. Where a Magistrate *at the commencement of this Act* holds in conjunction with his office as Magistrate any office to which the Public Service Act, 1912, applies the Governor in Council may, if he thinks fit, by notice in the *Gazette*, declare that such Magistrate shall in respect of his office as Magistrate, and notwithstanding anything in the last mentioned Act, be subject to the provisions of that Act; and in such case the provisions of the *last preceding* section shall not apply. 5

Allowances.

5. Every Magistrate shall be entitled to such travelling and other allowances as may be prescribed. 10

Civil jurisdiction of Court.

6. The civil jurisdiction of the Court includes the following matters:—

(a.) Breach of contract, or tort, where the amount claimed does not exceed two hundred pounds, excepting in actions for false imprisonment or illegal arrest, or for malicious prosecution, or for seduction, or for breach of promise of marriage: 15

(b.) Debt, where the sum claimed does not exceed two hundred pounds, whether such sum is the original amount of the debt, or a balance after allowing payment on account, or credit for goods supplied, or the amount of any other admitted set-off: 20

(c.) Partnership accounts, or disputes between partners, where the amount involved does not exceed two hundred pounds: 25

Struck out.

(d.) The recovery of compensation under the Workers' Compensation Act, 1908:

(e.) The attachment of debts not exceeding in amount the sum of two hundred pounds: 30

(f.) The enforcement of claims upon and the recovery of possession of some specific movable property the value whereof does not exceed two hundred pounds:

(g.) The recovery of possession of tenements, with or without arrears of rent or mesne profits,— 35

(i.) Where the claim is alleged to have arisen on the determination of a tenancy or occupation at a rental not exceeding the rate of two hundred and ten pounds by the year.

(ii.) In other cases, where the value of the tenement does not exceed two hundred pounds: 40

Struck out.

(h.) The grant of probate or of letters of administration where the estate does not exceed in value one hundred pounds.

(i.) Interpleader cases generally, when the value of the subject-matter in dispute does not exceed two hundred pounds: 45

(j.) Where the parties agree, by writing signed by them or their solicitors, that, whatever the amount or value of the subject-matter, but not in excess of five hundred pounds (provided the case is otherwise within the jurisdiction), the Court shall have jurisdiction: 50

(k.) The granting a writ of arrest for holding to bail any person about to quit New Zealand leaving unsettled a claim within the jurisdiction of the Court:

(l.) The settlement of disputes between any building society and its members, where the amount involved does not exceed two hundred pounds; and the recovery of moneys or enforcement of claims by or against any building society, and all other matters arising under the Building Societies Act, 1908, not exceeding in amount or value the sum of two hundred pounds.

7. The principal Act is hereby amended as follows:--

Repeals.

(a.) By repealing sections seven, eight, nine, and twenty-two to twenty-six;

(b.) By omitting from subsection one of section ten all words after the word "stead";

(c.) By omitting from section thirty the words "in its ordinary, extended, or special jurisdiction";

(d.) By omitting from section thirty-seven the words "(whatever his jurisdiction under this Act)";

(e.) By omitting from subsection one of section forty the words "some other Magistrate or"; by omitting the words "respective jurisdictions of the Magistrate or Justices so sitting, but within the jurisdiction of the Magistrate usually presiding in such Court," and substituting the words "jurisdiction of the Justices so sitting"; and by omitting the words "Magistrate or";

(f.) By omitting from subsection one of section sixty-three the words "appointed to exercise special jurisdiction in partnership matters";

New.

(ff.) By omitting from subsection two of section ninety-two the words "twenty pounds" and substituting the words "fifty pounds."

(g.) By omitting from subsection one of section one hundred and fifty-one the words "and in any action for libel or slander"; and by omitting from subsection four of the same section the words "In any action for libel or slander, if an application for removal is made, and"; and

(h.) By repealing section one hundred and fifty-nine.

Struck out.

8. Section ninety-two of the principal Act is hereby amended by omitting from subsection two the words "twenty pounds" and substituting the words "fifty pounds."

Section 92 of principal Act amended.

9. (1.) The Governor may from time to time, by warrant under his hand, appoint a fit person to be Magistrate, to exercise in the Chatham Islands such ~~civil and~~ criminal jurisdiction *and such civil jurisdiction* not ~~in any case~~ exceeding the *civil* jurisdiction conferred by this Act on Magistrates as the Governor directs.

Provision as to Chatham Islands.

(2.) A Magistrate so appointed shall hold office during the pleasure of the Governor, and shall receive in each and every year such salary as is from time to time appropriated for the purpose by Parliament.

(3.) Except as provided in this section, this Act shall not apply to a Magistrate appointed under this section.