



QUADRAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. 28.

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ANALYSIS.

- Title.
  - Preamble.
  - 1. Short Title.
  - 2. Application and affidavit may be made by officer or agent on behalf of corporation or incorporated company.
  - 3. Appeal in interpleader.
  - 4. Costs may be given where Court has no jurisdiction.
  - 5. Proof of deed.
- LOST INSTRUMENTS.
- 6. Actions on lost instruments.

AN ACT to amend "The Resident Magistrates Act, 1867." [19th December, 1879.]

WHEREAS it is expedient to amend "The Resident Magistrates Act, 1867:"

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

1. The Short Title of this Act is "The Resident Magistrates Act 1867 Amendment Act, 1879."

2. Whenever any corporation or incorporated company shall be a plaintiff in any Resident Magistrate's Court, the application and deposition on oath required by section thirty-four of "The Resident Magistrates Act, 1867," shall (if in other respects sufficient) be deemed sufficient if made by any officer, attorney, or agent of such corporation or incorporated company on behalf thereof.

3. An appeal from the decision of a Resident Magistrate or Justice of the Peace shall lie and may be had on the same ground, and subject to the same conditions, as are provided by the one hundredth section of "The Resident Magistrates Act, 1867," in all proceedings in interpleader where the moneys claimed, or the value of the goods or chattels claimed, or of the proceeds thereof, exceed ten pounds.

4. Whenever an action is brought in a Resident Magistrate's Court which such Court has no jurisdiction to try, the Resident Magistrate shall order the action to be struck out, and shall, unless the parties consent to the Court having jurisdiction to try the same, have power to award costs in the same manner, to the same extent, and

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*Resident Magistrates Act 1867 Amendment.*

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recoverable in the same manner, as if the Court had jurisdiction in the matter of such action and the plaintiff had not appeared, or had appeared and failed to prove his demand.

Proof of deed.

5. Any deed which has been attested may be proved and given in evidence in any action or proceedings in a Resident Magistrate's Court in the same manner as a document which does not require attestation.

LOST INSTRUMENTS.

Actions on lost instruments.

6. In case of any action founded upon a promissory note, bill of exchange, or other negotiable instrument, it shall be lawful for the Court to give judgment therefor as if the same were produced: Provided an indemnity is given to the satisfaction of the Court against the claims of any other person upon such negotiable instrument.

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