

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

*Legislative Council,  
10th August, 1888.*

*Hon. Mr. Stevens.*

## LOCAL COURTS PROCEEDINGS.

### ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Interpretation. 3. Enforcement of judgments of altered or abolished Courts.</p>	<p>4. Judgment summons may be obtained in Court other than where judgment obtained. 5. Proceedings pending in abolished or altered districts. 6. Validation of proceedings in Westland District Court.</p>
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### A BILL INTITULED

AN ACT to regulate Proceedings in Local Courts on the Alteration or Abolition of Districts, and to validate certain other Proceedings. Title.

WHEREAS, by Proclamation of the thirtieth day of May, one thousand eight hundred and eighty-eight, the Resident Magistrates' Districts of Greymouth, Hokitika, and Nelson South-west Goldfields were abolished as from the eleventh day of June last past, and the whole area comprised within the aforesaid three districts was constituted one district, called the District of Westland, and the same was declared to be a Resident Magistrate's district as from the aforesaid eleventh day of June: And whereas at the time of the abolition of the above-named districts certain proceedings in the Resident Magistrates' Courts in such districts were still pending, and it is necessary to make provision for the completion thereof, and also to make general provision in such behalf in case of the future alteration or abolition of the districts of any Local Court: And whereas, by Proclamation of the seventeenth day of April last past, the boundaries of the District Court Districts of Westland and Nelson were altered, and by error the Borough of Westport and part of the County of Buller were included in the Nelson District Court District, instead of in the District of Westland, as should have been, and so continued until, by Proclamation of the tenth day of July last past, the aforesaid error was corrected: And whereas, during the period whilst such error continued, proceedings were continued in the District Court of the District of Westland notwithstanding such error, and as if Westport and the part of the Buller County aforesaid were included in the said District of Westland: And whereas it is expedient to validate such proceedings: Preamble.

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 Local Courts Proceedings Act, 1888." Short Title.

Interpretation.

2. In this Act,—

“Judge of a Local Court” means and includes Judge of a District Court, Resident Magistrate of a Resident Magistrate’s Court, and Warden of a Warden’s Court :

“Local Court” includes District Court, Resident Magistrate’s Court, and a Warden’s Court : 5

“Local Court district” means the area comprised within a district wherein a Local Court has jurisdiction.

Enforcement of judgments of altered or abolished Courts.

3. Any Judge of a Local Court having jurisdiction within any area comprised within the limits of a Local Court district which has been altered in its boundaries or altogether abolished, on receiving from the late Clerk of the Local Court of the district so altered or abolished, or from the Clerk or officer having custody of the records of such Local Court, if abolished, a certificate of any judgment or order of such last-mentioned Court, and that the same has not been satisfied, may issue a distress or execution, and order such proceedings therein to enforce satisfaction of such judgment or order, as if the same had been originally obtained in his own Court. 10 15

Judgment summons may be obtained in Court other than where judgment obtained.

4. When a judgment creditor desires to apply for a judgment summons to a Local Court other than the Court in which the order or judgment was obtained, he shall obtain from the Clerk of the last-mentioned Court, or, if abolished, from the Clerk or officer having custody of the records of such Court, a certified copy of the order and judgment in the cause in the form prescribed by any regulations for the time being in force, and shall file the same with his application ; and upon such application the same proceedings may be had in the Court herein first above mentioned as could be had in the Court herein secondly mentioned. 20 25

Proceedings pending in abolished or altered districts.

5. All proceedings pending in the Local Court of any district which is altered or abolished may be continued to conclusion in any Local Court the Judge whereof has jurisdiction within any area comprised in the district so altered or abolished ; and for such purpose the said Judge shall be deemed to have all the jurisdiction of a Judge of the Court of the original district as existing previous to its alteration or abolition, as the case may be, and may issue any distress, execution, or warrant, and make such orders to enforce satisfaction of any judgment or order, and do all things necessary for the purpose of completing to their end or concluding any such proceedings pending as herein above first mentioned. 30 35

Validation of proceedings in Westland District Court.

6. The District Court District of Westland as constituted by Proclamation of the tenth day of July last past shall be deemed to have been so constituted as from the seventeenth day of April last past, notwithstanding any error occurring in the description of the said district as given in the Proclamation of the last-mentioned day ; and all proceedings had in the District of Westland, and all jurisdiction of the Judge of such District Court validly exercisable within the District of Westland after the tenth day of July last past, shall be deemed to have been validly exercised by such Judge within such district at any time on and after the seventeenth day of April last past. 40 45 50