

Hon. Mr. Rolleston.

MAGISTRATES' COURTS AMENDMENT.

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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:—

1. (1.) This Act may be cited as the Magistrates' Courts Amendment Act, 1926, and shall be read together with and deemed part of the Magistrates' Courts Act, 1908 (hereinafter referred to as the principal Act).

Short Title and commencement.

10 (2.) This Act shall come into force on the first day of January, nineteen hundred and twenty-seven.

2. (1.) The Magistrate appointed to exercise permanently the jurisdiction of the Magistrate's Court in the cities of Auckland, Wellington, Christchurch, and Dunedin respectively, or, if there is more than one Magistrate exercising such jurisdiction in any of the said cities, the principal Magistrate exercising such jurisdiction therein, shall be paid a salary at the rate of *one* thousand pounds a year.

Salaries of Magistrates.

(2.) All other Magistrates in New Zealand shall be paid a salary at the rate of *nine* hundred pounds a year.

20 (3.) All such salaries shall be paid out of the Consolidated Fund without further appropriation than this section.

(4.) For the purposes of this section the Minister of Justice may determine which of the several Magistrates who may for the time being be appointed to exercise permanently the jurisdiction of the Magistrate's Court in the cities of Auckland, Wellington, Christchurch, and Dunedin respectively shall be the principal Magistrate.

Repeal.

(5.) This section is in substitution for section two of the Magistrates' Courts Amendment Act, 1920, and that section is accordingly hereby repealed.

Attachment order may be made by Magistrate or Justices.

3. (1.) Section one hundred and thirty-two of the principal Act is hereby amended by omitting the words "the Court," where they first occur in the section, and substituting the words "a Magistrate exercising jurisdiction in the Court or, if no Magistrate is available, two or more Justices acting together"; and by omitting from the proviso the words "issuing the attachment," and substituting the words "from which the attachment order issued." 5 10

(2.) The jurisdiction conferred by virtue of this section on two or more Justices to make an attachment order under section one hundred and thirty-two of the principal Act shall extend as far as that exercisable by the Magistrate thereunder.

(3.) Section one hundred and thirty-three of the principal Act is hereby amended by omitting the words "as the Court appoints," and substituting the words "as may be appointed in the order," and by adding thereto the following proviso:— 15

"Provided that no sub-debtor shall be required hereunder to attend at any Court or place more than twenty miles from the place where he resides or carries on business." 20

(4.) Section one hundred and thirty-four of the principal Act is hereby amended by omitting the words "as the Court directs," and substituting the words "as is directed by the Magistrate or Justices."

(5.) Section one hundred and thirty-eight of the principal Act is hereby amended by adding thereto the words "or of the Magistrate or Justices, as the case may be." 25

Disposal of money paid into Court pursuant to attachment order.

4. Where money is paid into Court pursuant to an attachment order made under section one hundred and thirty-two of the principal Act, such money shall not be paid out except pursuant to an order of a Magistrate. Such order may be made on the *ex parte* application of the judgment creditor, and no fee shall be payable thereon. 30

Section 153 of principal Act (as to appeals) amended.

5. Section one hundred and fifty-three of the principal Act is hereby amended by repealing subsection two thereof and substituting the following:— 35

"(2.) Notice of appeal shall be in writing and shall be served on the opposite party and a duplicate thereof shall be left with the Clerk. It shall not be necessary to state in such notice the grounds of appeal."