

NEW ZEALAND.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

ANALYSIS.

Preamble.	3. Appeals.
1. Short Title.	4. Costs.
2. Civil Jurisdiction.	5. Commencement of Act.

A BILL INTITULED :

**An Act for the extension of the Jurisdiction of Resident Magistrates in civil cases in certain places.**

**W**HEREAS it is expedient that provision should be made for Preamble.  
extending the Jurisdiction of Resident Magistrates' Courts  
in civil cases in places within the Colony where it may be required.

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

I. The short title of this Act shall be "the Resident Short Title.  
Magistrates' Jurisdiction Extension Act, 1862."

II. Every case of a claim for debt or damages such as may at Civil Jurisdiction.  
present be lawfully tried in a Resident Magistrate's Court where the Debt or Damages claimed do not exceed twenty pounds may be tried in any Resident Magistrate's Court with respect to which this Act shall be in operation when the Debt or Damages claimed do not exceed Fifty Pounds. Provided that the Governor may by proclamation in the *Government Gazette* of the Colony declare that the limit of Jurisdiction of any such Court shall be extended to £100 and such limit of Jurisdiction shall be in such case extended accordingly.

III. Whenever the sum claimed exceeds Twenty Pounds Appeals.  
(or by leave of a Resident Magistrate where the sum exceeds £5 but does not exceed £20) either party deeming himself aggrieved by the decision of the Resident Magistrate in point of law may on giving security to the satisfaction of the Resident Magistrate for the execution of the final order appeal to the Supreme Court and such appeal shall be by way of special case and shall be subject to the rules of practice of the Supreme Court touching special cases stated in the course of the proceedings of that Court. And if the parties do not agree in the statement of the case in writing the Resident Magistrate shall upon the request of either party settle the case. The party appealing shall transmit the case to the Registrar of the Supreme Court and the same shall be set down for hearing at the next practicable sitting of the Court *in banco*. If the applicant do not appear in person or by

counsel the appeal shall be dismissed. The Registrar of the Supreme Court shall transmit to the Resident Magistrate a memorandum of the decision of the Supreme Court and such proceedings shall be had thereupon as if such decision had been given in the Resident Magistrate's Court. The costs of the appeal shall abide the decision of the case.

Costs.

IV. If any Plaintiff in an action in the Supreme Court recover no greater amount than he might have recovered in the Resident Magistrate's Court he shall be entitled to no more costs than he would have been entitled to in the Resident Magistrate's Court unless the Judge before whom the case is tried shall certify that the same was a proper case to be brought in the Supreme Court.

Commencement of Act.

V. This Act shall come into force in respect of any Resident Magistrate's Court on a day to be determined by a Proclamation in the *Government Gazette* pursuant to an order of the Governor in Council.