

New Zealand.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. 5.

ANALYSIS.

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| Title. | 5. If the Court or a Judge at Chambers make an order the plaintiff to have costs. |
| Preamble. | 6. Power to Governor to fix costs of solicitors. |
| 1. Short Title. | 7. Time and method of bringing Act into operation. |
| 2. Extension of civil jurisdiction. | 8. District Courts Acts of 1858 and 1865 to continue to apply to District Courts in which this Act is in operation except where inconsistent herewith. |
| 3. Plaintiff recovering in Supreme Court a sum not exceeding £200 when District Court has jurisdiction to have no costs. | |
| 4. Judge at trial may certify to entitle plaintiff to costs. | |

AN ACT for extending the jurisdiction of District Courts. [1st September 1866.]

WHEREAS it is expedient that the Governor should be empowered to extend the jurisdiction of District Courts 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 District Courts Jurisdiction Extension Act 1866.”

II. Every case of a civil nature such as may at present be lawfully tried in a District Court when the claim or demand shall exceed twenty pounds and not exceed one hundred pounds may be tried in any District Court with respect to which this section of this Act shall be in operation when the claim or demand shall exceed twenty pounds and not exceed two hundred pounds provided that in every such case where the claim or demand exceeds one hundred pounds it shall be at the election of the party suing or proceeding whether he will sue or proceed in a District Court or in the Supreme Court of New Zealand.

III. If in any action commenced in the Supreme Court for any cause of action when the claim or demand exceeds one hundred pounds and does not exceed two hundred pounds and is of such a nature as might have been tried in a District Court with respect to which this section of this Act may be in operation the plaintiff shall recover a sum not exceeding one hundred pounds the plaintiff shall have judgment to recover such sum only and no costs except in cases hereinafter provided and except in the case of judgment by default and except in actions under “The Summary Procedure on Bills Act 1862” and it shall not be necessary to enter any suggestion on the record to deprive such plaintiff of costs nor shall any such plaintiff be entitled to costs by reason of any privilege as a solicitor or officer of such Court or otherwise.

District Courts Jurisdiction Extension.

Judge at trial may certify to entitle plaintiff to costs.

IV. Provided always that in any action in which the plaintiff shall not be entitled to recover his costs by reason of the third section of this Act if the plaintiff recover a sum not exceeding one hundred pounds by verdict and the Judge before whom such verdict shall be obtained shall certify on the back of the record that it appeared to him at the trial that the cause of action was one for which a plaint could not have been entered in any such District Court as aforesaid or that it appeared to him at the trial that there was a sufficient reason for bringing the said action in the Supreme Court the plaintiff in such case shall have the same judgment to recover his costs that he would have had if this Act had not been passed.

If the Court or a Judge at Chambers make an order the plaintiff to have costs.

V. Provided also that in any action in which the plaintiff shall not be entitled to recover his costs by reason of the provisions of the third section of this Act whether there be a verdict in such action or not if the plaintiff shall make it appear to the satisfaction of the Supreme Court or to the satisfaction of a Judge at Chambers upon summons that the said action was brought for a cause for which no plaint could have been entered in any District Court or that the said action was removed from a District Court by *certiorari* or that there was sufficient reason for bringing such action in the Supreme Court then and in any of such cases the Supreme Court or the said Judge at Chambers may by rule or order direct that the plaintiff shall recover his costs and thereupon the plaintiff shall have the same judgment to recover his costs that he would have had if this Act had not been passed.

Power to Governor to fix costs of solicitors.

VI. It shall be lawful for the Governor to frame rules and orders for fixing regulating and assessing the amount of costs payable to solicitors in respect of all civil proceedings under this Act and "The District Courts Act 1858" and also in actions tried by consent under the seventeenth clause of "The District Courts Act 1858" and such rules and orders from time to time to rescind suspend alter and amend and such original or amended rules and orders or any rules and orders rescinding the same shall be in force in any District Court respectively from a day to be fixed by the Governor by proclamation in the *New Zealand Gazette* and all costs fixed regulated or assessed in pursuance thereof shall be payable and recoverable in manner provided with respect to solicitors' costs under "The District Courts Act 1858."

Time and method of bringing Act into operation.

VII. It shall be lawful for the Governor by proclamation published in the *New Zealand Gazette* to bring into operation with respect to any District Court from and after a day to be named in such proclamation either the whole of this Act or such sections thereof as to him may seem fit and at any time to revoke or cancel any such proclamation and on any such proclamation of cancellation or revocation being published in the *New Zealand Gazette* the powers conferred by this Act or by any clauses thereof shall cease to be exercised by such District Court Provided always that such proclamation of revocation or cancellation shall not be held to prevent the issue of warrants of distress or commitment or otherwise enforcing satisfaction of any judgment obtained in such District Court previous to the publication of such proclamation.

District Courts Acts of 1858 and 1865 to continue to apply to District Courts in which this Act is in operation except where inconsistent herewith.

VIII. All the provisions of "The District Courts Act 1858" and "The District Courts Act Amendment Act 1865" so far as the same are applicable and are not inconsistent herewith shall continue to apply to the District Courts with respect to which this Act is in operation.

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