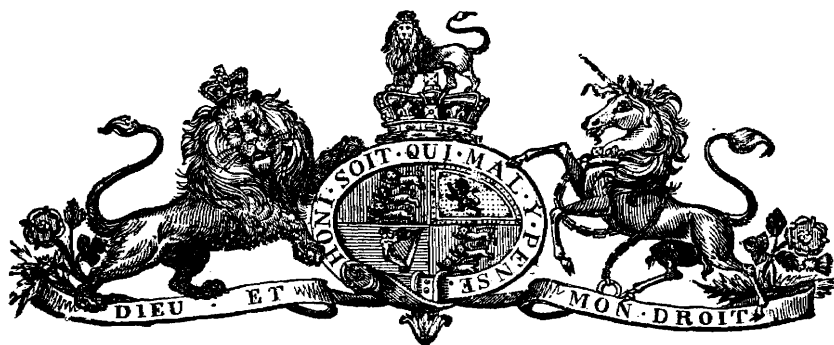


NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 35.

ANALYSIS:

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| 1. Resident Magistrates to be appointed by Governor. | 6. How Judgment may be enforced. |
| 2. Resident Magistrate to have power of two Justices. | 7. Resident Magistrate may delay enforcing Judgment against an aboriginal native. |
| 3. Minors may sue. | 8. A person cannot be imprisoned twice for same debt. |
| 4. Resident Magistrate may direct that process of Court may be served by other than Bailiff. | 9. Goods of persons imprisoned may be seized. |
| 5. Resident Magistrate may grant a re-hearing. | 10. Fees to be taken. |
| | 11. If Resident Magistrate's Court cannot be held, it may be adjourned by the Clerk. |
| | 12. Short Title. |

AN ACT to make further provision for the administration of Justice in Resident Magistrates' Courts, in the Colony of New Zealand. [4th August, 1858.]

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

I. After this Act shall come into operation every Resident Magistrate in the Colony of New Zealand, shall be appointed and may be removed by the Governor acting in the name and on behalf of Her Majesty, and by no other person whomsoever: Provided always, that every appointment of a Resident Magistrate heretofore made by the Superintendent of any Province, shall be deemed and taken to have been valid, from the time the same was made: Provided also, that every Resident Magistrate

Resident Magistrate to be appointed by Governor.

Resident Magistrates' Courts.

now acting, whether appointed by the Governor or by the Superintendent of any Province, shall, for all purposes whatsoever, be deemed and taken to have been appointed under this Act.

Resident Magistrate to have power of two Justices.

II. Every Resident Magistrate shall have all such powers, unless otherwise specially provided, as now are, or hereafter may be, exercised by any two Justices of the Peace.

Minors may sue.

III. It shall be lawful for any person under the age of Twenty one years to prosecute a suit in any Resident Magistrates' Court for wages or piece work, or for works as a servant, in the same manner as if such person were of full age.

Resident Magistrate may direct that process of Court may be served by other than Bailiff.

IV. The Process of the Court may be served by the Bailiff or his Assistants, or by any other person the Resident Magistrate may think fit to direct.

Resident Magistrate may grant a re-hearing.

V. It shall be lawful for any Resident Magistrate, or any two or more Justices of the Peace, before whom any Civil case shall have been heard, in his or their discretion, to grant a re-hearing of such case upon such terms as to him or them shall seem fit, and in the mean time, to stay execution.

How Judgment may be enforced.

VI. In every case of a civil nature, excepting where both parties are of the Native race, judgment may be enforced by Distress and Sale of the Defendant's Goods and Chattels, or by imprisonment, in the same manner as an order for payment of money, by any Justice of the Peace in a summary proceeding.

Resident Magistrate may delay enforcing Judgment against an aboriginal native.

VII. It shall be lawful for any Resident Magistrate to delay, so long as he shall deem it expedient to do so, the enforcing of any judgment obtained in such Resident Magistrate's Court, against an aboriginal Native.

A person cannot be imprisoned twice for same debt.

VIII. When any person shall have been imprisoned under Civil process from any Resident Magistrate's Court, he shall not be liable at any time thereafter to be taken again in execution for any debt or sum of money in respect of which he has been so imprisoned, provided that as against the effects of such person whatsoever and wheresoever the judgment under which he shall have been so imprisoned as aforesaid, shall be of as full force and effect as if the body of such person had never been taken in execution by virtue thereof.

Goods of persons imprisoned may be seized.

IX. If any Money, Goods, or Chattels, be found and proved to be the property of any person imprisoned under process from any Resident Magistrates' Court, or under the adjudication of two Justices of the Peace, the same may be seized and sold for the benefit of the party at whose suit he shall have been so imprisoned.

Fees to be taken.

X. The Fees to be taken in respect of any proceedings in any Resident Magistrate's Court may be varied, abolished, and fixed as the Governor in Council shall from time to time direct and appoint.

Resident Magistrates' Courts.

XI. If from any cause a Resident Magistrate's Court cannot be held on the day appointed for the same, the clerk may adjourn the Court to such day as he may deem convenient.

If Resident Magistrate's Court cannot be held it may be adjourned by the Clerk.

XII. The Short Title of this Act shall be "The Resident Magistrate's Court Act, 1858."

Short Title.