



ANNO QAUDRAGESIMO TERTIO ET QAUDRAGESIMO  
QUARTO

VICTORIÆ REGINÆ.

A.D. 1880.

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No. 195.

An Act to extend the Jurisdiction of Local Courts.

[Assented to, October 28th, 1880.]

**W**HEREAS the establishment of Local Courts in different parts of the province has proved of great benefit to the public: And whereas it is desirable to extend the jurisdiction of such Courts—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly, in this present Parliament assembled, as follows:

Preamble.

PART I.

PART I.

ORDINARY JURISDICTION EXTENDED.

**1.** From and after the passing of this Act Local Courts of Full Jurisdiction shall have cognizance of—

Extension of jurisdiction.

All personal actions where the debt or damage claimed is not more than Four Hundred Pounds:

And shall have jurisdiction in all proceedings under Part XII. of the "Local Court Act, 1861," in all cases where neither the value of the premises nor the rent payable in respect thereof shall exceed One Hundred Pounds by the year:

And in actions of ejectment under Part XIII. of the said Act, where the land of which possession is claimed shall be of the value of not more than Four Hundred Pounds:

and the sections of the "Local Court Act, 1861," hereinafter mentioned shall be altered and amended as follows—

Section 23 shall be read and have effect as if the words "Four Hundred Pounds" were therein inserted, in the fourth and seventh lines thereof, in lieu of the words "One Hundred Pounds":

Sections

*Local Courts Act.—1880.*PART I.

Sections 150 and 152 shall be read and have effect as if the words "One Hundred" were therein inserted in lieu of the words "Fifty-two":

Sections 159 and 162 shall be read and have effect as if the words "Four Hundred Pounds" were therein inserted in lieu of the words "One Hundred Pounds."

Practitioners' costs  
and Court fees accord-  
ing to certain scale.

2. Practitioners of the Supreme Court shall, as between party and party, be entitled to receive in respect of actions, from the party liable to pay them, such costs and charges as are specified in the Schedule hereto in respect of the matters therein referred to, until such charges shall be altered by any rules framed pursuant to this Act: and the Court fees in any case for the recovery of an amount exceeding One Hundred Pounds, shall be on the highest scale fixed under the "Local Court Act, 1861."

Incorporation.

3. This Act and the "Local Court Act, 1861," and the Acts amending the same, except in so far as the same are altered by this Act, shall be incorporated, read, and construed together accordingly.

PART II.

## PART II.

## INSOLVENCY JURISDICTION.

Local Courts may be  
proclaimed Local  
Courts of Insolvency.

4. The Governor may, by Proclamation in the *Government Gazette*, establish, constitute, and appoint any Local Court to be a Local Court of Insolvency.

Powers of Local  
Courts of Insolvency.

5. All powers, functions, and duties now vested by the law of the said province in the Court of Insolvency referred to in "The Insolvency Act, 1860," and any Act for the time being in force relating to the Court of Insolvency, and the Acts amending the same, are hereby vested in and shall be exercisable by such Local Court of Insolvency; and there shall be the same right of appeal to the Supreme Court from certificates and judgment granted and made by any Local Court in its Insolvency Jurisdiction as from the said Court of Insolvency, and all enactments referred to in this section are hereby incorporated with the Act, so far as the same do not conflict with the provisions hereof.

Officers of Court.

6. Every Special Magistrate of any Local Court of Insolvency, without any further or other appointment than this Act, shall, in respect of insolvency matters coming before him, have and exercise the powers, functions, duties, and immunities of the Commissioner of Insolvency, and the Clerk of every such Court shall, without any further or other appointment than this Act, have and exercise the powers, functions, duties, and immunities of the Official Assignee, Accountant, and Registrar of the Court of Insolvency, and the bailiff of every Court, without any further or other appointment than this Act, shall have and exercise the powers, functions, duties, and immunities of the messenger of the Court of Insolvency.

7. The

*Local Courts Act.—1880.*

## PART II.

7. The Insolvency Jurisdiction hereby conferred shall be concurrent with that of the Court of Insolvency, and it shall be lawful for the Commissioner of the Court of Insolvency, at his discretion, and having regard to the wishes of creditors, to order that any insolvency proceedings in the Court of Insolvency shall be removed to any Local Court of Insolvency, and for the Special Magistrate of any Local Court of Insolvency, guided by similar principles, to order that any insolvency proceedings in such Court shall be removed to the Court of Insolvency, and upon such order being made, the whole of the proceedings in the matter referred to, with a copy of such order, shall be transmitted in pursuance of such order, and the same shall thereupon become records of the Court whereto the same shall be removed.

Proceedings may be removed.

8. Any auctioneer or bailiff who shall have in his possession any moneys belonging to the estate of any insolvent may be summoned by the Clerk before the Special Magistrate of any Local Court of Insolvency, who, upon such evidence as he shall in his discretion think sufficient as to the possession of such moneys by such auctioneer or bailiff, order such auctioneer or bailiff to pay the amount into Court within a time to be named in such order. Any auctioneer or bailiff not obeying such order may be committed by the Special Magistrate for contempt of Court in a summary way, and, in addition thereto, execution may be issued against the goods, chattels, and effects of such auctioneer or bailiff, and such order may be removed as a judgment into the Supreme Court, and execution issued thereout accordingly.

Auctioneer or bailiff not accounting.

9. The Court of Insolvency shall from time to time make such rules and orders as it may think fit for regulating the practice of Local Courts of Insolvency, and the forms of proceedings and notices, and generally for the better carrying this part of the Act into execution: Provided that no such rules or orders shall be of any force or effect until they shall have been approved by the Chief Justice of the Supreme Court, and, being confirmed by the Governor, shall have been published in the *Government Gazette*: Provided also that until such rules and orders shall be in operation the rules and orders of the Court of Insolvency, so far as they may be applicable, shall be binding and operative.

Rules may be made.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.

## SCHEDULE.

*Practitioners' Fees.*

	£100 and under.	Over £100 and Under £200.	£200 and under £300.	£300 and under £400.	£400.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For taking instructions, letter before action, and entering appearance ..	3 0 0	4 0 0	4 0 0	4 0 0	4 0 0
Getting up case for trial, preparing summons for witnesses, notice to admit and produce, and also for interlocutory proceedings, unless a Special Magistrate shall order the payment of the costs of such interlo- cutory proceedings, and then such sum as the Magistrate shall order..	2 0 0	3 0 0	3 0 0	4 0 0	4 0 0
Attending trial .....	2 0 0	3 0 0	3 0 0	3 0 0	3 0 0
Counsel's fees .....	5 5 0	7 7 0	7 7 0	10 10 0	10 10 0
Notice by claimant to bailiff, with par- ticulars to be filed in interpleader matters (other charges same as in ordinary action) .....	1 0 0	1 0 0	1 0 0	1 0 0	1 0 0
Taking instructions for new trial, draw- ing notice thereof, and affidavits in support .....	2 0 0	3 0 0	3 0 0	4 0 0	4 0 0
Attending making application .....	2 0 0	2 0 0	3 0 0	3 0 0	3 0 0

Same costs as allowed by Local Court Act, 1861.