



ANNO QUINQUAGESIMO SECUNDO ET QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1889.

No. 464.

An Act to amend the "Local Courts Act, 1886."

[Assented to, December 6th, 1889.]

WHEREAS it is desirable to amend the "Local Courts Act, 1886"—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 of the said province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited as "The Local Courts Act Amendment Act, 1889," and shall be incorporated and read as one with the "Local Courts Act, 1886." Short title.

2. It shall not hereafter be necessary, before applying to any Local Court or Special Magistrate for an *ex parte* order, to attach debts due to a judgment debtor, as provided by section 164 of the "Local Courts Act, 1886," to summon the judgment debtor, as provided by section 162 of the said Act; but a Local Court or Special Magistrate may grant such order for attachment upon the judgment creditors satisfying such Court or Special Magistrate that a sum of money capable of being attached is in the hands of the proposed garnishee, payable by him presently or at some future time to the said judgment debtor. Upon any such order being obtained the proceedings thereon shall be in all respects the same as if the judgment debtor had been duly summoned, and had been examined, and an order made pursuant to section 164 of the said "Local Courts Act, 1886." Garnishee.

3. When notice demanding a jury shall be given, pursuant to section 49 of the "Local Courts Act, 1886," and in the opinion of the Special Magistrate in certain jury cases may order proceedings to Special

The Local Courts Act Amendment Act.—1889.

be transferred to
another Court.

Special Magistrate for the time being of the Court where such action shall have been commenced a jury cannot conveniently be obtained, or unnecessary expenses would be incurred in summoning a jury, such Special Magistrate may at any time, in the exercise of his own discretion, upon the application of either party, order such case to be heard and determined at such other Local Court where, in his opinion, a jury can be more conveniently or inexpensively summoned, and thereupon all proceedings in respect of such action shall be transferred to the Local Court named by the Special Magistrate in such order, and notice of trial shall be sent to the parties in such action by the Clerk of the Court to which such proceedings shall have been transferred.

Any additional costs incurred by either party incidental to the transfer of such proceedings shall be in the discretion of the Special Magistrate making such order, or the Court, at the hearing of the case.

Interpleader restrict-
ing claim for damages.

4. No action shall be brought or claim for damages made against any bailiff or assistant bailiff of any Local Court by any claimant of goods or chattels taken in execution, except for negligence in executing the warrant; and nothing in the said Local Courts Act shall give to any claimant whose goods or chattels shall be taken in execution any claim against the execution creditor for damages in respect of such seizure other than he would have at common law.

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

KINTORE, Governor.