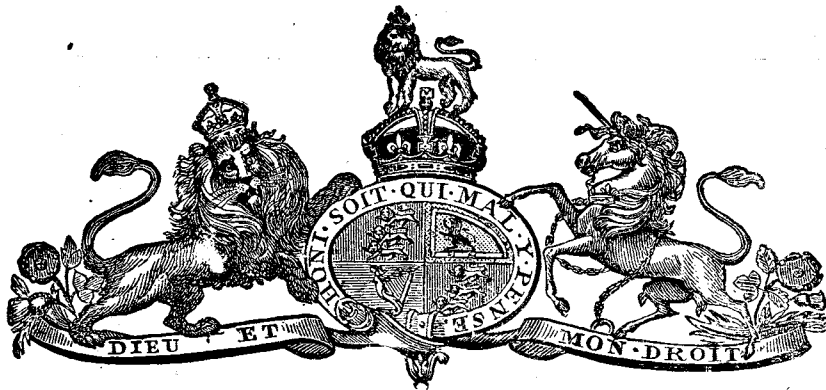


T A S M A N I A



1917.

ANNO OCTAVO

GEORGII V. REGIS.

No. 16.

ANALYSIS.

- 1. Short title.
- 2. Amendment of Section 17 of 60 Vict. No. 48.
Jurisdiction of Supreme Court and sittings thereof under this Act.
Sittings at Hobart and Launceston.
Summonses to sittings at places other than Hobart and Launceston.
Applications to have time fixed for hearing summonses at places other than Hobart and Launceston.

- Registrar to notify parties or their attorneys.
- No action, &c., which can be brought before court of requests, &c., to be brought before judge of Supreme Court except by leave of judge.
- Costs.
- Existing forms may be altered to meet cases.
- 3. Equitable claims.



AN ACT to further amend "The Local Courts Act, 1896," and for other purposes. A.D. 1917.

[23 November, 1917.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Local Courts Amendment Act, 1917."

Local Courts Amendment.

A.D. 1917.

Amendment of
Section 17 of
60 Vict. No. 48.
64 Vict. No. 31.
Jurisdiction of
Supreme Court
and sittings
thereof under this
Act.

Sittings at
Hobart and
Launceston.
Summonses to
sittings at places
other than Hobart
and Launceston.

Applications to
have time fixed
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summonses at
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Registrar to notify
parties or their
attorneys.

No action, &c.,
which can be
brought before
court of
requests, &c., to
be brought before
judge of
Supreme Court,
except by leave
of judge.

Costs.

Existing forms
may be altered to
meet cases.

2 Section Seventeen of "The Local Courts Act, 1896," as re-enacted by Section Four of "The Local Courts Amendment Act, 1900," is hereby repealed, and the following section inserted in its stead :

"**17** (1) Sittings of the Supreme Court may be held at such places as the judges of the Supreme Court may by rule or order appoint, before a judge of such Court, for hearing and determining actions and proceedings in accordance with the provisions of this Act. for the recovery of debts and demands to an amount not exceeding Three hundred Pounds, and for hearing and determining actions of ejectment in accordance with the provisions of this Act.

"Sittings shall continue to be held at the places where the same are now held, unless and in so far as any such rule or order shall otherwise appoint.

"(2) Rules or orders appointing sittings for Hobart and Launceston shall fix the respective times of such sittings.

"(3) Notwithstanding anything contained in this Act or the general rules of practice, all summonses issued in courts other than those held at Hobart and Launceston, shall command the defendant or other person to whom such summonses are addressed to appear at a day and hour to be fixed by the registrar.

"(4) At any time after a defence has been filed in any action or proceeding, a plaintiff, or, after Thirty days have elapsed from the filing of such defence, a defendant, desirous of having a time fixed for the hearing of the action or proceeding, may apply to the Registrar of the Supreme Court sitting in its jurisdiction under this Act at the place where the plaint has been issued, to fix a day for such hearing.

"The Registrar shall forthwith notify such application to the Judges' Associate at Hobart, and thereupon a judge shall appoint a day and hour for such hearing, and cause the Registrar to be informed thereof.

"The Registrar shall forthwith fix such day and hour as the day and hour for the hearing of such action or proceeding, and shall thereupon give at least Fifteen days' notice thereof, as may be prescribed by the rules of practice, to the parties to the action or proceeding, or their attorneys.

"(5) If in any place where sittings of the Supreme Court are appointed to be held, a court of requests or a court of general sessions of the peace is established, no action or proceeding shall be brought before a judge of the Supreme Court, sitting in its jurisdiction under this Act, for an amount equal to or less than the amount to which the jurisdiction of such court of requests or court of general sessions of the peace is limited, and which may be brought therein, except by leave of a judge of the Supreme Court.

"The costs of any action or proceeding so brought by leave of such judge may, irrespective of the amount for, or in respect of, which such action or proceeding is brought, be awarded by a judge of the Supreme Court according to any scale he thinks fit.

"(6) Existing forms may be altered so as to give effect to the provisions of this section."

Local Courts Amendment.

3 After Section Thirty-two of the Principal Act the following **A.D. 1917.**
section is inserted:—

“**32a** In any case in which a person has an equitable claim or demand against another person in respect of which the only relief sought is the recovery of a sum of money or of damages, whether liquidated or unliquidated, and the amount claimed does not exceed the sum to which the jurisdiction of the court is limited, the person seeking to enforce the claim or demand may sue for and recover it in the court.”

Equitable claims.

