

District Courts Act 1880

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An Act to amend the Law relating to District Courts.

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

1 Short Title.

The Short Title of this Act is “The District Courts Act, 1880.”

2 Repeal.

The third section of “The District Courts Proceedings Validation Act, 1879,” is hereby repealed.

3 Probate and administration heretofore granted by District Courts valid.

All probates of wills and letters of administration heretofore granted by the respective Judges of the District Courts shall be as good and valid as if the same had been granted by the Supreme Court.

4 Judge of District Court may grant probate and administration in certain cases.

The Judge of every District Court shall have the same power as the Supreme Court to grant probates of wills and letters of administration within his own district, unless a Judge of the Supreme Court resides at the time of the granting of the same within such district.

During the temporary absence of a Judge of the Supreme Court from his usual place of residence in any such district he shall be deemed not to be resident therein.

5 Orders of Court under “Debtors and Creditors Act, 1876,” how enforceable.

Every District Court shall have the same power and authority to enforce orders made by it under “The Debtors and Creditors Act, 1876,” and any Act amending the same, as the Supreme Court has to enforce its orders made under the said Acts.

6 Costs may be given where Court has no jurisdiction.

Whenever any action is brought in a District Court which such Court has no jurisdiction to try, the Judge shall order the action to be struck out, and shall, unless the parties consent to the Court having jurisdiction to try the same, have power to award costs in the same manner, to the same extent, and recoverable in the same manner as if the Court had jurisdiction in the matter of such action, and the plaintiff had not appeared, or had appeared and failed to prove his demand.

7 When Deputy Judge to act.

The power by the ninth section of “The District Courts Act, 1858,” given to a Deputy Judge to act during the absence of the District Judge shall extend to occasions on which the District Judge certifies that he is unable to perform his duties by reason of his being engaged in the performance of other duties under the Government, either within or without the district for which he was appointed.