

New South Wales.



ANNO TRICESIMO NONO

VICTORIÆ REGINÆ.

No. XXXVIII.

CLAIMS AGAINST
THE COLONIAL
GOVERNMENT.

An Act to enforce Claims against the Colonial Government and to give Costs in Crown Suits. [Reserved—23rd March, 1876.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Repeal of Acts 20
Vict. No. 15 and 24
Vict. No. 27.

Claimant may
petition Governor.

Governor may
appoint nominal
defendant.

1. The Acts twentieth Victoria number fifteen and twenty-fourth Victoria number twenty-seven except as to proceedings already commenced under the said Acts are hereby repealed.

2. Any person having or deeming himself to have any just claim or demand whatever against the Government of this Colony may set forth the same in a petition to the Governor praying him to appoint a nominal defendant in the matter of such petition and the Governor with the advice of the Executive Council may by notification in the *Gazette* appoint any person resident in the Colony to be a nominal defendant accordingly. Provided that if within one month after presentation of such petition no such notification be made the Colonial Treasurer for the time being shall be the nominal defendant.

Claims against the Colonial Government.

3. The petitioner may sue such nominal defendant at law or in equity in any competent Court and every such case shall be commenced in the same way and the proceedings and rights of parties therein shall as nearly as possible be the same and judgment and costs shall follow or may be awarded on either side as in an ordinary case between subject and subject.

4. The nominal defendant in any case under this Act shall not be individually liable in person or property by reason of his being such defendant.

5. In any action or suit under this Act all necessary judgments decrees and orders may be given and made and shall include every species of relief whether by way of specific performance or restitution of rights or recovery of lands or chattels or payment of money or damages.

6. In any action or suit by the Crown or Attorney General on behalf of the Crown costs shall follow or may be awarded as in an ordinary case between subject and subject.

7. The Colonial Treasurer shall pay all damages and costs adjudged against any such nominal defendant or costs awarded against the Crown or Attorney General under this Act out of any moneys in his hands then legally applicable thereto and forming part of or belonging to the Consolidated Revenue of this Colony or thereafter voted by Parliament for that purpose and in the event of such payment not being made within sixty days after demand execution may be had for the amount and the same be levied upon any property vested in the Government of this Colony but not upon any property real or personal vested in it on behalf of the Imperial Government or to which such last-mentioned Government has any claim or is in anywise entitled.

8. The Judges of the Supreme Court may make general rules not inconsistent with this Act for carrying the same into effect and such rules on being published in the *Gazette* shall have the force of law provided that copies of all such rules shall be laid before both Houses of Parliament within seven days after publication thereof or if Parliament be not sitting then within seven days after the commencement of the Session next following such publication and if either House shall at any time by resolution disapprove of such rules or any of them the rule or rules so disapproved of shall on notification of such resolution to the Chief Justice cease and determine.

9. This Act may be cited as the "Claims against the Colonial Government Act."

Petitioner may sue
as in ordinary cases.

Limited liability of
nominal defendant.

Nature of relief
afforded by judge-
ment.

Treasurer to pay
damages awarded.

Rules of Court.

Short title.