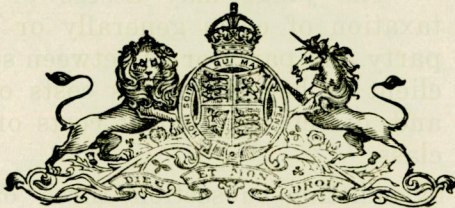


New South Wales.



ANNO UNDECIMO

GEORGII VI REGIS.

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Act No. 1, 1947.

An Act to amend the Damages (Infants and Persons of Unsound Mind) Act, 1929, in certain respects; and for purposes connected therewith. [Assented to, 21st March, 1947.]

**B**E it enacted by the King'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:—

1. (1) This Act may be cited as the "Damages (Infants and Persons of Unsound Mind) Amendment Act, 1947." Short title and citation.



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*Damages (Infants and Persons of Unsound Mind) Amendment.*

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(2) The Damages (Infants and Persons of Unsound Mind) Act, 1929, as amended by this Act, may be cited as the Damages (Infants and Persons of Unsound Mind) Act, 1929-1947.

Amendment  
of Act No.  
25, 1929.

**2.** The Damages (Infants and Persons of Unsound Mind) Act, 1929, is amended—

Sec. 2.  
(Application  
of Act.)

(a) by omitting from subsection one of section two the figures “1925” and by inserting in lieu thereof the figures “1926”;

Sec. 7.  
(Costs.)

(b) (i) by inserting at the end of subsection two of section seven the words:—

“The judge may assess or direct the taxation of costs generally or as between party and party or as between solicitor and client or he may assess costs of one class and direct taxation of costs of the other class.”

(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) (a) Where any such costs have been directed to be taxed (whether generally or as between party and party or as between solicitor and client), the costs of the plaintiff, or if more than one, of all the plaintiffs, in the action or matter or settlement or compromise or incident to the claims therein or consequent thereon, shall be taxed in accordance with such direction.

(b) Where the amounts payable as costs have been determined by assessment or taxation—

(i) the respective amounts and the difference, if any, and the proportion of such difference, if any, payable by or out of the moneys of the infant or person of unsound mind, shall be certified by the judge or by the taxing officer;

(ii)



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*Damages (Infants and Persons of Unsound Mind) Amendment.*

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- (ii) no costs other than those so certified to be payable shall be payable to the solicitor for the plaintiff by, or out of the moneys of, the infant or person of unsound mind.
- (iii) by inserting at the end of the same section the following new subsection:—

(5) Where application is made under subsection two of this section to a judge to assess the costs of the infant or person of unsound mind the judge may refer the application to the proper officer for consideration and report.

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By Authority:

THOMAS HENRY TENNANT, Government Printer, Sydney, 1947.

[3d.]

Lawyer (Infants and Persons of Unsound Mind) Amendment.

- (ii) no costs other than those so certified to be payable shall be payable to the solicitor for the plaintiff or out of the moneys of the infant or person of unsound mind.
- (iii) by inserting at the end of the same section the following new subsection:—
  - (2) Where application is made under subsection two of this section to a judge to assess the costs of the infant or person of unsound mind the judge may refer the application to the proper officer for consideration and report.

P. Anthony

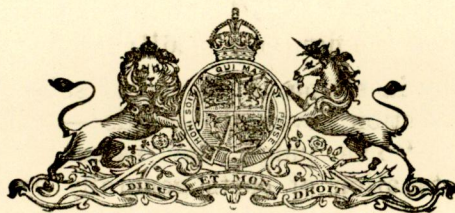
Private Secretary, Government Printer, Sydney, 1947.



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

F. B. LANGLEY,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 12 March, 1947.*

## New South Wales.



ANNO UNDECIMO

## GEORGII VI REGIS.

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Act No. 1, 1947.

An Act to amend the Damages (Infants and Persons of Unsound Mind) Act, 1929, in certain respects; and for purposes connected therewith. [Assented to, 21st March, 1947.]

**B**E it enacted by the King'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:—

**I.** (1) This Act may be cited as the "Damages (Infants and Persons of Unsound Mind) Amendment Act, 1947." Short title and citation.

(2)

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

G. BOOTH,  
*Chairman of Committees of the Legislative Assembly.*



*Damages (Infants and Persons of Unsound Mind) Amendment.*

(2) The Damages (Infants and Persons of Unsound Mind) Act, 1929, as amended by this Act, may be cited as the Damages (Infants and Persons of Unsound Mind) Act, 1929-1947.

Amendment  
of Act No.  
25, 1929.

**2.** The Damages (Infants and Persons of Unsound Mind) Act, 1929, is amended—

Sec. 2.  
(Application  
of Act.)

(a) by omitting from subsection one of section two the figures "1925" and by inserting in lieu thereof the figures "1926";

Sec. 7.  
(Costs.)

(b) (i) by inserting at the end of subsection two of section seven the words:—

"The judge may assess or direct the taxation of costs generally or as between party and party or as between solicitor and client or he may assess costs of one class and direct taxation of costs of the other class."

(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) (a) Where any such costs have been directed to be taxed (whether generally or as between party and party or as between solicitor and client), the costs of the plaintiff, or if more than one, of all the plaintiffs, in the action or matter or settlement or compromise or incident to the claims therein or consequent thereon, shall be taxed in accordance with such direction.

(b) Where the amounts payable as costs have been determined by assessment or taxation—

(i) the respective amounts and the difference, if any, and the proportion of such difference, if any, payable by or out of the moneys of the infant or person of unsound mind, shall be certified by the judge or by the taxing officer;

(ii)



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*Damages (Infants and Persons of Unsound Mind) Amendment.*

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- (ii) no costs other than those so certified to be payable shall be payable to the solicitor for the plaintiff by, or out of the moneys of, the infant or person of unsound mind.
- (iii) by inserting at the end of the same section the following new subsection:—

(5) Where application is made under subsection two of this section to a judge to assess the costs of the infant or person of unsound mind the judge may refer the application to the proper officer for consideration and report.

*In the name and on behalf of His Majesty I assent to this Act.*

NORTHCOTT,  
Governor.

*Government House,  
Sydney, 21st March, 1947.*



General Statutes of the State of New York

in the case of a person who is not a resident of this State at the time of his death, the executor or administrator of his estate shall be liable for the payment of the costs of the proceedings in this State for the recovery of the same, and the executor or administrator shall be liable for the payment of the costs of the proceedings in this State for the recovery of the same, and the executor or administrator shall be liable for the payment of the costs of the proceedings in this State for the recovery of the same.

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In the case of a person who is not a resident of this State at the time of his death, the executor or administrator of his estate shall be liable for the payment of the costs of the proceedings in this State for the recovery of the same, and the executor or administrator shall be liable for the payment of the costs of the proceedings in this State for the recovery of the same.

NORBERT  
Governor

Government House  
Albany, N.Y. 12224



Damages (Infants and Persons of Unsound Mind)  
Amendment Bill, 1947.

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**EXPLANATORY NOTE.**

THE purpose of this Bill is to amend the provisions of the Damages (Infants and Persons of Unsound Mind) Act, 1929, relating to costs, and to minimise such costs by facilitating assessment thereof by a judge in lieu of their being subjected to taxation.

Damages (Infants and Persons of Unsound Mind)  
Amendment 1911-1912

EXPLANATORY NOTE

The purpose of this Bill is to amend the law relating to the Damages (Infants and Persons of Unsound Mind) Act 1907, relating to the award of damages to infants and persons of unsound mind. The Bill is intended to be a consolidation of the law relating to the subject.



PROOF

Act No. , 1947.

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## A BILL

To amend the Damages (Infants and Persons of Unsound Mind) Act, 1929, in certain respects; and for purposes connected therewith.

[MR. C. E. MARTIN;—26 *February*, 1947.]

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**B**E it enacted by the King'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:—

**1.** (1) This Act may be cited as the "Damages (Infants and Persons of Unsound Mind) Amendment Act, 1947." Short title  
and  
citation.



*Damages (Infants and Persons of Unsound Mind) Amendment.*

(2) The Damages (Infants and Persons of Unsound Mind) Act, 1929, as amended by this Act, may be cited as the Damages (Infants and Persons of Unsound Mind) Act, 1929-1947.

**5** **2.** The Damages (Infants and Persons of Unsound Mind) Act, 1929, is amended— Amendment  
of Act No.  
25, 1929.

(a) by omitting from subsection one of section two the figures "1925" and by inserting in lieu thereof the figures "1926"; Sec. 2.  
(Application  
of Act.)

**10** (b) (i) by inserting at the end of subsection two of section seven the words:— Sec. 7.  
(Costs.)

**15** "The judge may assess or direct the taxation of costs generally or as between party and party or as between solicitor and client or he may assess costs of one class and direct taxation of costs of the other class."

**20** (ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

**25** (3) (a) Where any such costs have been directed to be taxed (whether generally or as between party and party or as between solicitor and client), the costs of the plaintiff, or if more than one, of all the plaintiffs, in the action or matter or settlement or compromise or incident to the claims therein or consequent thereon, shall be taxed in accordance with such direction.

**30** (b) Where the amounts payable as costs have been determined by assessment or taxation—

**35** (i) the respective amounts and the difference, if any, and the proportion of such difference, if any, payable by or out of the moneys of the infant or person of unsound mind, shall be certified by the judge or by the taxing officer;

(ii)



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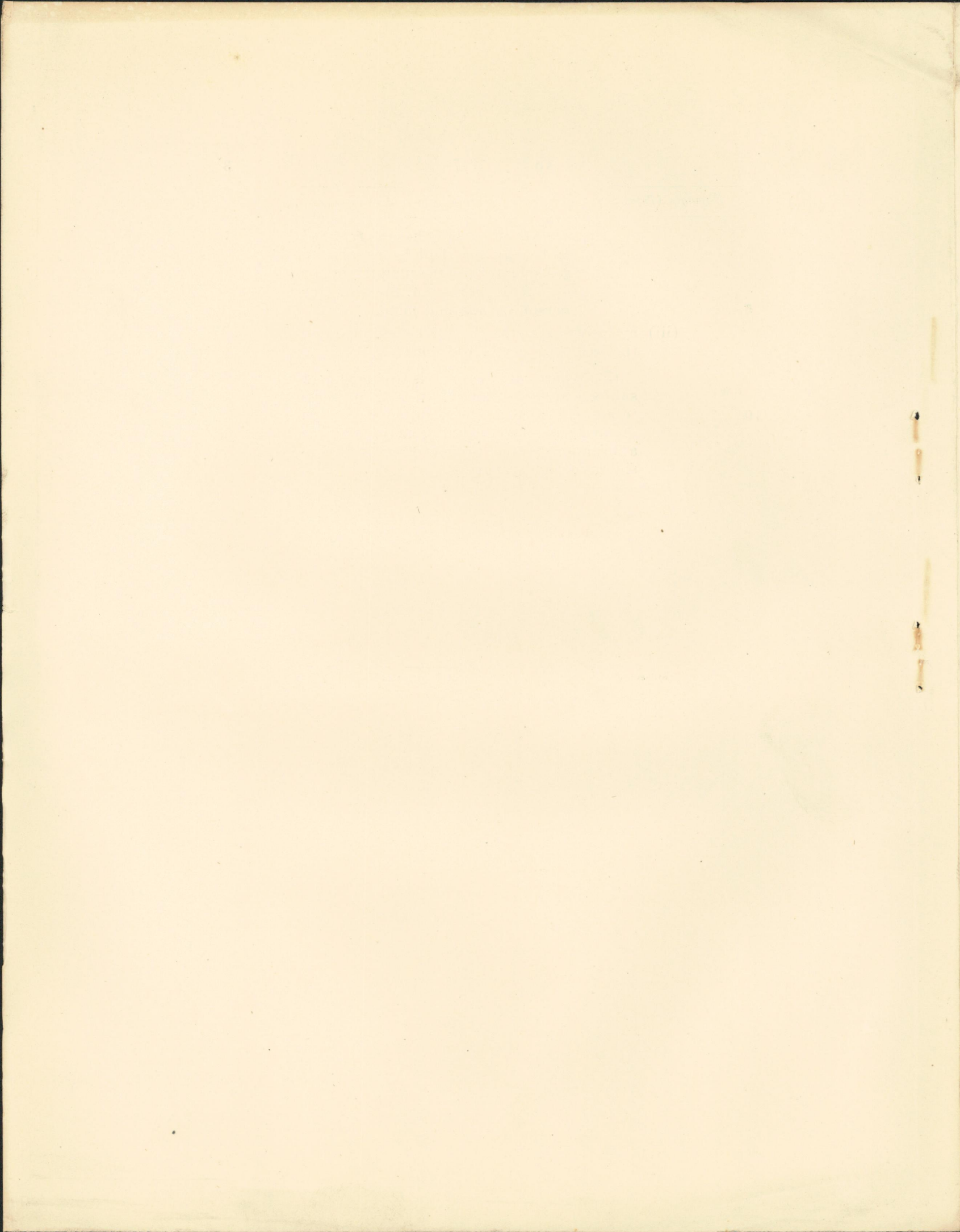
*Damages (Infants and Persons of Unsound Mind) Amendment.*

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5 (ii) no costs other than those so certified to be payable shall be payable to the solicitor for the plaintiff by, or out of the moneys of, the infant or person of unsound mind.

(iii) by inserting at the end of the same section the following new subsection:—

10 (5) Where application is made under subsection two of this section to a judge to assess the costs of the infant or person of unsound mind the judge may refer the application to the proper officer for consideration and report.





*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

F. B. LANGLEY,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 5 March, 1947.*

## New South Wales.



ANNO UNDECIMO

# GEORGII VI REGIS.

\*\*\*\*\*

Act No. , 1947.

An Act to amend the Damages (Infants and Persons of Unsound Mind) Act, 1929, in certain respects; and for purposes connected therewith.

**B**E it enacted by the King'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 :—

**1.** (1) This Act may be cited as the "Damages (Infants and Persons of Unsound Mind) Amendment Act, 1947." Short title and citation.



*Damages (Infants and Persons of Unsound Mind) Amendment.*

(2) The Damages (Infants and Persons of Unsound Mind) Act, 1929, as amended by this Act, may be cited as the Damages (Infants and Persons of Unsound Mind) Act, 1929-1947.

- 5** **2.** The Damages (Infants and Persons of Unsound Mind) Act, 1929, is amended— **Amendment of Act No. 25, 1929.**
- (a) by omitting from subsection one of section two the figures "1925" and by inserting in lieu thereof the figures "1926"; **Sec. 2. (Application of Act.)**
- 10** (b) (i) by inserting at the end of subsection two of section seven the words:— **Sec. 7. (Costs.)**
- "The judge may assess or direct the taxation of costs generally or as between party and party or as between solicitor and client or he may assess costs of one class and direct taxation of costs of the other class."
- 15**
- (ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—
- 20**
- (3) (a) Where any such costs have been directed to be taxed (whether generally or as between party and party or as between solicitor and client), the costs of the plaintiff, or if more than one, of all the plaintiffs, in the action or matter or settlement or compromise or incident to the claims therein or consequent thereon, shall be taxed in accordance with such direction.
- 25**
- (b) Where the amounts payable as costs have been determined by assessment or taxation—
- 30**
- (i) the respective amounts and the difference, if any, and the proportion of such difference, if any, payable by or out of the moneys of the infant or person of unsound mind, shall be certified by the judge or by the taxing officer;
- 35**
- (ii)



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*Damages (Infants and Persons of Unsound Mind) Amendment.*

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5 (ii) no costs other than those so certified to be payable shall be payable to the solicitor for the plaintiff by, or out of the moneys of, the infant or person of unsound mind.

(iii) by inserting at the end of the same section the following new subsection:—

10 (5) Where application is made under subsection two of this section to a judge to assess the costs of the infant or person of unsound mind the judge may refer the application to the proper officer for consideration and report.



(ii) no court shall be required to refer to the provisions of this section in any proceedings in which the court is not required to refer to the provisions of this section.

(iii) by inserting in the end of the same section the following new subsection—

(7) where a person is named in a will as a beneficiary of a trust, the court shall have jurisdiction to order that the trust property be held for the benefit of the named person.

8

10