
A BILL

To amend an Act passed in the Session of Parliament holden in the twentieth year of the Reign of Her present Majesty intituled “ An Act to give relief to persons having claims against the “ Government of New South Wales.”

WHEREAS by the first section of the Act passed in the Session of Preamble.
Parliament holden in the twentieth year of the Reign of Her
present Majesty intituled “ *An Act to give relief to persons having claims* 20 Vict., No. 15.
“ *against the Government of New South Wales* ” it is enacted that in the
5 cases therein mentioned the Petition therein likewise mentioned shall
within fourteen days from the presentation thereof be referred by the
Governor to his Executive Council and if the Governor shall with the advice
of his Executive Council think fit the said Petition shall be referred to the
Supreme Court of the said Colony for trial by Jury or otherwise as such
10 Court shall after such reference direct And whereas by the second section
of the said Act it is enacted that at the time of such reference as
aforesaid the Governor with such advice as aforesaid shall name some
person or persons to be a nominal Defendant in the matter of such
Petition and Petitioner be the Plaintiff therein And whereas great
15 inconvenience and injustice may arise by reason of such Petitions as
aforesaid not being referred by the Governor of the said Colony to the
said Executive Council and by the said Governor with such advice as
aforesaid to the Supreme Court for trial as in and by the said Act
provided Be it therefore enacted by the Queen’s Most Excellent
20 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:—

If Petition within
14 days not referred
to Executive
Council;

Or within 30 days
not indorsed as
affecting Preroga-
tive,

Or not referred to
Supreme Court for
trial,

Or no defendant
named;

Petitioner may pro-
ceed against Colonial
Treasurer.

1. That in case such Petitions as aforesaid shall not within fourteen days from the presentation thereof be referred by the said Governor to his Executive Council or if the said Governor shall not with the advice of his Executive Council within thirty days from the presentation thereof certify in writing indorsed on any such Petition that in his opinion the subject matter thereof affects the Royal Prerogative or if the Governor shall not with such advice as aforesaid within the like period of thirty days refer any such Petition to the Supreme Court of the said Colony for trial by jury or otherwise or in case at the time of such reference for trial as aforesaid the said Governor with such advice as aforesaid shall not name some person or persons to be a nominal Defendant in the matter of such Petition it shall be lawful for any such Petitioner to commence proceedings relative to the subject matter of such Petition in the said Supreme Court and such proceedings shall be commenced and prosecuted against the Colonial Treasurer for the time being of the said Colony as the nominal Defendant thereto in the same manner as if such Colonial Treasurer had been named as such nominal Defendant pursuant to the provisions of the second section of the said Act.

If judgment obtained
against Colonial
Treasurer,

Claim may be paid
out of Consolidated
Revenue.

2. That in case any final Judgment Decree or Order shall be obtained in any such Action or other proceedings as aforesaid against such nominal Defendant whereby the Petitioner in such Action or other proceedings shall be entitled to levy execution against such nominal Defendant for the recovery of any debt costs damages or expenses payable to the said Petitioner in pursuance of any such Judgment Decree or Order as aforesaid it shall be lawful for such nominal Defendant to pay the amount so as aforesaid due to such Petitioner as aforesaid without any further authority out of the Consolidated Revenue of the said Colony.