
A BILL

For the enforcement of Claims against the Crown.

(Presented by MR. JOHNSON, on recommendation of Select Committee,
22 February, 1860.)

WHEREAS disputes and differences have arisen and accrued and may Preamble.
hereafter arise and accrue between divers persons and Her Majesty's
Government in New South Wales and the ordinary remedies by Petition
of Right and *Monstrans de Droit* are respectively insufficient to meet
5 such cases and are attended with great expense and delay And whereas
it is expedient to provide a more simple and efficacious mode of proceeding
against the Crown in respect of claims within the said Colony Be it
therefore enacted by the Queen's Most Excellent Majesty by and with
the advice and consent of the Legislative Council and Legislative
10 Assembly of New South Wales in Parliament assembled and by the
authority of the same as follows—

1. Any person having any claim or demand against Her Majesty Subjects enabled to
sue the Crown 2 and
3 Edw. 6 c. 8.
arising or accruing within New South Wales may set forth in a petition
the particulars of his claim or demand as nearly as may be in the same
15 manner as in a declaration or bill of complaint (as the case may be) and
such petition shall be filed in the Supreme Court in order that such Court
may proceed to hear and determine the same as hereinafter mentioned and
the filing of such petition in the manner aforesaid shall be the commence-
ment of the suit.

20 2. If the matter disclosed and stated in the said petition would Petition to be
analogous to an
action at law or suit
in equity.
be the ground of an action at law if the same had arisen between subject
and subject the proceedings on such petition shall be conducted in the
same manner and subject as nearly as may be to the same rules of
practice as an action at law and the Attorney or Solicitor General shall
25 for and on behalf of Her Majesty plead or demur to such petition within
the same time after delivery to him of a copy thereof as any subject
would be bound to plead or demur to a declaration and if the complaint
disclosed and stated in the said petition would be the ground of a suit in

equity if the same had arisen between subject and subject the proceedings on such petition shall be conducted in the same manner and subject as nearly as may be to the same rules of practice as a suit in equity and the Attorney or Solicitor General shall for and on behalf of Her Majesty answer plead or demur to such petition within the same time after 5 delivery to him of a copy thereof as any subject would be bound to plead answer or demur to a bill of complaint.

Form and date of petitions and proceedings.

3. All pleadings after such petition shall be respectively delivered between the petitioner and the Attorney or Solicitor General and every such petition and pleadings respectively shall and may be in the form 10 contained in the first Schedule to this Act or to the like effect and shall be entitled of the said Court and of the day of the month and the year when the same is filed or delivered and shall bear no other time or date.

Judgment or decree and costs.

4. The said Court shall and may give and pronounce such and the like judgment order or decree in any such petition as such Court would 15 give and pronounce in any action or suit between subject and subject and a writ of error or appeal from any such judgment order or decree shall lie and be had in the same manner as from any judgment order or decree of the said Court in any action or suit between subject and subject and the costs of suit shall follow on either side as in ordinary cases 20 between other suitors any law or practice to the contrary notwithstanding.

Execution against the Crown.

5. Except as hereinafter mentioned no execution or attachment or process in the nature thereof shall be issued out of the said Court in any such suit but after any such judgment order or decree as aforesaid against the Crown shall have been given or pronounced the Prothonotary 25 Master or other proper officer of the said Court shall give to the petitioner a certificate in the form contained in the last Schedule to this Act or to the like effect.

Governor may pay damages and costs and perform decrees.

6. On receipt of such certificate it shall be lawful for the Colonial Treasurer and he is hereby required to cause to be paid out of the Con- 30 solidated Revenue such damages as may under the authority of this Act be assessed to or in favor of any such petitioner and also any cost which may be adjudged or awarded to him by the said Court and also to perform any decree or order which may be pronounced or made by the said Court.

Execution against the petitioner.

7. Notwithstanding anything hereinbefore contained it shall be 35 lawful for Her Majesty to enforce any such judgment order or decree as aforesaid against the petitioner by execution attachment or other process in the same manner as a defendant in any action or suit between subject and subject could or might enforce the same.

8. Nothing shall be deemed a claim or demand within the meaning ^{What claims within the Act.} of this Act unless the same shall be founded on and arise out of some contract entered into on behalf of Her Majesty by or by the authority of Her said Local Government.

5 9. From and after the passing of this Act the Act twentieth ^{Act 20 Vict. No. 15 repealed.} Victoria number fifteen shall be repealed.

THE FIRST SCHEDULE.

In the Supreme Court.

The day of

10 TO THE QUEEN'S MOST EXCELLENT MAJESTY

Your faithful subject A.B. of George-street in the City of Sydney builder humbly sheweth.

That &c.

15 Your suppliant therefore most humbly prays that Your Majesty will be most graciously pleased to order that right be done in this matter and that your Majesty's Attorney or Solicitor General may be required to answer the same and that your suppliant may henceforth prosecute his complaint in the said court and take such other proceedings as may be necessary. And your suppliant as in duty bound shall ever pray.

ANSWER OR PLEA.

20 In the Supreme Court.

The day of

SMITH } W.F.S. Esquire Attorney [or Solicitor] General of our Lady the Queen
v. } for the said Colony for and on behalf of our said Lady the Queen saith
THE QUEEN. } that, &c.

THE LAST SCHEDULE.

25

I do hereby certify that A.B. of &c. did on the day of obtain a judgment [order or decree] of the Supreme Court in his favor and that by such [judgment] the sum of was awarded to him.

(L.S.)

Dated &c.

Dear Sir: I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the matter of the proposed amendment to the tariff on certain goods. The same has been referred to the appropriate authorities for their consideration. I am, however, unable to advise you at this time of the result of their action.

A T T E N T I O N

It is requested that you continue to keep me advised of any further developments in this matter. Your attention is called to the fact that the proposed amendment is subject to the approval of the Senate. It is also noted that the proposed amendment is subject to the approval of the House of Representatives. I am, however, unable to advise you of the result of their action.

Very respectfully,
Director

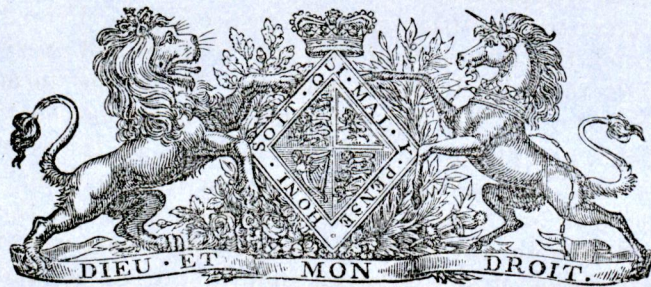
THE BUREAU OF CUSTOMS
DEPARTMENT OF COMMERCE
WASHINGTON, D. C.

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

Legislative Council Chamber, }
Sydney, 2 May, 1860. }

R. O'CONNOR,
Clerk of the Legislative Council.

New South Wales.



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

No. .

An Act for the enforcement of Claims against the Crown.

WHEREAS disputes and differences have arisen and accrued and may hereafter arise and accrue between divers persons and Her Majesty's Government in New South Wales and the ordinary remedies by Petition of Right and *Monstrans de Droit* are respectively insufficient to meet such cases and are attended with great expense and delay And whereas it is expedient to provide a more simple and efficacious mode of proceeding against the Crown in respect of claims within the said Colony Be it therefore 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—

1. Any person having any claim or demand against Her Majesty arising or accruing within New South Wales may set forth in a petition the particulars of his claim or demand as nearly as may be in the same manner as in a declaration or bill of complaint (as the case may be) and such petition shall be filed in the Supreme Court in order that such Court may proceed to hear and determine the same as hereinafter mentioned and the filing of such petition in the manner aforesaid shall be the commencement of the suit.

2. If the matter disclosed and stated in the said petition would be the ground of an action at law if the same had arisen between subject and subject the proceedings on such petition shall be conducted in the same manner and subject as nearly as may be to the same rules of practice as an action at law and the Attorney or Solicitor General shall for

Preamble.

Subjects enabled to sue the Crown 2 and 3 Edw. 6 c. 8.

Petition to be analogous to an action at law or suit in equity.

Enforcement of Claims against the Crown Act.—1860.

for and on behalf of Her Majesty plead or demur to such petition within the same time after delivery to him of a copy thereof as any subject would be bound to plead or demur to a declaration and if the complaint disclosed and stated in the said petition would be the ground of a suit in equity if the same had arisen between subject and subject the proceedings on such petition shall be conducted in the same manner and subject as nearly as may be to the same rules of practice as a suit in equity and the Attorney or Solicitor General shall for and on behalf of Her Majesty answer plead or demur to such petition within the same time after delivery to him of a copy thereof as any subject would be bound to plead answer or demur to a bill of complaint.

3. All pleadings after such petition shall be respectively delivered between the petitioner and the Attorney or Solicitor General and every such petition and pleadings respectively shall and may be in the form contained in the first Schedule to this Act or to the like effect and shall be entitled of the said Court and of the day of the month and the year when the same is filed or delivered and shall bear no other time or date.

4. The said Court shall and may give and pronounce such and the like judgment order or decree in any such petition as such Court would give and pronounce in any action or suit between subject and subject and a writ of error or appeal from any such judgment order or decree shall lie and be had in the same manner as from any judgment order or decree of the said Court in any action or suit between subject and subject and the costs of suit shall follow on either side as in ordinary cases between other suitors any law or practice to the contrary notwithstanding.

5. Except as hereinafter mentioned no execution or attachment or process in the nature thereof shall be issued out of the said Court in any such suit but after any such judgment order or decree as aforesaid against the Crown shall have been given or pronounced the Prothonotary Master or other proper officer of the said Court shall give to the petitioner a certificate in the form contained in the last Schedule to this Act or to the like effect.

6. On receipt of such certificate it shall be lawful for the Colonial Treasurer and he is hereby required to cause to be paid out of the Consolidated Revenue such damages as may under the authority of this Act be assessed to or in favor of any such petitioner and also any costs which may be adjudged or awarded to him by the said Court and also to perform any decree or order which may be pronounced or made by the said Court.

6. Notwithstanding anything hereinbefore contained it shall be lawful for Her Majesty to enforce any such judgment order or decree as aforesaid against the petitioner by execution attachment or other process in the same manner as a defendant in any action or suit between subject and subject could or might enforce the same.

7. Nothing shall be deemed a claim or demand within the meaning of this Act unless the same shall be founded on and arise out of some contract entered into on behalf of Her Majesty by or by the authority of Her said Local Government.

8. From and after the passing of this Act the Act twentieth Victoria number fifteen shall be repealed.

Form and date of petitions and proceedings.

Judgment or decree and costs.

Execution against the Crown.

Colonial Treasurer may pay damages and costs and perform decrees.

Execution against the petitioner.

What claims within the Act.

Act 20 Vict. No. 15 repealed.

W. H. C. B. N.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

CHICAGO, ILL. 60637

APRIL 1954

MEMORANDUM

TO: DIRECTOR

FROM: W. H. C. B. N.

SUBJECT: [Illegible]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

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