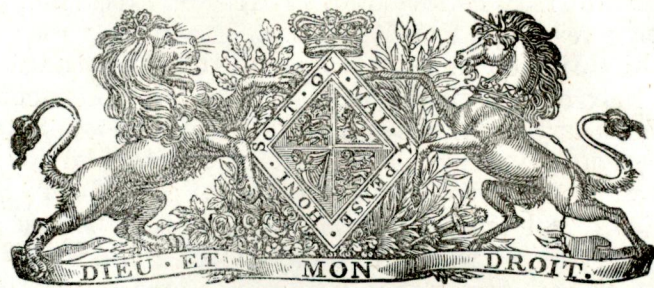


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 14 November, 1862. }

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.



ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act to enforce Claims against the Government.

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:—

- 5 1. The Acts twentieth Victoria number fifteen and twenty-fourth Victoria number twenty-seven except as to proceedings already commenced under either of the said Acts are hereby repealed. Repeal of 20th Vic. No. 15 and 24th Vic. No. 27.
- 10 2. Any person having or deeming himself to have any claim or demand whatever against the Government 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 may by notification in the *Gazette* appoint any person to be a nominal defendant accordingly. Provided that if within one month after presentation of such petition no such notification shall be made the Appointment of nominal defendant.
- 15 3. Any such petitioner may sue such nominal defendant in any competent or appropriate Court and in every such case the proceedings and rights of parties shall as nearly as possible be the same and judgment and costs shall follow on either side as in an Government liable to be sued and to judgment and costs.
- 20 4. The nominal defendant in any case under this Act shall not be individually liable in person goods chattels estate or otherwise by reason of his being such nominal defendant. Nominal defendant exempt from individual liability.

Claims against Government.

5. Judgments and decrees under this Act 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 or otherwise.

Judgments and decrees.

5 6. In any action or suit by the Government costs shall follow as in an ordinary case between subject and subject.

Costs to follow suits by the Government.

7. The Colonial Treasurer shall pay any damages or costs adjudged against the Government under this Act out of any moneys in his hands for the time being legally applicable thereto or which may be hereafter voted by Parliament for that purpose and in the event of any such payment not being duly made by the Colonial Treasurer the amount may be levied by distress or execution and sale upon any property vested in Her Majesty.

Payment of costs or damages to be enforced.

8. The Chief Justice and one at least of the other Judges of the Supreme Court may make general rules and orders not inconsistent with this Act for carrying the same into effect and such rules or orders on being confirmed by the Governor with the advice of the Executive Council and published in the *Gazette* shall have the force of law and copies of all such rules and orders shall be laid before both Houses of Parliament within five days after publication thereof or if Parliament be not sitting then within five days after the commencement of the Session next following such publication.

Supreme Court to make rules.

9. This Act shall be styled and may be cited as the "Claims against Government Act of 1862."

Short title.