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# A BILL

To enforce Claims against the Government.

[MR. FORSTER;—30 July, 1867.]

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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twenty-fourth Victoria number twenty-seven except as to proceedings already commenced under the said Acts are hereby repealed. Repeal of Acts 20 Vict. No. 15 and 24 Vict. No. 27.
2. Any person having or deeming himself to have any just claim or demand whatever against the Government may set forth the  
10 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  
15 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. Claimant may petition Governor. Governor may appoint nominal defendant.
3. Any such petitioner may sue such nominal defendant at law or in equity in any competent Court and every such case shall be  
20 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. Petitioner may sue as in ordinary cases.
4. The nominal defendant in any case under this Act or arising from the working of this Act shall not be individually liable in person  
25 or property by reason of his being such defendant. Limited liability of nominal defendant.

Nature of relief  
afforded by judgment.

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.

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Costs.

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.

Treasurer to pay  
damages awarded.

7. The Colonial Treasurer shall pay all damages or costs adjudged against any such nominal defendant or against the Crown 10 or Attorney General under this Act out of any moneys in his hands for the time being legally applicable thereto or which may hereafter be voted by Parliament for that purpose and in the event of such payment not being duly made within sixty days after demand execution may be had for the amount and the same be levied upon any property 15 vested in the Government of this Colony.

Rules of Court.

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 20 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 25 such resolution to the Chief Justice cease and determine.

Short title.

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

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, 4 September, 1867. }

CHA. TOMPSON,  
Clerk of Legislative Assembly.

## New South Wales.



ANNO TRICESIMO PRIMO

# VICTORIÆ REGINÆ.

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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 the said Acts are hereby repealed. Repeal of Acts 20 Vict. No. 15 and 24 Vict. No. 27.
- 10       2. Any person having or deeming himself to have any just 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 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. Claimant may petition Governor. 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. Governor may appoint nominal defendant.
- 15       3. Any such petitioner may sue such nominal defendant at law or in equity in any competent Court and every suit so instituted 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. Petitioner may sue as in ordinary cases.

*Claims against Government.*

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. Limited liability of nominal 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. Nature of relief afforded by judgment.
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. Costs.
7. The Colonial Treasurer shall pay all damages or costs adjudged against any such nominal defendant or against the Crown or Attorney General under this Act out of any moneys in his hands for the time being legally applicable thereto or which may hereafter be voted by Parliament for that purpose and in the event of such payment not being duly 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. Treasurer to pay damages awarded.
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. Rules of Court.
9. This Act shall be styled and may be cited as the "Claims against Government Act." Short title.