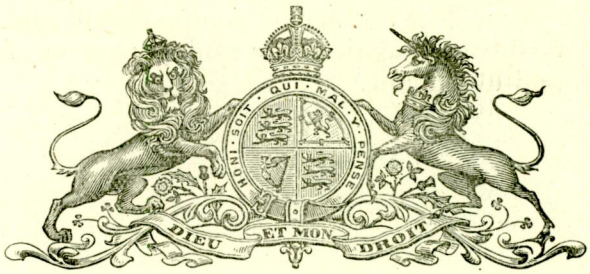
This PUBLIC BILL *originated in the* LEGISLATIVE COUNCIL, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE ASSEMBLY *for its concurrence.*

Legislative Council Chamber,
Sydney, 15*th July,* 1903.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO TERTIO

EDWARDI VII REGIS.

* *

Act No. , 1903.

An Act to amend the Claims against the Government and Crown Suits Act, 1897.

BE 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. This Act may be cited as the "Claims against the Government and Crown Suits (Amendment) Act, 1903," and shall be construed with the Claims against the Government and Crown Suits Act, 1897, hereinafter called the Principal Act. Short title.

2. The death of a nominal defendant appointed under section three of the Principal Act shall not cause the action or suit to abate, but it may be continued as hereinafter provided. Action not to abate by reason of death of nominal defendant.

3. (1) Where such death has occurred before the commencement of this Act, the Governor shall, within fourteen days from such commencement by notification in the Gazette, appoint any person resident in New South Wales to be a nominal defendant. Governor to appoint fresh nominal defendant.

(2) Where such death occurs after the commencement of this Act the Governor shall appoint in like manner some such person to be a nominal defendant within fourteen days after being petitioned to do so by the claimant.

5 **4.** On such appointment being made, the court before whom any such action or suit is pending, or a judge of such court, may order that the pleadings, issue, or record in the action or suit be amended by substituting for the original defendant the name of the nominal defendant so appointed; and thereupon all judgments, decrees, and 10 orders made or given in the action or suit in respect of the original defendant shall have effect in respect of the person so appointed, and all future proceedings may be continued against the said person as if he had been the original nominal defendant.

Order of court for amendment of pleadings.

Sydney: William Applegate Gullick, Government Printer.—1903.

[3*d*.]

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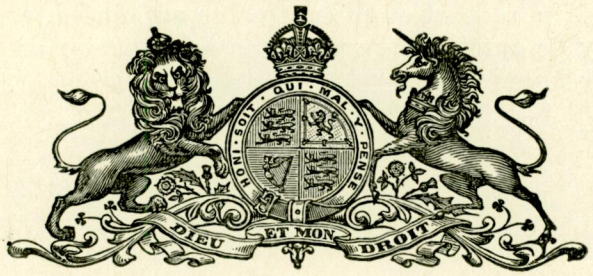

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Legislative Council.

No. , 1903.

A BILL

To amend the Claims against the Government and Crown Suits Act, 1897.

[COLONEL MACKAY;—8 *July*, 1903.]

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20732 c 8—
[3*d*.]