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*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
7th November, 1877.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

(*Mr. Rees.*)

## Crown Redress (No. 2).

### ANALYSIS.

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| Title.<br>1. Short Title.<br>2. Persons having claims against Crown in New Zealand to proceed by petition.<br>3. What is a claim or demand. <i>Proriso.</i> | 4. Statutes and rules in force in certain cases to apply.<br>5. Saving clause.<br>6. |
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### A BILL INTITULED

AN ACT to Amend "The Crown Redress Act, 1871." Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act shall be "The Crown Redress Act, 1877." Short Title.

2. *Except as to causes of action which have arisen before the passing of this Act, section two of "The Crown Redress Act, 1871," is hereby repealed, and this section shall be read in its place and stead: When any person has any claim or demand against Her Majesty the Queen within the Colony of New Zealand, it shall be lawful for such person to 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 in an ordinary action in the Supreme Court, District Court, or Resident Magistrate's Court, and such petition shall be filed in the Supreme Court, District Court, or Resident Magistrate Court, in the district in which the cause of action, claim, or demand shall have arisen or mainly arisen, 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: Provided that where any person has any claim or demand which is within the jurisdiction of a District Court or Resident Magistrate's Court, he may apply to Her Majesty's Attorney-General or Solicitor-General in New Zealand for his consent to the hearing and determination of such claim and demand in any such Court, to be named in the application; and if such consent shall be so given, the claim or demand may be heard and determined in the District Court or Resident Magistrate's Court, as the case may be, in like manner in all respects as in suits between subject and subject, and the provisions of "The Crown Redress Act, 1871," and this Act so far as applicable shall apply to such suits accordingly.* Persons having claims against Crown in New Zealand to proceed by petition.

3. *Except as to causes of action which have arisen before the passing of this Act, section nine of the said "Crown Redress Act, 1871," shall be repealed, and this section shall be read in its place and stead: Nothing shall be deemed a claim or demand within the meaning* What is a claim or demand.

of this Act unless the same shall be founded on or arise out of some contract, act, deed, matter, or thing done, executed, or entered into by or under the authority express or implied of Her Majesty's local Government in New Zealand, or for which the said local Government would be responsible if they were private subjects of Her Majesty in New Zealand. 5

Proviso.

Provided that no person shall be entitled by virtue of this Act to prosecute or enforce any claim against Her Majesty in the nature of an action for specific relief, or the performance of, nor any action for damages for the breach of, any contract for the purchase of waste or other lands of the Crown. 10

*Clause 4 erased.*

4. No person shall be entitled to file such petition as aforesaid unless the same shall be signed by a practising barrister of the Supreme Court of New Zealand, who shall state in writing under his hand upon the said petition that he considers the petitioner has a good cause of action, and that the same is disclosed in the said petition. 15

Statutes and rules in force in certain cases to apply.

5-4. So far as the same may be applicable, the laws statutes and rules in force, or that may hereafter be in force, as to pleading, evidence, hearing and trial, security for costs, amendment, arbitration, special cases, the means of procuring and taking evidence, set-off, limitations, appeal, and proceedings in error, and all other statutes available as between plaintiffs and defendants in personal actions between subject and subject, and the practice and course of procedure of the Supreme Court in its legal and equitable jurisdiction respectively for the time being in reference to such suits and personal actions, shall, unless the Court shall otherwise order, be applicable and apply and extend to proceedings on a petition under the said Act and this Act. 20 25

Saving clause.

6-5. Nothing in this Act contained shall repeal or affect any of the provisions of "The Government Contractors Arbitration Act, 1872," or "The Public Works Act, 1876," and nothing in this Act shall apply to claims or causes of action which have arisen before the passing of this Act. 30

*New clause.*

6. No person shall be entitled to prosecute or enforce any claim under this Act unless the petition setting forth the relief sought shall be filed within twelve months after the claim or demand has arisen; nor shall any such petition be so filed unless and until one month's previous notice in writing has been given to or left at the office of, or forwarded by post to, Her Majesty's Attorney-General or Solicitor-General in New Zealand, signed by the party intending to file such petition, his solicitor or agent, in which notice the claim or demand, and the nature of the relief sought, shall be explicitly stated, together with the name of the Court in which it is intended to file such petition. 35 40 45