

(Hon. Mr. Gisborne.)

### Crown Redress.

ANALYSIS.

- |   |  |
|---|--|
| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Subjects enabled to sue the Crown.<br/>3. Petition to be analogous to an action at law.<br/>4. Form and date of petition and proceedings.<br/>5. Judgment or decree and costs.</p> | <p>6. Execution against the Crown.<br/>7. Governor may pay damages and costs and perform decrees.<br/>8. Execution against the petitioner.<br/>9. What claims within this part of this Act.<br/>10. Judges of the Supreme Court may make rules. Schedules.</p> |
|---|--|

A BILL INTITULED

AN ACT to provide for the Enforcement of Claims against the Crown in New Zealand. Title.

**W**HEREAS it is expedient to provide means whereby persons having just claims against the Crown in New Zealand may have a remedy for the enforcement thereof: Preamble.

BE IT THEREFORE 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 1871." Short Title.

2. When any person has any claim or demand against Her Majesty the Queen which may arise or accrue after the first day of January one thousand eight hundred and seventy-two within the Colony of New Zealand it shall be lawful for such person by consent of the Governor in writing indorsed on the petition but not without 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 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. Subjects enabled to sue the Crown.  
2 and 3 Ed. VI. c. 8.

3. The proceedings on such petition shall subject to the provisions of this Act be conducted in the same manner and subject as nearly as may be to the same rules of practice as an ordinary action between subject and subject but an office copy of such petition shall be delivered at the office of the Attorney-General and such delivery shall be equivalent to service of Petition to be analogous to an action at law.

the writ and declaration in an ordinary action and the Attorney-General or such person being a Solicitor of the Supreme Court of New Zealand as shall from time to time be appointed by him for the purpose may for and on behalf of Her said Majesty appear to plead or demur to such petition at any time within twenty-eight 5 days after such delivery as aforesaid of a copy thereof or such further time as the Supreme Court or any Judge thereof may allow and it shall be lawful for the Attorney-General or such Solicitor as aforesaid to plead and demur at the same time to any such petition or any other pleading thereon without leave of the Court or a Judge and the 10 Attorney-General shall have the right to select the place of trial of the issues raised.

Form and date of petition and proceedings.

4. All pleadings after the delivery of such petition shall be respectively delivered between the petitioner and the Attorney-General or such Solicitor to be appointed as aforesaid and every such petition and 15 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 and of the month and year when the same is filed or delivered and shall bear no other time or date.

Judgment or decree and costs.

5. The said Court shall and may give and pronounce such and the 20 like judgment order or decree in any such petition as such Court would give and pronounce in any action between subject and subject and a writ of error or appeal from any such judgment order or decree of the said Court in any action between subject and subject and the costs of suit shall follow on either side as in ordinary cases between other 25 suitors any law or practice to the contrary notwithstanding.

Execution against the Crown.

6. 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 action but after any such judgment order or decree as aforesaid against the Crown shall have been given or pronounced the 30 Registrar of the said Court at the place where the same shall have been given shall give to the petitioner a certificate in the form contained in the Second Schedule to this Act or to the like effect.

Governor may pay damages and costs and perform decrees.

7. On receipt of such certificate it shall be lawful for the Governor to cause to be paid out of any money especially appropriated by the 35 General Assembly to the purpose such damages as may under the authority of this part of this Act be assessed to or in favour of any such petitioner and 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. 40

Execution against the Petitioner.

8. 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 45 process in the same manner as a defendant in any action or suit between subject and subject could or might enforce the same.

What claims within this part of this Act.

9. 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 by the authority of Her Majesty's local Government in New Zealand and no person shall be entitled by virtue of this Act to prosecute or enforce any claim against Her 50 said Majesty in the nature of an action for specific relief for 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.

Judges of the Supreme Court may make rules.

10. It shall and may be lawful for the Judges of the Supreme Court or any two of them to make such rules as they may think 55 necessary for regulating and conducting the practice and mode of procedure under this Act in all instances in which the practice and mode of procedure in civil actions between subject and subject is or shall be applicable.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

IN THE SUPREME COURT OF NEW ZEALAND.

The day of 18 .

To the Queen's Most Excellent Majesty.

Your faithful subject A.B. of in the Province [or County] of humbly sheweth :

THAT &c. [Here set forth the grounds on which Petitioner claims relief]. 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-General in New Zealand 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.

A.B.

PLEA.

IN THE SUPREME COURT OF NEW ZEALAND.

The day of 18 .

A.B. } Attorney-General of our Lady the Queen for the Colony of  
v. } New Zealand for and on behalf of our said Lady the Queen saith  
The Queen. } that &c.

SECOND SCHEDULE.

IN THE SUPREME COURT OF NEW ZEALAND.

A.B. } I do hereby certify that A.B. of &c. did on the day of in  
v. } the Supreme Court at in the Colony of New Zealand obtain a  
The Queen. } judgment [order or decree] of the said Court in his favour and that by  
such judgment [order or decree] the sum of was awarded to him.

Dated this day of 18 .

[L.S.] A.S.A.,  
Registrar of the Supreme Court of New Zealand  
at