

Mr. Guinness.

CROWN SUITS ACT AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Time-limit for suing extended.</p> <p>3. Jurisdiction given to bring suits in District and Magistrates' Courts.</p>	<p>4. Enlarging liability of Crown.</p> <p>5. Repeal of section 38 of principal Act.</p> <p>6. Plaintiff may be ordered to give security to Crown for costs.</p> <p>7. Production at trial of confidential State documents.</p>
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A BILL INTITULED

AN ACT to facilitate the Bringing and Trial of Suits against the Crown and Minister for Railways.

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 is "The Crown Suits Act Amendment Act, 1902."

Short Title.

2. Notwithstanding anything contained in "The Crown Suits Act, 1881" (hereinafter called "the principal Act"), and "The Government Railways Act, 1900," the time within which any petition for any cause of action against the Crown shall be filed or any action brought against the Minister for Railways shall be and the same is hereby declared to be within three years after the claim or demand has arisen.

Time-limit for suing extended.

3. Where any person has any claim or demand which is within the jurisdiction of any District Court or Magistrate's Court he may commence a suit or action in either of such Courts as he thinks fit, and such claim or demand shall be heard and determined in the Court in which the suit or action is commenced in like manner in all respects as in suits between subject and subject, and, so far as applicable, the provisions of Part II. of the principal Act shall apply to such suits.

Jurisdiction given to bring suits in District and Magistrates' Courts.

4. Section thirty-seven of the principal Act is amended by striking out, in subsection two thereof, the words "in, upon, or in connection with a public work, as hereinafter defined."

Enlarging liability of Crown.

5. Section thirty-eight of "The Crown Suits Act, 1881," is hereby repealed.

Repeal of section 38 of principal Act.

Plaintiff may be ordered to give security to Crown for costs.

6. In a suit against the Crown or the Minister for Railways it shall be lawful for the Crown to apply to the Judge or Magistrate of the Court in which the suit is brought for an order directing that the suppliant or plaintiff shall give security for the costs of the Crown for such amount as the Judge or Magistrate shall decide, and all further proceedings in such suit shall be stayed until the security is given. 5

Production at trial of confidential State documents.

7. At the trial or hearing of a suit or other proceeding against the Crown or the Minister for Railways no objection shall be made or allowed to the production of any letter, report, instruction in writing or in print, or partly in writing or partly in print, written, sent, or received by the Minister for Railways, or any officer, clerk, or other employee in the Railway Service of New Zealand. Should any claim be made that any such letter, report, or instruction in writing or print is a confidential State document, the officer, party, or witness making such claim shall produce such document to the Judge or Magistrate of the Court, who, after perusing the same, shall decide whether it shall be produced in evidence. 10 15