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Mr. Hamlin.

PRIVATE BILLS COSTS.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. When Committee unanimously report the preamble not proved, and that petitioners have been unreasonably or vexatiously put to expense, opponents to be entitled to recover costs. 3. When Committee unanimously report the pre-</p>	<p>amble proved, and that the opposition was vexatious, promoters to be entitled to recover costs. Proviso in favour of landowners. 4. Costs to be taxed. 5. Recovery of costs when taxed. 6. Persons paying costs may recover a proportion from other persons liable thereto. 7. Definition of "Promoters."</p>
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A BILL INTITULED

AN ACT for awarding Costs in Certain Cases of Private Bills. Title.

WHEREAS it is expedient to empower Committees of both Houses of Parliament on Private Bills to award costs in certain cases : Preamble.

5 **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 is "The Private Bills Costs Act, 1882." Short Title.

10 2. When the Committee on a Private Bill shall decide that the preamble is not proved, or shall insert in such Bill any provision for the protection of any petitioner, or strike out or alter any provision of such Bill for the protection of such petitioner, and further unanimously report, with respect to any or all of the petitioners against
15 the Bill, that such petitioner or petitioners has or have been unreasonably or vexatiously subjected to expense in defending his or their rights proposed to be interfered with by the Bill, such petitioner or petitioners shall be entitled to recover from the promoters of such Bill his or their costs in relation thereto, or such portion thereof as the
20 Committee may think fit, the amount thereof to be fixed by the Committee and set forth in their report.

3. When the Committee on a Private Bill shall decide that the preamble is proved, and further unanimously report that the promoters of the Bill have been vexatiously subjected to expense in the promotion of the said Bill by the opposition of any petitioner or petitioners
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promoters to be
entitled to recover
costs.

against the same, then the promoters shall be entitled to recover from the petitioners, or such of them as the Committee shall think fit, such portion of their costs of the promotion of the Bill as the Committee may think fit.

Proviso in favour of
landowners.

In their report to the Council or House the Committee shall state what sum for costs they shall so think fit to award, together with the names of the parties liable to pay the same and the names of the parties entitled to receive the same: Provided that no landowner who, *bona fide* at his own sole risk and charge, opposes a Bill which proposes to take any portion of the said petitioner's property for the purposes of the Bill, shall be liable to any costs in respect of his opposition to such Bill. 5 10

Costs to be taxed.

4. The Chairman of the Committee shall deliver to the parties affected, or either or any of them, a certificate setting forth the amount of costs awarded, with the name of the party liable to pay the same and the name of the party entitled to receive the same; and such certificate shall be conclusive evidence as well of the amount of the demand as of the title of the party therein named to recover the same from the party therein stated to be liable for the payment thereof; and the party claiming under the same shall, upon payment thereof, give a receipt at the foot of such certificate, which shall be a sufficient discharge for the same. 15 20

Recovery of costs
when taxed.

5. The party entitled to costs, or his executors or administrators, may demand the whole amount thereof, so certified as above, from any one or more of the persons liable to the payment thereof; and, in cases of non-payment thereof on demand, may recover the same by action in any Court of competent jurisdiction within the colony. 25

In such action it shall be sufficient for the plaintiff to state or declare that the defendant is indebted to him in the sum mentioned in the said certificate; and the said plaintiff shall, upon filing the said statement or declaration, together with the said certificate and an affidavit of such demand as aforesaid, be at liberty to sign judgment and take out execution for the said sum so mentioned in the said certificate, together with the costs of the said action, according to the due course of law: Provided always that the validity of such certificate shall not be called in question in any Court. 30 35

Persons paying costs
may recover a pro-
portion from other
persons liable
thereto.

6. In every case it shall be lawful for any person from whom the amount of such costs has been so recovered to recover from the other persons, or any of them, who are liable to the payment of such costs a proportionate share thereof, according to the number of persons so liable, and according to the extent of the liability of each person. 40

Definition of "Pro-
moters."

7. When a Bill is not promoted by a company already formed, all persons whose names shall appear in such Bill as promoting the same, and, in the event of the Bill passing, the company thereby incorporated, shall be deemed to be the promoters of such Bill for all the purpose of this Act. 35