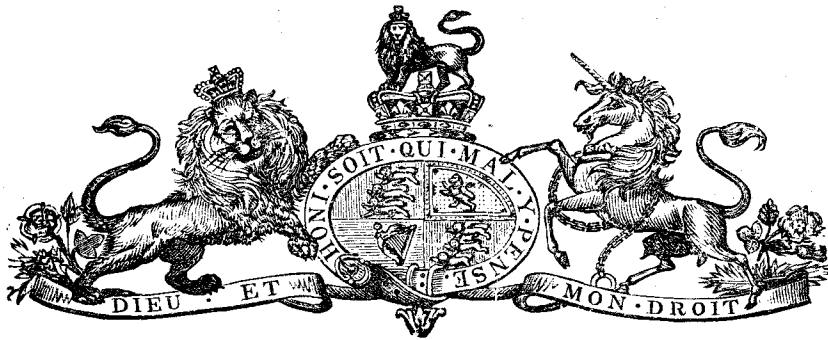


TASMANIA.

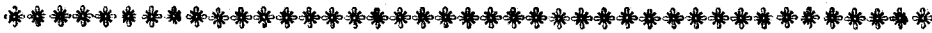


1891.

ANNO QUINQUAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 24.



AN ACT to make better provision for giving A.D. 1891.
Redress to Persons having Claims against
the Crown arising in the Colony of *Tas-*
mania. [26 October, 1891.]

WHEREAS it is expedient to make better provision for giving PREAMBLE.
redress to persons having claims against the Crown arising in the
Colony of *Tasmania* :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 This Act may be referred to as “The Crown Redress Act, 1891.” Short title.

2 “Person” shall include “Corporation” and “Company.” Interpretation.

3 The Act mentioned in the Schedule (1.) hereto is hereby repealed, Repeal.
but such repeal shall not affect any right of action, claim, or demand
acquired or accrued before the commencement of this Act ; and this
Act shall apply to any such right of action, claim, or demand in the
same manner as the said repealed Act would have applied.

All proceedings, matters, and things which, at the commencement
of this Act, shall under the Act hereby repealed have been begun and
be pending, shall and may be continued, carried on, and completed
under and in pursuance of this Act in the like behalf.

Crown Redress.

A.D. 1891.

Subject having
claims against the
Crown may file
Supplication.

4 Any person having or deeming himself to have any just Claim against Her Majesty in respect of any contract entered into on behalf of Her Majesty by or under the authority of the Government of *Tasmania*, or in respect of any act or omission, neglect or default of any officer, agent, or servant of the Government of *Tasmania* which would be the ground of an Action at Law or a Suit in Equity between subject and subject, may file in any Court of competent jurisdiction of *Tasmania* a Supplication setting forth the particulars of such Claim, and the Court in which such Supplication is filed is hereby empowered to hear and determine such Claim in manner hereinafter provided.

Supplication to be
in form of a
Declaration or
Bill of Complaint
according as
claim is legal or
equitable.

5 If the Claim is such as would have been the ground of an Action at Law if it had arisen between subject and subject, the particulars thereof shall be set forth in the Supplication as nearly as may be in the same manner as in a Declaration or a Plaint; and if the Claim is such as would have been the ground of a Suit in Equity if it had arisen between subject and subject, the particulars thereof shall be set forth in the Supplication as nearly as may be in the same manner as in a Bill of Complaint.

Suit by Supplica-
tion to be analo-
gous to an Action
at Law or Suit in
Equity according
as claim is legal
or equitable.

6—(1.) If the matter stated in the Supplication would be the ground of an Action at Law if it had arisen between subject and subject, the proceedings in the Suit shall be conducted in the same manner, and subject as nearly as may be to the same rules of practice, as an Action at Law; and the Attorney-General shall, on behalf of Her Majesty, plead or demur to the Supplication or file a defence thereto within the same time after delivery to him of a copy thereof as any subject would be bound to plead or demur to a Declaration or to file a defence.

(2.) If the complaint stated in the Supplication would be the ground of a Suit in Equity if it had arisen between subject and subject, the proceedings in the Suit shall be conducted in the same manner, and subject as nearly as may be to the same rules of practice, as a Suit in Equity; and the Attorney-General shall, on behalf of Her Majesty, answer, plead, or demur to the Supplication or file a defence within the same time after delivery to him of a copy thereof as any subject would be bound to plead, answer, or demur to a Bill of Complaint.

(3.) Nothing herein contained shall limit or abridge any Prerogative of Her Majesty in relation to pleading or other matter of procedure in any such Suit.

Form and date of
Supplication and
proceedings.

7 When the Supplication is filed in the Supreme Court in its superior jurisdiction all pleadings after the Supplication shall be respectively delivered between the Suppliant and the Attorney-General, and such Supplication and pleadings respectively shall be in the forms contained in the Schedule (2.) or to the like effect, and shall be entitled of the said Court, and of the day of the month and the year when the same are filed or delivered, and shall bear no other time or date.

When action in
Small Debts
Jurisdiction.

8 When the Supplication takes the place that would be taken by a Plaint in an action between subject and subject, two copies of the Supplication bearing indorsements setting forth the place and date and hour at and on which the Claim shall be heard shall be filed with the Supplication, and such indorsement shall be signed by the Registrar, and one copy of the Supplication bearing such indorsement signed by the Registrar shall be delivered to the Attorney-General within the same time before the hearing of the claim as the

Crown Redress.

summons would be served upon the Defendant in a similar action between subject and subject. A.D. 1891.

9 The Court shall give and pronounce such and the like Judgment, Order, or Decree in the Suit as such Court would give and pronounce in the like Action or Suit between subject and subject; and an Appeal from any such Judgment, Order, or Decree shall lie in the same manner as from any Judgment, Order, or Decree of the Court in any Action or Suit between subject and subject; and the Costs of the Suit shall follow on either side as in ordinary cases between other suitors, any Law or practice to the contrary notwithstanding.

Judgment.
Appeal.

Costs.

10 No execution or attachment, or process in the nature thereof, shall be issued out of the said Court against the Crown in any such Suit, but after any Judgment, Order, or Decree has been given or pronounced against the Crown in such Suit, the proper Officer of the Court shall give to the Suppliant a Certificate in the form contained in the Schedule (3.), or to the like effect.

No execution to issue against the Crown, but a Certificate of Judgment to be given to Suppliant.

11 On receipt of such Certificate it shall be lawful for the Governor to cause to be paid out of the Consolidated Revenue Fund such Damages as may under the authority of this Act be assessed to or in favour of the Suppliant, and also any Costs which may be adjudged or awarded to him by the Court, and also to perform any Decree or Order which may be pronounced or made in the Suit by the Court.

Governor may on receipt of Certificate pay Damages and Costs, and perform Decrees.

12 It shall be lawful for Her Majesty to enforce any Judgment, Order, or Decree given or pronounced against the Suppliant by process of extent, or by such execution, attachment, or other process as a Defendant in any Action or Suit between subject and subject could enforce the same.

Execution against the Petitioner.

13 Nothing in this Act contained shall extend to claims or demands which have before the commencement of this Act been satisfied, compounded, or otherwise settled between the Government of *Tasmania* and the person having had such claim or demand.

Act not to apply to settled claims and demands.

14 Nothing in this Act contained shall extend to any claim or demand the compensation for which would, if granted before the commencement of this Act, have been paid from Imperial Funds, as distinguished from the Consolidated Revenue Fund of this Colony.

Act to extend only to claims against Colonial Government.

15 Nothing in this Act contained shall be held to impose any liability upon the Crown contrary to any provision of any Act of the Parliament of *Tasmania* exempting the Crown from liability in regard to any matter therein mentioned.

No liability contrary to the provision of any other Act.

16 The Judges of the Supreme Court are hereby empowered to make all such General Rules and Orders for the regulation of the Pleadings, Practice, or Proceedings in Suits under this Act as such Judges from time to time think necessary.

Judges empowered to make Rules.

17 The Statutes of Limitation shall apply to all claims cognizable under this Act in the same manner as such Statutes apply to claims against any subject.

Statutes of Limitation to apply.

Crown Redress.

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SCHEDULE.

(1.)

<i>Date of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
23 Vict. No. 1.	<i>The Crown Redress Act.</i>	The whole Act.

(2.)

FORM OF SUPPLICATION.

In the Supreme Court of Tasmania.

The day of 18

To the Queen's Most Excellent Majesty.

Your Majesty's faithful subject *J.N.*, of Macquarie-street, in the City of Hobart, in Tasmania, Builder, humbly sheweth.

THAT, &c.

Your Suppliant, therefore, humbly prays that Your Majesty will be graciously pleased to order that right be done in this matter; and that Your Majesty's Attorney-General may be required to answer the same; and that your Suppliant may henceforth prosecute his Supplication in the said Court, and take such other proceedings as may be necessary. And your Suppliant, as in duty bound, shall ever pray.

FORM OF PLEA, ANSWER, OR DEMURRER.

In the Supreme Court of Tasmania.

The day of 18

THE QUEEN } *A.I.C.*, Esquire, Attorney-General of our Lady the Queen, for our
ats. } said Lady the Queen as to the said Supplication says, That &c.
 NOKES. }

FORM OF REPLICATION OR JOINDER OF ISSUE.

In the Supreme Court of Tasmania.

The day of 18

NOKES } THE Suppliant as to the first [second, &c.] Plea of the Attorney-
v. } General says that, &c.
 THE QUEEN. } *or*, The Suppliant joins Issue on the first [second, &c.] Plea of the
 Attorney-General.

And so in like manner for any subsequent Pleadings.

(3.)

FORM OF CERTIFICATE OF JUDGMENT, &c.

NOKES } I do hereby certify that *J.N.* of, &c. did, on the day
v. } of obtain a Judgment [Order or Decree] of the Supreme
 THE QUEEN. } Court in his favour, and that by such Judgment the sum
 of was awarded to him.

Dated, &c.