

This Bill originated in the Legislative Council and having this day passed is now ready for presentation to the House of Representatives for its concurrence.

L. STOWE,
Clerk of the Council.

*Legislative Council Chamber,
New Zealand, 23rd July, 1867.*

A BILL INTITULED

AN ACT to enable the Judges of the Supreme Court to examine into and ascertain the truth of the statements contained in Preambles to Private Estate Bills and to report thereon and as to the reasonableness of such Bills and their fitness for the attainment of their proposed objects.

Title.

WHEREAS it is expedient that the facts upon which application may be made to the General Assembly to pass a Private Estate Bill the reasonableness of any such Bill and the fitness of any such Bill for the attainment of its proposed objects should be authoritatively ascertained before the passing of any such Bill

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 Private Estates Bills Act 1867.”

Short Title.

2. “The Private Estates Bills Act 1865” is hereby repealed.

Repeal clause.

3. Every petition for and preamble to a Private Estate Bill shall contain an allegation that the objects of the proposed Bill are not attainable otherwise than by legislation.

4. At any time within one calendar month after the publication in the *New Zealand Gazette* and in a newspaper published in the province in which any estate the subject of or to be affected by an intended application to the General Assembly for a Private Estate Act shall be situated of a notice signed by one or more of the intending petitioners for such Private Estate Act of his or their intention to apply by petition to the General Assembly for the passing of such Private Estate Bill it shall be lawful for the person or persons signing such notice to file in the office of the Registrar or one of the Registrars of the Supreme Court of the judicial district in which the hereditaments to be affected by such Private Estate Act shall be situated a copy of such petition and of the proposed Bill and to apply to a Judge of the Supreme Court in such judicial district for an order that such inquiry shall be held as is hereinafter provided.

Copy petition and proposed Bill may be filed in Supreme Court.

Private Estates Bills.

Judge may direct how inquiry to be carried on &c.

5. Such Judge may thereupon direct how such inquiry shall be carried on who shall be the parties to such inquiry and what notices thereof shall be served and on whom and in what manner such notices shall be served and may give such other directions concerning the conduct of the inquiry as may seem to him fit.

Judge may hear evidence.

6. It shall thereupon be lawful for such Judge or for any other one of the Judges acting in and for the judicial district aforesaid (at such time and place and in such manner and upon such proof of notice to parties interested if any other than the petitioners as to such Judge shall seem meet) to take and hear evidence upon oath or affirmation and either orally or by affidavit in support of or in opposition to the allegations contained in such petition and in the preamble to such proposed Bill other than the allegation that the objects of the proposed Bill are not attainable otherwise than by legislation.

Judge may cause jury to be summoned.

7. It shall be lawful for the Judge to whom any application shall be made for an order for the holding of any such inquiry or for the Judge before whom any inquiry shall be commenced if he shall think fit to order that a special jury shall be summoned to attend before him at a convenient time and place to be by him fixed to hear the evidence in support of the allegations in such petition and preamble and the evidence if any in opposition thereto and it shall be lawful for such jury subject to the direction of the Judge before whom the evidence is taken as to the legal effect of such evidence by special verdict to find or to negative the existence of the facts so stated and if a special jury shall be directed to be summoned it shall be struck and summoned in like manner as special juries are struck and summoned in civil actions in the Supreme Court.

Judge to report or certify facts found.

8. The Judge before whom such evidence shall be taken or such verdict shall be found as aforesaid shall by a report or certificate under his hand and under the seal of the Supreme Court of the Colony addressed to the Speaker of the Legislative Council of the Colony report or certify to such Legislative Council the result of the evidence adduced before him if taken without a jury or the verdict of the jury if such evidence shall have been heard before a jury.

And whether legislation requisite and proposed Act suitable to effect its objects.

9. Such Judge shall also in like manner report or certify to the Legislative Council of the Colony whether or not the objects of the proposed Bill are such as may in the opinion of such Judge be attained by proceedings in the Supreme Court or otherwise than by a special Act of the Legislature and whether the provisions of the proposed Bill are such as will if the same be passed into law effect the proposed objects of such Bill. Such Judge may if he shall think fit request one or more Judges of the Supreme Court to peruse such report or certificate and to consider so much thereof as shall relate to the objects of the proposed Bill and may abstain from signing so much of the said report or certificate as shall relate to such objects unless some Judge whom he shall request to consider the same shall concur with him in and sign so much of the said report or certificate.

Rules of Supreme Court when applicable to be followed.

10. In the summoning of witnesses and in the holding of and in all proceedings relating to the inquiry and in the taking of evidence as aforesaid the practice and procedure of the Supreme Court for the time being relating to civil actions shall be followed so far as they may be found or made applicable to such proceedings and jurors and witnesses summoned upon such inquiries and parties to and parties (having notice) concerned in such inquiries shall be subject to the same liabilities (except as to costs by persons making no opposition) as jurors witnesses in and parties to and parties (having notice) concerned in the trial of an action in the Supreme Court would be subject to in like cases.

No petition for Private Estate Bill to be proceeded with.

11. No petition for a Private Estate Act shall be proceeded with unless and until a report or certificate of a Judge of the Supreme Court in the judicial district in which the estate to be affected thereby is situated addressed as aforesaid and setting forth that the allegations contained in the petition and in the preamble of the proposed Bill other than the allegation that the objects of the proposed Bill are not attainable otherwise than by legislation have been proved before him or have been found by a jury as the case may be and certifying that the objects of the proposed Bill are not attainable otherwise than by legislation shall be filed in the Private Bill office.