

A BILL INTITULED

AN ACT to amend "The Provincial Lawsuits Act 1858." Title.

WHEREAS it is expedient to amend "The Provincial Lawsuits Act 1858" and to make further provision for satisfying judgments and decrees obtained against Superintendents under the provisions of the said Act 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 shall be "The Provincial Lawsuits Act Amendment Act 1867." Short Title.

2. Whenever any judgment or decree shall be recovered or obtained against any Superintendent in any action brought by or against such Superintendent under the provisions of "The Provincial Lawsuits Act 1858" except in actions against any Superintendent arising out of any wilful neglect or default on the part of such Superintendent by virtue of which judgment or decree any sum of money shall become payable by such Superintendent to any party to such action such judgment or decree not being under appeal it shall be the duty of such Superintendent in case the Provincial Council of the Province shall for the time being be in session forthwith to recommend to them the appropriation of a sufficient sum of money to satisfy and pay such judgment or decree. Superintendent to recommend appropriation to satisfy judgment.

3. In case the Provincial Council shall either appropriate or refuse to appropriate the amount recommended to them by the Superintendent as aforesaid or in case the Provincial Council shall not at the time when such judgment or decree ought to be paid and satisfied be in session it shall be the duty of the Superintendent forthwith to issue his warrant to the Treasurer of the Province directing the payment to the party entitled to receive the same of the sum of money payable under and by Superintendent to issue warrant for amount of judgment.

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virtue of such judgment or decree and it shall be the duty of the Treasurer of the said Province to pay the amount of such warrant out of the first moneys coming to his hands as part of the revenues of the said Province.

Judgment of Court
of Appeal.

4. For the purposes of this Act the judgment or decree of any Court of Appeal shall be deemed to be a judgment or decree in the action in giving rise to such judgment or decree in appeal. 5

Warrant to be valid
without appro-
priation.

5. Every warrant to be issued by any Superintendent pursuant to the provisions of this Act without appropriation shall be deemed to be to all intents and purposes as valid and effectual as if the same had been issued pursuant to any Appropriation Act or Ordinance of the Provincial Council. 10
