

## No. 4.—1875.

*1st March.*

AN ORDINANCE to amend the Law as to the Recovery of Costs in suits to which the Crown is a party.

(L.S.) HENRY T. IRVING.

*2nd March, 1875.*

**B**E it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

Short title. 1. This Ordinance may be cited for all purposes as “The Crown Costs Ordinance 1875.”

Commencement. It shall not come into operation until Her Majesty's pleasure thereon is signified and proclaimed in this Island.

Definitions. 2. In this Ordinance,

The term “Crown Property of this Island” means any land or interest therein, and any goods or chattels belonging to the Crown for the use of this Island;

The term “obligation” includes any obligation arising from contract, implied contract, or wrong, or in any other way, whether the object thereof be the payment of money or any other performance, and whether the same be enforceable in a court of law or equity or any other court;

The term “Crown Right of this Island” means a right vested in the Crown to enforce any obligation where the money recovered is payable into the Colonial Treasury, or the performance otherwise enures for the pecuniary or proprietary benefit of the Crown for the use of this Island;

The term “person” includes a corporation and any body politic incorporated or unincorporated.

3. In all proceedings before any Court relating to any Crown property of this Island, or for the purpose of enforcing any Crown right of this Island, such Court

Costs in  
Crown suits.

- (1.) May award costs to the Crown or person suing on behalf of the Crown; and
- (2.) May declare as to any costs that is just that the same should be paid by the Crown.

In making any award or declaration under this section the Court shall be guided as far as practicable by the principles which apply in suits between subject and subject.

4. An order made in any proceeding awarding costs to the Crown or to any person on behalf of the Crown shall have the same effect and confer upon the person to whom the costs are payable the same rights and powers as a like order made in favour of a party to a similar proceeding between subject and subject.

Effect of an  
order giving  
costs to the  
Crown.

5. Costs recovered by or on behalf of the Crown shall be paid by the person receiving the same into the Colonial Treasury.

Application of  
costs  
recovered by  
the Crown.

6. Every declaration made by a Court as to any costs which it is declared just for the Crown to pay shall specify the person to whom the same are to be paid and shall either state the amount of such costs, or direct the amount to be certified by a judge or officer of the Court, and the Governor by warrant under his hand may direct the Receiver-General to pay out of the Colonial Treasury to the person specified the amount stated or certified.

Payment of  
costs due  
from the  
Crown.

Passed in Council this first day of March, in the year of our Lord one thousand eight hundred and seventy-five.

A. C. ROSS,  
*Clerk of the Council.*