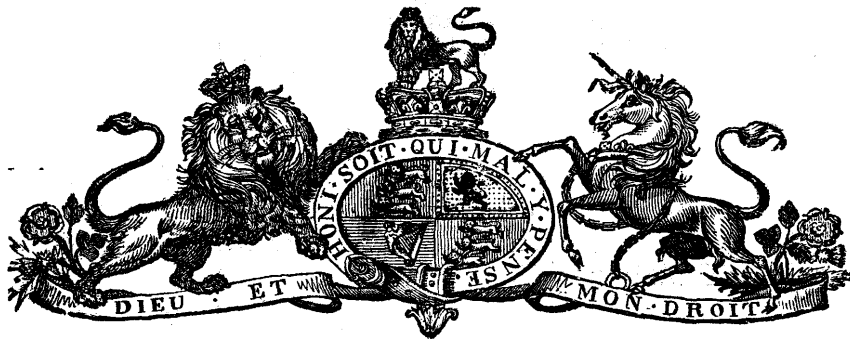


NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO
VICTORIÆ REGINÆ.
No. 60.

ANALYSIS:

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Power to Superintendent to sue and be sued. 2. Suit, &c., not to abate on death, &c., of Superintendent. | <ol style="list-style-type: none"> 3. Superintendent not personally liable except for wilful neglect, &c. 4. Superintendent may satisfy judgment. 5. Protection of Superintendents. 6. Interpretation. 7. Short Title. |
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AN ACT to enable Superintendents of Provinces to sue and be sued. Title.
[19th August, 1858.]

WHEREAS it is expedient that Superintendents of Provinces should be enabled to sue and be sued as hereinafter provided, Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand, in Parliament assembled, and by the authority of the same, as follows :—

I. All property belonging to any Province, shall for all purposes of proceedings in any Court, as well criminal as civil, in law, or in equity in anywise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be deemed and taken to be the property of the Superintendent thereof for the time being in his proper name; and such Superintendent shall and he is hereby authorised to bring and defend, or cause to be brought and defended, any action, suit, prosecution, or other proceeding, criminal as well as civil, in any Court of Law or Equity touching or concerning the property aforesaid; and such Superintendent shall and may in all cases Power to Superintendents to sue and be sued.

Provincial Lawsuits.

concerning the said property, sue and be sued, plead and be impleaded, in any Court of Law or Equity in his proper name.

Suit, &c., not to abate on death, &c., of Superintendent.

II. No such suit, action, prosecution, or other proceeding, shall be discontinued or abate by the death, or resignation of any such Superintendent or otherwise, but the same shall and may be proceeded with by the succeeding Superintendent in the proper name of the Superintendent commencing the same; and such succeeding Superintendent shall pay or receive the same costs as if the action, suit, or other proceeding had been commenced in his name.

Superintendent not personally liable except for wilful neglect, &c.

III. No Superintendent shall be personally liable except for his own act and deed, nor for anything done by him in the execution of his office as Superintendent, except in cases where he shall be guilty of wilful neglect or default.

Superintendents may satisfy judgment.

IV. It shall be lawful for the Superintendent of any Province to satisfy and pay any judgment or decree, recovered or obtained in any action or suit commenced under the provisions of this Act out of any money appropriated, or to be appropriated for that purpose, by the Provincial Council thereof, and to perform the judgment or decree of the said Court in terms of such judgment or decree.

Protection of Superintendents.

V. The provision of an Act of the Imperial Parliament passed in the year 1848, intituled "An Act to protect Justices of the Peace from vexatious Actions for acts done by them in execution of their office," shall, so far as the same can be made applicable, apply to Superintendents of Provinces who may be sued, or liable to be sued, under this Act.

Interpretation.

VI. The term "Property" shall include lands, tenements, and hereditaments, goods, chattels, monies, and effects, and every right, title, interest, claim, and demand whatsoever; and the terms "belonging to any Province, or to any person on behalf of any Province" shall include having the possession, custody, care, or control, or the right of possession, custody, care or control, or having any right, title, interest, claim, or demand, whatsoever, in respect of any act, deed, contract, matter, or thing, heretofore or at any time hereafter to be made, done, or entered into by any Superintendent, or other person, for or on behalf, or as a public officer of any Province, or howsoever otherwise, any such right, title, interest, claim, or demand may or shall have arisen.

Short Title.

VII. The Short Title of this Act shall be "The Provincial Lawsuits Act, 1858,"