

**CHAPTER 23.**

**PETITIONS OF RIGHT.**

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**SECTION.**

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**CHAPTER 23.**

**PETITIONS OF RIGHT.**

**An Ordinance to make Provision Relating to Suits by and against the Government, and for the Recovery of the Costs thereof.** 3 of 1901.

[4TH FEBRUARY, 1901.]

WHEREAS it is expedient to make provision relating to suits by and against the Government, and for the recovery of costs in such cases, and to assimilate the proceedings as nearly as may be to the course of practice and procedure in suits between subject and subject: Preamble.

1. This Ordinance may be cited as the Petitions of Right Ordinance. Short title.

2. Claims by the general Government of the Colony, or the Government of any other Colony, against any private person, shall be brought by the Attorney General, or by any officer authorised by law to prosecute such claims on behalf of the Government. Claims by the Government against private parties.

3. All claims against the general Government of the Colony, or against the Government of any other Colony, being of the same nature as claims which might have been preferred against the Crown in England before the enactment of the Crown Claims by private parties against the Government.

10 and 11  
Geo VI c. 44. Proceedings Act, 1947, by petition, manifestation, or plea of right, may, with the consent of the Governor, be preferred in the Supreme Court in a suit instituted by the claimant as plaintiff, against the Attorney General as defendant, or such other officer as the Governor may from time to time designate for that purpose.

How suit  
commenced.

4. The claimant under this Ordinance shall not issue a writ of summons, but the suit shall be commenced by the filing of a statement of claim in the Supreme Court, and the delivering of a copy thereof at the office of the Attorney General, or other officer designated as aforesaid, and no fee shall be payable on filing or delivering such statement.

Fiat of  
Governor.

5. The Registrar shall forthwith transmit the statement of claim to the Attorney General, and the same shall be laid before the Governor. In case the Governor shall grant his consent as aforesaid, the statement of claim shall be returned to the Supreme Court, with the fiat of the Governor endorsed thereon, and the claim shall be prosecuted in the Supreme Court.

Prosecution  
of suit.

Service of  
documents.

6. All documents, which, in a suit of the same nature between private parties, would be required to be served upon the defendant, shall be delivered at the office of the Attorney General, or other officer designated as aforesaid.

Judgment  
and proceed-  
ings thereon.

7. Whenever in any suit, a decree shall be made against the Government, no execution shall issue thereon, but a copy of such decree under the seal of the Court shall be transmitted by the Court to the Governor, who, if the decree shall be for the payment of money, shall by warrant under his hand direct the amount awarded by such decree to be paid, and, in the case of any other decree under the seal of the Court shall be transmitted by the same to be carried into effect; or, in case he shall think fit, he may direct that any competent appeal shall be entered and prosecuted against any decree.

Incorporation  
of Courts  
Ordinance.  
Cap. 7.

8. So far as the same may be applicable, and except in so far as may be inconsistent with this Ordinance, all the powers, authorities and provisions contained in the Courts Ordinance, or in any enactment extending or amending the same, and the practice and course of procedure of the Supreme Court, shall extend and apply to all suits and proceedings by or against the Government, and in all such suits costs may be awarded in the same manner as in suits between private parties.