

CHAPTER 61.

Of the trial of questions relating to Crown Grants, &c.

SECTION

- 1.—Interpretation of term “Crown grant”
- 2.—Trial of questions relating to Crown grants to be had on petition to Supreme Court.
- 3.—Service of copy of petition.
- 4.—All persons interested to be parties to proceedings.

SECTION

- 5.—Proceedings to be as on equity side of Court.
- 6.—Court to make decree as in other cases :
Proviso as to costs.
- 7.—Appeal.
- 8.—Saving clause.

1. The term “Crown grant” in this chapter shall include any grant, lease, or license of occupation, absolute, limited, or conditional, of, or re-

lating to any of the Crown or public lands of the colony, or any license to search, lease or grant of any mining or other rights or interest of or in any lands in this colony, granted by or issuing from Her Majesty, the Government, or any department thereof.

2. Any person having or claiming to have an interest in any lands or tenements in this colony, or any rights or privileges arising therefrom, or appurtenant thereto, which are, or are claimed to be held, conveyed, or otherwise affected by any Crown grant, who shall claim that such Crown grant is void or voidable, or has been or ought to be forfeited, or that any defect, irregularity, omission, or error of any kind has occurred in or relating to such grant, or the right or title of the Crown to make such grant, or the right or claims of the grantee or holder of such grant to obtain or to retain the same, or that any other act, matter, or thing has been done or suffered, whereby or by reason whereof such grant, or any part, provision, or condition thereof, should be set aside, declared void, struck out, expunged, altered or amended, or any clause, condition or proviso, should be added, or the name of any grantee or other party thereto added, struck out, or altered, or who shall claim any other relief, legal or equitable, against or in relation to such grant, may prefer a petition to the Supreme Court, setting forth as briefly as possible the nature of his claim, the facts or circumstances or other grounds upon which he makes the said claim, or prays the said relief, and as nearly as may be the nature of the relief which he prays. And such petition shall be verified by affidavit.

3. A copy of said petition shall in all cases be served upon the Attorney General, or in his absence, the Solicitor General, on behalf of the Government.

4. All persons whose interests are, or may be, or are sought to be, in any way affected by the order or decree of the Court, or other relief sought for by the said petition, shall be made parties to the proceedings under the said petition, or be served with a copy thereof in the same manner, and subject to the same directions and consequences as in a suit on the equity side of the Supreme Court, in relation to the subject-matter of the said petition.

5. The proceedings upon such petition shall be in all respects as nearly as may be in accordance with the practice on the equity side of the Supreme Court.

6. The Supreme Court and the Judges thereof shall at any stage of the proceedings, under such petition, or upon the hearing of such petition, have the power to make, pronounce, and grant such decree, order or judgment, or to grant such other relief, legal or equitable, in relation to the subject-matter of said petition as might be given, pronounced or granted in, under, or by virtue of any other suit, action or other proceeding in relation to any deed, conveyance, contract or document, other than a

Crown grant; and to make such order as to costs, as to the Court or Judge shall seem meet, which costs shall be taxed in accordance with the scale on the equity side of the Supreme Court: Provided that in no case shall the Crown or Government be entitled to recover or be made liable to the payment of costs.

7. Any party to any proceeding under this chapter may appeal to Her Majesty in Council in the same manner as in ordinary cases between party and party under the Royal Charter.

8. The provisions of this chapter shall not be held to take away or affect any action, suit, right or remedy, which any persons would, before the passing of this chapter, have been entitled to have or maintain.
