

Queensland



Supreme Court of Queensland Act 1991

RULES OF THE SUPREME COURT

Volume 2

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(includes amendments up to SL No. 338 of 1998)**

Reprint No. 1D

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Information about this reprint

These rules are reprinted as at 5 February 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



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RULES OF THE SUPREME COURT

[as amended by all amendments that commenced on or before 5 February 1999]

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**PART 1—FORMS RELATING TO COMMENCEMENT
OF CAUSES AND MATTERS****SECTION 1—WRITS OF SUMMONS**

Form 1

GENERAL FORM OF WRIT OF SUMMONS (O 2, r 8)

In the Supreme Court of Queensland.

19 . (*Here put the number*)

BETWEEN A.B. (an infant, by M.N., his or her next friend), plaintiff,
and

C.D. and E.F., defendants

ELIZABETH THE SECOND, by the Grace of God, Queen of Australia
and Her other Realms and Territories, Head of the Commonwealth:

To C.D. of and E.F. of :

We command you that within days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in Our Supreme Court of Queensland, at Brisbane (*or* Rockhampton, Townsville *or* Cairns), in an action at the suit of A.B.; and take notice that in default of your so doing the plaintiff may proceed therein, and judgment may be given in your absence.

WITNESS—The Honourable Sir ALAN JAMES MANSFIELD,
K.C.M.G., Chief Justice of Queensland, at Brisbane, the
day of , in the year of Our Lord 19 .

For the Registrar,
Senior Clerk.

SCHEDULE 1 (continued)

MEMORANDUM TO BE SUBSCRIBED ON THE WRIT

N.B.—This writ is to be served within 12 calendar months from the date thereof, or, if renewed, within 12 calendar months from the date of the last renewal, including the day of such date, and not afterwards. Appearance [*or* Appearances] to this writ may be entered by the defendant [*or* defendants] either personally or by solicitor at the registry of the Supreme Court at Brisbane [*or* Rockhampton, Townsville *or* Cairns].

ENDORSEMENTS TO BE MADE ON THE WRIT BEFORE ISSUE
THEREOF (O 6, r 1)

The plaintiff's claim is *etc.*

This writ was issued by the plaintiff in person, who resides at _____, and whose address for service is at the same place [*or* at _____] [*or* This writ was issued by X.Y., of _____, whose address for service is at _____, solicitor for the plaintiff, who resides at _____].

Or—

This writ was issued by V.W., of _____, whose address for service is _____, agent for X.Y., of _____, solicitor for the plaintiff, who resides at _____] (*mention the locality and situation of the plaintiff's residence in such a manner as to enable it to be easily discovered*).

[*State the telephone number of the plaintiff or the plaintiff's solicitors as the case may be.*]

ENDORSEMENT TO BE MADE ON THE WRIT AFTER SERVICE
THEREOF (O 10, r 15)

This writ was served by me on the defendant at _____, on _____ day, the _____ day of _____, 19 _____.

Endorsed the _____ day of _____, 19 _____.

(Signed) M.N.

(Address)

SCHEDULE 1 (continued)

Form 3

WRIT OF SUMMONS IN ADMIRALTY ACTIONS IN REM (O 5, r 5)

In the Supreme Court of Queensland.

19 . (Here put the number)
 A.B., plaintiff
 against
 The Ship X.

[or The Ship X and freight,

or The Ship X, the ship's cargo, and freight,

or (if the action is against cargo only) The cargo *ex* the ship (State the name of ship on board of which the cargo now is or lately was laden),

or (if the action is against the proceeds realised by the sale of a ship or cargo) The proceeds of the Ship X.,

or The proceeds of the cargo *ex* the Ship X., or as the case may be]

ELIZABETH THE SECOND, by the Grace of God, etc:

To the owners and all others interested in the Ship X., the ship's cargo and freight (or as the case may be, describing the subject matter of the action).

We command you etc. (as in form 1).

(Memoranda and endorsements as in form 1).

NOTE—If the action is by the Crown, instead of the plaintiff's name put 'Our Sovereign Lady the Queen', adding, if necessary, 'in Her Office of Admiralty'.

SCHEDULE 1 (continued)

Form 4

WRIT FOR SERVICE OUT OF THE JURISDICTION, OR WHEN
NOTICE IN LIEU OF SERVICE IS TO BE GIVEN OUT OF THE
JURISDICTION (O 5, r 5; O 11, rr 1 and 2)*(Title etc. as in form 1)*

ELIZABETH THE SECOND ETC.

To C.D., of

We command you that within days after the service of this writ [or notice of this writ, *as the case may be*] on you, inclusive of the day of such service, you do cause an appearance to be entered for you in Our Supreme Court of Queensland at Brisbane [or Rockhampton, Townsville or Cairns], in an action at the suit of A.B.; and take notice that in default of your so doing the plaintiff may, by leave of the Court or a Judge, proceed therein, and judgment may be given in your absence.

Witness *etc.**(Memoranda and endorsements as in form 1).*

Further endorsement to be made on the writ before the issue thereof, or before amendment to include a defendant out of the jurisdiction—

N.B.—This writ is to be used where the defendant or all the defendants, or 1 or more defendant or defendants, is or are out of the jurisdiction. Unless service is to be effected in any State or Territory, notice of the writ, and not the writ itself, is to be served upon the defendant.

SCHEDULE 1 (continued)

SECTION 2—ENDORSEMENTS OF CLAIM ON WRITS OF SUMMONS**A—CLAIMS FOR SPECIFIC RELIEF**

Form 6

BY CREDITOR TO ADMINISTER ESTATE (O 6, rr 5 and 6)

The plaintiff's claim is as a creditor of G.H. of _____, deceased, [intestate] to have the [real and] personal estate of the said G.H. [in Queensland] administered. The defendant C.D. is sued as the executor [*or* administrator] of the said G.H. [and the defendant E.F. as the devisee of his or her real estate].

Form 7

BY LEGATEE OR NEXT OF KIN TO ADMINISTER ESTATE

The plaintiff's claim is as a legatee under the will dated etc. [*or* as 1 of the next of kin] of G.H., deceased [intestate], to have the [real and] personal estate of the said G.H. [in Queensland] administered. The defendant C.D. is sued as the executor of the said G.H. [and the defendant E.F. as devisee of his or her real estate].

Form 8

PARTNERSHIP

The plaintiff's claim is to have an account taken of the partnership dealings between the plaintiff and defendant [under articles of partnership dated etc.], and to have the affairs of the partnership wound up.

SCHEDULE 1 (continued)

Form 9

BY MORTGAGEE (O 6, r 11)

The plaintiff's claim is to have an account taken of what is due to the plaintiff for principal, interest and costs, on a mortgage [of land in Queensland] dated *etc.* made between (*state the parties*) [*or* by deposit of title deeds made on *etc.*], and that the mortgage may be enforced by foreclosure or sale [and that the land comprised in the said mortgage may be delivered to the plaintiff].

Form 10

BY MORTGAGOR (O 6, r 11)

The plaintiff's claim is, as mortgagor (*or as the case may be*), to have an account taken of what, if anything, is due on a mortgage [of land in Queensland] dated *etc.* and made between (*state the parties*), and to redeem the property comprised therein. [The defendant E.F. is sued as second mortgagee of the said land (*or as the case may be*).]

Form 11

FOR EXECUTION OF TRUSTS

The plaintiff's claim is to have the trust of a deed dated *etc.* and made between *etc.* carried into execution.

Form 12

FOR CANCELLATION OR RECTIFICATION

The plaintiff's claim is to have a deed dated *etc.* and made between *etc.* set aside [*or* rectified].

SCHEDULE 1 (continued)

Form 13

FOR SPECIFIC PERFORMANCE

The plaintiff's claim is for specific performance of an agreement dated etc. for the sale by the plaintiff to the defendant of certain [freehold] land at .

**B—MONEY CLAIMS WHEN NO SPECIAL ENDORSEMENT
UNDER ORDER 6, RULE 7**

Form 14

GOODS SOLD

The plaintiff's claim is £ (\$) for the price of goods sold.

(This form is sufficient whether the claim is in respect of goods sold and delivered, or of goods bargained and sold.)

Form 15

MONEY LENT

The plaintiff's claim is £ (\$) for money lent [and interest].

Form 16

SEVERAL DEMANDS

The plaintiff's claim is £ (\$), whereof £ (\$) is for the price of goods sold, and £ (\$) for money lent, [and £ (\$) for interest].

SCHEDULE 1 (continued)

Form 17

MONEY PAID FOR CONSIDERATION WHICH HAS FAILED

The plaintiff's claim is £ (\$) for a return of money paid to the defendant for work to be done, and left undone [*or a bill to be taken up and not taken up (or as the case may be)*].

Form 18

SURETY

The plaintiff's claim is £ (\$) against the defendant C.D., as principal, and against the defendant E.F., as surety, for the price of goods sold [*or arrears of rent or money lent or money received by the defendant C.D. as traveller for the plaintiff (or as the case may be)*].

Form 19

ADDITIONAL CLAIM FOR INTEREST

Note—A *claim for interest may be added to any of the foregoing claims, thus—* and £ (\$) for interest thereon [*or and £ (\$) for interest on £ (\$), part thereof.*]

SCHEDULE 1 (continued)

Form 20

ADDITIONAL CLAIM FOR COSTS (O 6, r 8)

Note—*The following claim for costs shall be added when the plaintiff's claim is for a debt or liquidated demand only, with or without interest—*

And £ (\$) for costs on issuing the writ of summons.

If payment of the amounts so claimed be made to the plaintiff [or the plaintiff's solicitor] within _____ days (*insert the time for appearance limited by the rules*) from the service hereof, further proceedings will be stayed.

If payment be not so made, the plaintiff claims the additional amount of £ (\$) for costs of judgment in default of appearance; and if payment of the whole of the amounts so claimed including such additional amount be made to the plaintiff [or the plaintiff's solicitor] before execution issued, further proceedings will be stayed.

If the amount claimed for costs on issuing the writ of summons exceeds the sum prescribed therefor in schedule 2, part 16 the following further endorsement shall be made on the writ of summons—

If the defendant within the time allowed for appearance pays the amounts claimed in respect of the debt or demand and for costs on issuing the writ, the defendant may, notwithstanding such payment, have the costs taxed, and if more than $\frac{1}{6}$ thereof be disallowed or not more than the sum prescribed therefor in schedule 2, part 16 be allowed the plaintiff's solicitor shall pay the costs of taxation and shall repay to the defendant the difference between the amount claimed for costs and the amount allowed on the taxation.

SCHEDULE 1 (continued)

C—CLAIMS FOR SPECIFIC PROPERTY

Form 21

RECOVERY OF LAND

The plaintiff's claim is to recover possession of allotment _____ of section in the parish of _____ and county of (*or as the case may be, describe the property*).

[And for mesne profits.]

[And for an account of rent (*or arrears or rent*).]

[And for damages for breach of covenant for repairs (*or as the case may be*).]

Form 22

TO ESTABLISH TITLE TO LAND

The plaintiff's claim is to establish the plaintiff's title to (*describe the property*).

Form 23

RECOVERY OF GOODS

The plaintiff's claim is to recover possession of the Ship X [*or of certain goods (or deeds, or as the case may be), namely (describe them)*], and £ (\$) for damages for detaining the same.

SCHEDULE 1 (continued)

Form 24

ADDITIONAL CLAIM FOR COSTS (O 6, r 8)

Note—*The following claim for costs may also be added when the plaintiff's claim is for possession of any land (including any chattel real), with or without a claim for rent or mesne profits, or for possession of any goods, with or without a claim for hire thereof or damages for their detention—*

And £ (\$) for costs on issuing the writ of summons.

If possession of the land [*or goods*] be delivered and payment of the amounts so claimed be made to the plaintiff [*or the plaintiff's solicitor*] within days (*insert the time for appearance limited by the rules*) from the service hereof, further proceedings will be stayed.

If possession of the land [*or goods*] be not so delivered and payment be not so made, the plaintiff claims the additional amount of £ (\$) for costs of judgment in default of appearance; and if possession of the land [*or goods*] be delivered and payment of the whole of the amounts so claimed including such additional amount be made to the plaintiff [*or the plaintiff's solicitor*] before execution issued, further proceedings will be stayed.

If the amount claimed for costs on issuing the writ of summons exceeds the sum prescribed therefor in schedule 2, part 16 the following further endorsement shall be made on the writ of summons—

If the defendant within the time allowed for appearance delivers possession of the land [*or goods*] and pays the amounts claimed for [*rent*] [*or mesne profits*] [*or hire thereof*] [*or damages for detention*] [*and for*] costs on issuing the writ, the defendant may, notwithstanding such payment, have the costs taxed, and if more than $\frac{1}{6}$ thereof be disallowed or not more than the sum prescribed therefor in schedule 2, part 16 be allowed the plaintiff's solicitor shall pay the costs of taxation and shall repay to the defendant the difference between the amount claimed for costs and the amount allowed on taxation.

SCHEDULE 1 (continued)

D—CLAIMS FOR DAMAGES

Form 25

DAMAGES FOR DEPRIVING OF GOODS

The plaintiff's claim is [£ (\$)] for damages for wrongfully depriving the plaintiff of goods, household furniture *etc.*

Form 26

DEFAMATION

The plaintiff's claim is [£ (\$)] for damages for defamation.

Form 27

FRAUD

The plaintiff's claim is [£(\$)] for damages for fraudulent misrepresentation on the sale of a horse [*or a business or shares (or as the case may be)*].

Form 28

LANDLORD AND TENANT

The plaintiff's claim is [£ (\$)] for damages for breach of contract to keep a house in repair.

The plaintiff's claim is [£ (\$)] for damages for breaches of covenants contained in a lease of a farm.

SCHEDULE 1 (continued)

Form 29

MALICIOUS PROSECUTION

The plaintiff's claim is [£ (\$)] for damages for malicious prosecution.

Form 30

NEGLIGENCE

The plaintiff's claims [£ (\$)] for damages for injury to the plaintiff by the negligent driving of the defendant [*or* the defendant's servants].

The plaintiff's claim is [£ (\$)] for damages for injury to the plaintiff while a passenger on the defendant's railway, by the negligence of the defendant's servants.

The plaintiff's claims [£ (\$)] for damages for injury to the plaintiff at the defendant's railway station, from the defective condition of the station.

Form 31

NEGLIGENCE CAUSING DEATH

The plaintiff's claim is as executor [*or* administrator] of G.H., deceased, for [£ (\$)] for damages for the death of the said G.H. from injuries received [while a passenger on the defendant's railway] by the negligence of the defendant's servants.

SCHEDULE 1 (continued)

Form 32

SALE OF GOODS

The plaintiff's claim is [£ (\$)] for damages for breach of contract to accept and pay for goods.

The plaintiff's claim is [£ (\$)] for damages for non-delivery [*or short delivery or defective quality (or other breach of contract of sale)*] of cattle (*or as the case may be*).

The plaintiff's claim is [£ (\$)] for damages for breach of warranty of a horse.

Form 33

SALE OF LAND

The plaintiff's claim is [£ (\$)] for damages for breach of a contract to sell [*or purchase*] land.

The plaintiff's claim is [£ (\$)] for damages for breach of a contract to sell [*or purchase*] the lease with goodwill, fixtures, and stock-in-trade of a public house.

The plaintiff's claim is [£ (\$)] for damages for breach of covenant for further assurance in a transfer of land.

Form 34

WORK

The plaintiff's claim is [£ (\$)] for damages for breach of a contract to build a ship [*or to repair a house (or as the case may be)*].

SCHEDULE 1 (continued)

E—CLAIMS FOR MANDAMUS OR INJUNCTION

Form 35

MANDAMUS

The plaintiff's claim is for a mandamus requiring the defendant to *(describe briefly the duty to be performed)*.

Form 36

INJUNCTION

The plaintiff's claim is for an injunction to restrain the defendant from trespassing on the plaintiff's mine at *(or as the case may be)*.

Form 37

ADDITIONAL CLAIM FOR MANDAMUS OR INJUNCTION

Note—A claim for a mandamus or injunction may be added to a claim for damages, thus—

And for a mandamus requiring *etc.*

And for an injunction to restrain the defendants *etc.*

SCHEDULE 1 (continued)

F—CLAIMS IN PROBATE ACTIONS

Form 38

**BY AN EXECUTOR OR LEGATEE PROPOUNDING A WILL IN
SOLEMN FORM (O 6, r 3)**

The plaintiff claims to be executor of the last will, dated the day of , of G.H., late of , (*gentleman or gentlewoman*), deceased, who died on the day of , and to have the said will established. This writ is issued against the defendant as 1 of the next of kin of the said deceased (*or as the case may be*).

Form 39

**BY AN EXECUTOR OR LEGATEE OF A FORMER WILL, OR A
NEXT OF KIN ETC. OF THE DECEASED SEEKING TO OBTAIN
THE REVOCATION OF A PROBATE GRANTED IN COMMON
FORM**

The plaintiff claims to be executor of the last will dated the day of , of G.H., late of , deceased, who died on the day of , and to have the probate of a pretended will of the said deceased, dated the day of , revoked. This writ is issued against the defendant as the executor of the said pretended will (*or as the case may be*).

SCHEDULE 1 (continued)

Form 40

BY AN EXECUTOR OR LEGATEE OF A WILL WHEN LETTERS
OF ADMINISTRATION HAVE BEEN GRANTED AS IN AN
INTESTACY

The plaintiff claims to be executor of the last will, dated the day of , of G.H., late of , deceased, who died on the day of ; and claims that the letters of administration of the personal estate of the said deceased obtained by the defendant should be revoked, and probate of the said will granted to the plaintiff.

Form 41

BY A PERSON CLAIMING A GRANT OF ADMINISTRATION AS A
NEXT OF KIN OF THE DECEASED, BUT WHOSE INTEREST AS
NEXT OF KIN IS DISPUTED

The plaintiff claims to be the brother or sister and sole next of kin of G.H., late of , deceased, who died on the day of , intestate, and to have, as such, a grant of administration of the [real and] personal estate of the said intestate. This writ is issued against the defendant because the defendant has entered a caveat, and claims to be the sole next of kin of the deceased (*or as the case may be*).

G—CLAIMS IN ADMIRALTY ACTIONS

Form 42

DAMAGE BY COLLISION

The plaintiffs, as owners of the [cargo of the] ship ‘Mary’ (*or as the case may be*), claim £ (\$) against the ship ‘Jane’ for damage occasioned by a collision which took place (*state where*) on the day of ; and costs.

SCHEDULE 1 (continued)

Form 43

SALVAGE

The plaintiffs, as the owners, master, and crew, of the ship ‘Mary’, claim £ (\$) for salvage services rendered by them to the ship ‘Jane’ [the ship’s cargo and freight (*or as the case may be*)] on the day of , in or near (*state where the services were rendered*); and costs.

Form 44

PILOTAGE

The plaintiff claims £ (\$) for pilotage of the ship ‘Jane’ on the day of , from (*state where pilotage commenced*) to (*state where pilotage ended*); and costs.

Form 45

TOWAGE

The plaintiffs, as owners of the ship ‘Mary’, claim £ (\$) for towage services rendered by the said ship to the ship ‘Jane’ [the ship’s cargo and freight (*or as the case may be*)] on the day of , at or near (*state where the services were rendered*); and costs.

Form 46

MASTER’S WAGES AND DISBURSEMENTS

The plaintiff claims £ (\$) for the plaintiff’s wages and disbursements as master of the ship ‘Mary’ [and to have an account taken thereof]; and costs.

SCHEDULE 1 (continued)

Form 47

SAILOR'S WAGES

The plaintiffs, as sailors on board the ship 'Mary', claim £ (\$) for wages due to them, as follows; and costs.

To A.B., the mate,—£250 (\$500) for 2 months wages from the day of to the day of .

To C.D., able sailor, £ (\$) for *etc.*

[And the plaintiffs claim to have an account taken thereof].

Form 48

NECESSARIES, REPAIRS ETC.

The plaintiffs claim £ (\$) for necessaries supplied [*or repairs done (or as the case may be)*] to the ship 'Mary' at the port of on the day of ; [and to have an account taken thereof]; and costs.

Form 49

POSSESSION

(a) The plaintiff, as sole owner of the ship 'Mary', of the port of claims possession of the said ship.

(b) The plaintiff, as owner of 48-64ths shares of the ship 'Mary', of the port of , claims possession of the said ship as against C.D., owner of 16-64ths shares of the same ship.

SCHEDULE 1 (continued)

Form 50

MORTGAGE

The plaintiff, under a mortgage dated *etc.* claims against the proceeds of the ship 'Mary' the sum of £ (\$), as the amount due to the plaintiff for principal and interest; and costs of action.

Form 51

FORFEITURE

A.B., suing for Our Lady the Queen, claims to have the ship 'Mary' (*or as the case may be*) condemned as forfeited to Her Majesty for violation of (*describe the Act under which forfeiture is claimed by its short title (if any) or by the year and number.*)

H—ENDORSEMENTS OF CHARACTER OF PARTIES

Form 52

EXECUTORS AND ADMINISTRATORS (O 6, r 6)

The plaintiff's claim is as executor [*or administrator*] of G.H., deceased, for *etc.*

The plaintiff's claim is against the defendants as executors [*or administrators*] of G.H., deceased, for *etc.*

The plaintiff's claim is against the defendant C.D., as executor [*or administrator*] of G.H., deceased, for *etc.* and against the defendant E.F., in the plaintiff's personal capacity, for *etc.*

SCHEDULE 1 (continued)

Form 53

TRUSTEE IN BANKRUPTCY OR LIQUIDATOR

The plaintiff's claim is as trustee in the bankruptcy of M.N. [*or as liquidator of M.N. Ltd.*] for *etc.*

Form 54

TRUSTEE

The plaintiff's claim is as [*or the plaintiff's claim is against the defendant as*] trustee under the will of G.H. [*or under the settlement upon the marriage of G.H. and I.H. his or her spouse*] for *etc.*

Form 55

PRINCIPAL AND SURETY

The plaintiff's claim is against the defendant C.D. as principal, and against the defendant E.F. as surety, for *etc.*

Form 56

DEVISEE

The plaintiff's claim is against the defendant C.D. as devisee of lands under the will of G.H., deceased.

SCHEDULE 1 (continued)

Form 57

QUI TAM ACTIONS

The plaintiff's claim is as well for the Queen as for himself or herself, for *etc.*

**SECTION 3—FORMS OF SPECIAL ENDORSEMENTS
UNDER ORDER 6, RULE 7**

GENERAL FORM

Form 58

STATEMENT OF CLAIM (O 6, r 7)

The plaintiff's claim is (*state it as exemplified in following forms*).

The plaintiff also claims interest at %, on [£ (\$) part of] the above sum [as agreed].

Place of Trial: Roma.

The defendant is required to plead to the above statement of claim within 10 days after the time limited for the defendant's appearance, otherwise the plaintiff may obtain judgment against the defendant.

SCHEDULE 1 (continued)

Form 59

GOODS SOLD AND DELIVERED

STATEMENT OF CLAIM

The plaintiff's claim is for the price of goods sold, and delivered by the plaintiff to the defendant.

1964—31 December—	£	\$
Balance of account for building material to this date	3 500	[7 000]
1965—1 January to 31 March—		
Building material	<u>4 000</u>	<u>8 000</u>
	7 500	15 000
1965—1 December—Paid	<u>3 000</u>	<u>6 000</u>
Balance due	<u>£4 500</u>	<u>\$9 000]</u>

The defendant is required *etc.*

SCHEDULE 1 (continued)

Form 60

MONEY HAD AND RECEIVED

STATEMENT OF CLAIM

The plaintiff's claim is for money received by the defendant for the use of the plaintiff.

Particulars—

1965—1 January—	£	\$
To amount of rents of 5 Smith Street, Brisbane, collected by the defendant	472	[944]
To deposit on intended sale of Eva Villa	<u>4 100</u>	<u>8 200</u>
Amount due	<u>£4 572</u>	<u>\$9 144]</u>

The defendant is required *etc.*

Form 61

PAYEE AGAINST MAKER OF A PROMISSORY NOTE

STATEMENT OF CLAIM

The plaintiff's claim is against the defendant, as maker of a promissory note for £4 250 (\$8 500), dated 1 January 1965, payable 4 months after date.

Particulars—

	£	\$
Principal	4 250	[8 500]
Interest at 8% [as agreed] from 4 May 1965, to date . . .	<u>680</u>	<u>1,360</u>
Amount due	<u>£4 930</u>	<u>\$9 860]</u>

The defendant is required *etc.*

SCHEDULE 1 (continued)

Form 62

ENDORSEE AGAINST ACCEPTOR OF A BILL OF EXCHANGE
STATEMENT OF CLAIM

The plaintiff's claim is against the defendant, as acceptor of a bill of exchange for £2 800 (\$5 600), dated 1 January 1965, drawn by G.H., payable 3 months after date to the order of M.N., and endorsed to the plaintiff.

Particulars—

	£	\$
Principal due	2 800	[5 600
Interest at 8% [as agreed]		
from 4 April 1965 to date . . .	<u>210</u>	<u>420</u>
Amount due	<u>£3 010</u>	<u>\$6 020]</u>

The defendant is required *etc.*

SCHEDULE 1 (continued)

Form 63

ENDORSEE AGAINST ACCEPTOR AND DRAWER OF A BILL
OF EXCHANGE SEVERALLY

STATEMENT OF CLAIM

The plaintiff's claim is against the defendant C.D. as acceptor, and against the defendant E.F. as drawer, of a bill of exchange for £3 500 (\$7 000) dated 1 January 1965, payable 3 months after date, and endorsed by the defendant E.F. to the plaintiff, of the dishonour of which on presentation the defendant E.F. had notice.

Particulars—

	£	\$
Principal	3 500	[7 000]
Interest at 8% [as agreed] from 4 April 1965, to date . . .	<u>245</u>	<u>490</u>
Amount due	£ <u>3 745</u>	\$ <u>7 490</u>

The defendant is required *etc.*

Form 64

PAYEE AGAINST DRAWER OF A BILL OF EXCHANGE
EXCUSING NOTICE OF DISHONOUR

STATEMENT OF CLAIM

The plaintiff's claim is against the defendant as drawer of a bill of exchange for £ (\$) dated 1 March 1965, drawn upon G.H., payable to plaintiff 3 months after date, which was duly presented for payment and dishonoured but G.H. had no effects of the defendant, nor was there any consideration for the payment of the said bill by the said G.H.

Particulars (*as in form 62*)

The defendant is required *etc.*

SCHEDULE 1 (continued)

Form 65

OBLIGEE AGAINST OBLIGOR OF A MONEY BOND

STATEMENT OF CLAIM

The plaintiff's claim is for principal and interest due upon the defendant's bond to the plaintiff, dated 1 January 1963, conditioned for payment of £3 000 (\$6 000) on 26 December 1965.

Particulars—

	£	\$
Principal	3 000	[6 000
Interest at 8%, as stipulated in the bond	<u>60</u>	<u>720</u>
Amount due	£ <u>3 360</u>	\$ <u>6 720</u>]

The defendant is required *etc.*

SCHEDULE 1 (continued)

Form 66

COVENANTEE AGAINST COVENANTOR ON A COVENANT
TO PAY MONEY

STATEMENT OF CLAIM

The plaintiff's claim is for principal and interest due under a covenant in a deed dated 1 January 1964, and made between the defendant of the one part and the plaintiff of the other part.

Particulars—

	£	\$
Principal	4 100	[8 200
1 January 1965, paid	<u>400</u>	<u>800</u>
Principal due	3 700	7 400
Interest at % as stipulated		
in the covenant	<u>300</u>	<u>600</u>
	£3 400	\$6 800]

The defendant is required *etc.*

SCHEDULE 1 (continued)

Form 67

AGAINST SHAREHOLDER FOR ALLOTMENT MONEY
AND CALLS

STATEMENT OF CLAIM

The plaintiff's claim is for money in which the defendant, as a member of the plaintiff company, is indebted to the plaintiff (being a company incorporated under the *Companies Act 1961*) for allotment money of £1 (\$2) per share on 1 000 shares in the company allotted to the defendant, as such member, at his or her request, and for 2 calls of £1 (\$2) each upon 1 000 shares in the company of which the defendant is a holder, whereby an action has accrued to the plaintiff.

Particulars—

	£	\$
1963—Allotment of 1 000 shares to the defendant at £ (\$2) per share	1 000	[2 000
1964—(1st) call of £1 (\$2) per share . . .	1 000	2 000
1965—(2nd) call of £1 (\$2) per share . . .	<u>1 000</u>	<u>2 000</u>
Amount due	<u>£3 000</u>	<u>\$6 000]</u>

The defendant is required *etc.*

SCHEDULE 1 (continued)

Form 68

ON A GUARANTEE FOR THE PRICE OF GOODS SETTING
OUT THE GUARANTEE

STATEMENT OF CLAIM

The plaintiff's claim is for the price of goods sold and delivered by the plaintiff to G.H., under the following guarantee, signed by defendant and addressed to plaintiff—

2 February 1965.

In consideration of your supplying goods to G.H., I undertake to see you paid.

To A.B.

Yours *etc.*

C.D.

Particulars—

	£	\$
1964		
25 March, 1 000 t of coal,		
at £5 (\$10)	<u>5 000</u>	<u>[10 000]</u>
Amount due	<u>£5 000</u>	<u>\$10 000]</u>

The defendant is required *etc.*

SCHEDULE 1 (continued)

Form 69

CREDITOR AGAINST PRINCIPAL DEBTOR AND HIS OR HER
SURETY SEVERALLY ON A GUARANTEE FOR GOODS SOLD

STATEMENT OF CLAIM

The plaintiff's claim is against the defendant A.B. as principal, and against the defendant C.D. as surety, for the price of goods sold and delivered by the plaintiff to A.B. on the guarantee by C.D. dated 2 February 1965.

Particulars—

	£	s.	d.	\$
2 February—Goods	547	15	0	[1 095.50
3 March—Goods	2 105	14	0	4 211.40
17 March—Goods	1 114	12	0	2 229.20
5 April—Goods	<u>734</u>	<u>0</u>	<u>0</u>	<u>1 468.00</u>
Amount due	<u>£4 502</u>	<u>1</u>	<u>0</u>	<u>\$9 004.10]</u>

The defendant is required *etc.*

Form 70

DEBT UPON A TRUST

STATEMENT OF CLAIM

The plaintiff's claim is against the defendants as trustees under the settlement upon the marriage of A.B. and M.N. dated 1 January 1965, whereby £100 000 (\$200 000) invested on mortgage of land at Z. was vested in the defendants as trustees upon trust to pay the income thereof half-yearly to the plaintiff.

Particulars—

1965, 25 December, half a year's income £3 000 (\$6 000)

The defendants are required *etc.*

SCHEDULE 1 (continued)

Form 71

LANDLORD AGAINST TENANT WHOSE TERM HAS EXPIRED
STATEMENT OF CLAIM

The plaintiff claims possession of a house and premises situated at 1 Brown Street, Spring Hill, Brisbane, which were let by the plaintiff to the defendant for the term of 3 years from 29 of September 1962, which term has expired [*or* as tenant from year to year from 29 September 1961, which said tenancy was duly determined by notice to quit expiring on 29 September 1965].

The plaintiff also claims £ (\$) for rent [*or* mesne profits] from
to at the agreed rate of £ (\$) per week.

The defendant is required *etc.*

SCHEDULE 1 (continued)

Form 72

RECOVERY OF POSSESSION OF LAND ETC.

1. The plaintiff is the registered proprietor in fee simple of the land comprised in Certificate of Title No. .

2. The defendant has wrongfully taken possession of the land.

Or—

[1. The plaintiff at the time next mentioned was in lawful occupation of the land comprised in Certificate of Title No. .

2. On the day of , the defendant wrongfully took possession of the said land].

Or—

[1. On the day of , the plaintiff by deed let to the defendant E.F. the land comprised in Certificate of Title No. for 10 years on condition that if the said defendant should sublet the said land without the plaintiff's consent in writing the lease should determine, and that the said defendant should keep the buildings on the land in good and tenantable repair.

2. On the day of , the defendant E.F. without the plaintiff's consent sublet the said land to the defendant C.D.

3. The defendant E.F. has not kept the buildings on the said land in good and tenantable repair.]

The plaintiff claims—

1. Possession of the said land;
2. Mesne profits from to ;
3. £ (\$) for cost of repairs.

SCHEDULE 1 (continued)

Form 73

RECOVERY OF GOODS

1. The defendant detains from the plaintiff his or her goods, that is to say, a picture (*or as the case may be*) (*describe the thing detained in such a manner that it can be identified*).

The plaintiff claims the return of the said picture (*or as the case may be*) or its value, and £ (\$) for its detention.

**SECTION 4—FORMS OF SPECIAL ENDORSEMENTS
UNDER ORDER 6, RULES 9 TO 11**

Form 74

CLAIM FOR AN ACCOUNT (O 6, rr 9–11)

The plaintiff's claim is that an account may be taken of the dealings between himself or herself and the defendant in respect of (*state the nature of the dealings*).

SCHEDULE 1 (continued)

Form 75

CLAIM FOR DETERMINATION OF QUESTION ARISING IN
ADMINISTRATION OF ESTATE

(a) The plaintiff's claim is that it may be determined whether the defendant is one of the next of kin of G.H., deceased.

(b) The plaintiff's claim is for a declaration that the plaintiff is entitled as a creditor of G.H., deceased (*or as the case may be*), to payment of the plaintiff's debt [*or legacy (or as the case may be)*] in priority to the defendant E.F.

(c) The plaintiff's claim is for a declaration that the plaintiff is entitled to a charge upon all the real and personal estate of G.H., deceased.

(d) The plaintiff's claim is for a declaration that the defendant, as executor of G.H., deceased, is not entitled to make any deduction by way of set-off from the legacy given to the plaintiff by the will of the said G.H.

(e) The plaintiff's claim is for a declaration that the plaintiff is entitled under the trusts of a deed dated *etc.* and made between *etc.* to immediate payment of an annuity of £ (\$) (*or as the case may be*).

Form 76

CLAIM FOR ASCERTAINMENT OF CLASS

The plaintiff's claim is that the creditors [*or next of kin or persons entitled to share in the residuary estate*] of G.H. deceased (*or as the case may be*), may be ascertained under the order and direction of the Court.

SCHEDULE 1 (continued)

Form 77

CLAIM FOR PARTICULAR ACCOUNT

The plaintiff's claim is that the defendant may render an account of the moneys received by the plaintiff as administrator of the personal estate of G.H., deceased, (*or as the case may be*) [and of the plaintiff's disposition thereof] [from the day of to the day of], and that such accounts may be properly vouched.

Form 78

CLAIM FOR PAYMENT INTO COURT

The plaintiff's claim is that the defendant may be ordered to pay into court the sum of £ (\$) trust moneys in the plaintiff's hands as administrator [or trustee] in respect of the estate of G.H. [deceased] (*or as the case may be*).

Form 79

CLAIM FOR DIRECTION TO EXECUTORS OR
ADMINISTRATORS OR TRUSTEES

(a) The plaintiff's claim is that the defendant, as executor of the will of G.H., deceased (*or as the case may be*), may be directed to sell forthwith 100 shares in the X.Y. Company Limited, being part of the estate of G.H., deceased [*or being part of the trust property in the defendant's hands under the trusts of a deed dated etc. and made between etc.*] [*or not to interfere with the plaintiff (or one M.N.) in the possession of the house now occupied by the plaintiff (or as the case may be)*].

(b) The plaintiff's claim is that the sum of £ (\$) which by deed of settlement, dated *etc.* and made between *etc.* was provided for the portions of the younger children of G.H., may be raised by the defendants.

SCHEDULE 1 (continued)

Form 80

CLAIM FOR APPROVAL OF SALE ETC.

The plaintiff's claim is that a sale proposed to be made by the plaintiff (*or as the case may be, describe the transaction briefly*) may be approved by the Court.

Form 81

CLAIM FOR DETERMINATION OF QUESTION ARISING IN
ADMINISTRATION

The plaintiff's claim is that it may be determined whether in the events that have happened the plaintiff is entitled under the will of G.H., deceased, to payment to the plaintiff absolutely of the sum of £ (\$), or whether the plaintiff is bound to execute a settlement of the said sum, and, if so, upon what trusts (*or as the case may be*).

Form 82

CLAIM FOR DETERMINATION OF QUESTION OF
CONSTRUCTION

The plaintiff's claim is for a declaration of the rights of the parties under a deed [*or agreement*], dated *etc.* and made between the plaintiff and the defendant (*or as the case may be*), and that it may be declared that upon the true construction of the said deed [*or agreement*] the plaintiff is [in the events that have happened] entitled [*or the defendant is not entitled*] (*etc. state construction claimed*).

Form 83

CLAIM BY MORTGAGEE. See Section 2: A, form 9.

SCHEDULE 1 (continued)

Form 84

CLAIM BY MORTGAGOR. See Section 2: A, form 10.

**SECTION 5—SPECIAL PROCEEDINGS AT
COMMENCEMENT OF PROBATE AND
ADMIRALTY ACTIONS**

A—PROBATE ACTIONS

Form 85

AFFIDAVIT BY PLAINTIFF IN VERIFICATION OF
ENDORSEMENT ON WRIT

In the Supreme Court of Queensland.

In the matter of an action intended to be commenced by A.B., plaintiff
against C.D., defendant.

I, A.B., of *etc.* make oath and say as follows—

1. I am the executor of the last will, dated *etc.* of G.H., late of _____,
(*gentleman or gentlewoman*), deceased, who died on the _____ day
of _____.

[2. On the _____ day of _____ probate was granted by this
Honourable Court to C.D. of a will of the said G.H., dated _____, which
probate I claim should be revoked].

Or—

[2. On the _____ day of _____ administration of the personal
estate of the said G.H. was granted by this Honourable Court to C.D.,
which grant I claim should be revoked].

SCHEDULE 1 (continued)

Form 86

ANOTHER FORM

(Title as in form 85)

I, A.B., of *etc.* make oath and say as follows—

1. I am the brother or sister and sole next of kin of G.H., late of *etc.* deceased who died on the day of intestate.

2. C.D., of *etc.* has entered a caveat against the grant of administration of the [lands *etc.*] goods of the said G.H. to me, and claims to be the sole next of kin of the said G.H.

SCHEDULE 1 (continued)

B—ADMIRALTY ACTIONS

Form 87

GENERAL FORM OF AFFIDAVIT TO LEAD WARRANT
(O 7, r 11)

In the Supreme Court of Queensland.

19 . (Here put the number)

*(Title of action)*I, A.B., of *etc.* make oath and say as follows—1. I have a claim against the ship ‘Mary’ for *(state nature of claim)*.

2. The said claim has not been satisfied, and the aid and process of this Honourable Court are necessary to enforce it.

*Or—**When the action is in the name of the Crown,*I, A.B., of *etc.* *(state name and address of person suing in the name of the Crown)*, make oath and say that I claim to have the ship ‘Mary’ and the ship’s cargo [or a vessel, name unknown, found on *etc.* near *etc.* or the cargo *ex* the ship ‘Mary’ *(or as the case may be)*] condemned to Her Majesty—

(a) as having been found derelict; or

(b) as having been captured from pirates; or

(c) for violation of the provisions of *(describe the Act alleged to have been violated by its short title (if any) or by the year and number)*;*(or as the case may be)*.

2. The aid and process of this Honourable Court are necessary to enforce the said claim.

SCHEDULE 1 (continued)

Form 88

AFFIDAVIT TO LEAD WARRANT IN A CAUSE OF RESTRAINT
(O 7, r 11)*(Title etc. as in form 87)*I, A.B., of *etc.* make oath and say as follows—

1. I am the lawful owner of _____ 64th shares of the ship
'Mary', belonging to the port of _____ ; and the value of my said
shares amounts to the sum of £ (\$) _____ or thereabouts.

2. The said ship is now lying at _____ , and is in the possession
or under the control of _____ , the owner of _____ 64th shares
thereof, and is about to be despatched by him or her on a voyage to
against my consent.

3. I am desirous that the said ship should be restrained from
proceeding to sea until security is given to the extent of my interest therein
for the ship's safe return to the said port of (*the port to which the vessel
belongs*), and the aid and process of this Honourable Court are necessary in
that behalf.

SCHEDULE 1 (continued)

Form 89

AFFIDAVIT TO LEAD WARRANT IN A CAUSE OF POSSESSION
(O 7, r 11)*(Title etc. as in form 87)*

I, A.B., of *etc.* make oath and say as follows—

1. I am the lawful owner of _____ 64th shares of the ship 'Mary', belonging to the port of _____ .

2. The said ship is now lying at _____ , and is in the possession or under the control of C.D. (*state name, address, and description of the person retaining possession, and state whether the person is the master, or part owner, and, if owner, of how many shares*), and the said C.D. refuses to deliver up the same to me [and the certificate of registry of the said ship is also unlawfully held from me by the said C.D., who is in possession thereof].

3. The aid and process of this Honourable Court are necessary to enable me to obtain possession of the ship [and of the certificate of registry].

SCHEDULE 1 (continued)

Form 90

WARRANT OF ARREST IN ADMIRALTY ACTION IN REM
(O 7, r 11)*(Title etc. as in form 87)*

ELIZABETH THE SECOND ETC.

To the marshal of our Supreme Court of Queensland:

Greeting:

We hereby command you to arrest the ship or vessel 'Mary', of the port of [and the ship's cargo and freight,] and to keep the same under safe arrest until you shall receive further orders from Us.

Witness *etc.*

The following certificate of service is to be endorsed on the warrant after service thereof—

This warrant was served by *(state by whom and in what mode service was effected)* on

(Signed) P.P. Marshal.

Form 91

PRAECIPE FOR WARRANT

*(Title etc. as in form 87)*Seal a warrant to arrest *(state name and nature of property)*.Dated *etc.**(To be signed by the plaintiff or the plaintiff's solicitor)*

SCHEDULE 1 (continued)

Form 92

PRAECIPE FOR SERVICE BY THE MARSHAL OF ANY
INSTRUMENT IN REM OTHER THAN A WARRANT

(Title etc. as in form 87)

I request that the *(state nature of instrument)* left herewith be duly executed.

Dated *etc.*

(To be signed by the party or the party's solicitor).

SCHEDULE 1 (continued)

SECTION 6—ORIGINATING SUMMONS

Form 93

GENERAL FORM OF ORIGINATING SUMMONS

(O 64, r 2)

In the Supreme Court of Queensland.

19 . (*Here put the number*)

In the matter of the *Trustees and Executors Act 1897*: And in the matter of the trusts of the will of G.H. late of *etc.* [*or* In the matter of A.B., an infant, by M.N., his or her next friend. *or* In the matter of G.H., a mentally ill person. *or* In the matter of X.Y., a solicitor (*or as the case may be*)].

Let all parties concerned attend at the chambers of the Honourable the Chamber Judge [*or* Justice C.] at the Supreme Court House, Brisbane [*or* Rockhampton, Townsville *or* Cairns] on the day of , at o'clock in the forenoon, on the hearing of an application on the part of A.B., of [*or* of the abovementioned A.B., an infant, by M.N., his or her next friend, (*or as the case may be*)], that (*state order desired*).

Dated *etc.*For the Registrar,
Clerk.

This summons was taken out by A.B. of (*etc. as in endorsement on a writ of summons*).

If the summons is to be served on any person, add the following—This summons is intended to be served on C.D. of , and E.F., of .

Note—It is not necessary to enter an appearance to this summons, but if the parties served do not attend in person, or by counsel or solicitor, at the time and place therein mentioned, such order may be made, and such proceedings taken, as the Court or a judge may think just or expedient.

Or—

(*If the summons is not to be served on any person add the following—*)

It is not intended to serve this summons on any person.

SCHEDULE 1 (continued)

SECTION 7—AMENDMENT AND RENEWAL OF WRITS

Form 94

PRAECIPE TO AMEND WRIT OF SUMMONS (O 6, r 2)

(Title etc. as in writ)

Amend [in pursuance of order dated *etc.*] the writ of summons in this action by (*state amendments required*).

Dated *etc.* *(To be signed by the plaintiff or the plaintiff's solicitor).*

Form 95

PRAECIPE TO RENEW WRIT OF SUMMONS OR OTHER WRIT
(O 9, r 1)*(Title etc. as in writ)*

Seal, in pursuance of order dated *etc.* a renewed writ of summons (*or etc.*) in this action.

Dated *etc.* *(To be signed by the plaintiff or the plaintiff's solicitor).*

SCHEDULE 1 (continued)

SECTION 8—OTHER FORMS

Form 96

AUTHORITY OF NEXT FRIEND TO INSTITUTE CAUSE OR
MATTER (O 3, r 17)*(Title as in action (or cause))*

I, M.N., of *(state residence and description)*, authorise X.Y. of *etc.* solicitor, to commence and prosecute an action [*or cause*] in the Supreme Court of Queensland, on behalf of A.B., an infant, against C.D., and E.F., for the administration of the estate of G.H., deceased [*or as the case may be, state relief to be sought in the cause*] [*or to make an application to the Supreme Court of Queensland on behalf of A.B., an infant, for the appointment of a guardian of the infant's estate (or as the case may be, state nature of application to be made)*], and to use my name in such cause [*or matter*] [*or on such application*] as the next friend of the said A.B.

Dated *etc.*

Witness:

M.N.

Form 97

THE LIKE BY ENDORSEMENT ON ORIGINATING PROCEEDING
(O 3, r 17)

I, the within named M.N., authorise X.Y., of *etc.* solicitor, to issue [*or take out*] this [*writ of*] summons [*or to file this petition (or as the case may be)*], and to prosecute the cause [*or matter*] to be commenced thereby, and to use my name therein as the next friend of the within named A.B.

Dated *etc.*

Witness:

M.N.

SCHEDULE 1 (continued)

Form 100

AUTHORITY OF NEW NEXT FRIEND TO CONTINUE
PROCEEDINGS (O 3, r 17)

In the Supreme Court of Queensland.

19 . (*Here put the number*)

(*Title of cause or matter*)

I, O.P. of *etc.* consent to be appointed and to act as the next friend of the plaintiff, A.B., in this cause [*or applicant A.B. in this matter (or as the case may be)*] in the place of M.N. And I authorise X.Y., of *etc.* solicitor, to use my name as such next friend, and to continue the prosecution of the cause [*or matter*].

Dated *etc.*

Witness:

O.P.

Form 101

AFFIDAVIT OF SERVICE OF WRIT OF SUMMONS
(O 10, r 15; O 15, rr 2 and 13; O 93, r 16)

(*Title as in writ of summons*)

I, O.P., of *etc.* make oath and say as follows—

1. I did on the day of , at in the State of Queensland (*or as the case may be*) serve C.D., the abovenamed defendant in this action, with the writ of summons now produced and shown to me and marked “A”, by delivering to the defendant and leaving with the defendant a true copy of the said writ, and at the same time showing the defendant the said original writ (*or as the case may be*).

2. I did on the day of endorse on the said original writ a memorandum of the day of the week and month of such service.

Sworn *etc.*

SCHEDULE 1 (continued)

Form 101A

AFFIDAVIT OF SERVICE OF DOCUMENTS

(O 2, r 9; O 12, r 4; O 22, r 8)

I, O.P. of *etc.* make oath and say as follows—

1. I did on the day of , at in the State of Queensland serve C.D. the abovenamed (plaintiff or defendant) with the (write nature of document) now produced and shown to me and marked “A” by delivering such (write nature of document) to the Australian Document Exchange (place) at o’clock in the noon on the day of 19 .

Sworn *etc.*

SCHEDULE 1 (continued)

**PART 2—FORMS RELATING TO COMMENCEMENT
OF DEFENCE TO ACTIONS****SECTION 1—APPEARANCES**

Form 102

**GENERAL FORM OF ENTRY OF APPEARANCE BY
DEFENDANT (O 12)**

In the Supreme Court of Queensland.

19 . (*Here put the number.*)*(Title as in writ of summons, adding after the name of any defendant who is an infant, “by M.N., his or her guardian ad litem.”)*

Enter an appearance in this action for the defendant C.D.

Dated *etc.*

C.D., defendant in person

[or Y.Z., solicitor for the defendant C.D.]

The address of C.D. is .

The address for service is [or the place of business of
Y.Z. is . The address for service is .]*[State the telephone number of the defendant or the defendant’s
solicitors as the case may be.]*

SCHEDULE 1 (continued)

Form 103

ENTRY OF APPEARANCE BY DEFENDANT LIMITING
DEFENCE (O 12, r 15)*(Title etc. as in form 102)*

Enter an appearance in this action for the defendant C.D.

The defendant limits his or her defence to part only of the plaintiff's claim, namely, to the claim for the recovery of possession of the land described in Certificate of Title No. _____ *(or as the case may be)*.

Dated *etc.* _____ *(Signature and memoranda as in form 102)*

Form 104

ENTRY OF CONDITIONAL APPEARANCE (O 12, r 22)

(Title etc. as in form 102)

Enter a conditional appearance in this action for the defendant C.D., who denies the jurisdiction of the Court to entertain the action against the defendant without the defendant's consent [*or denies that the defendant is a partner in the defendant firm.*]

Dated *etc.* _____ *(Signature and memoranda as in form 102)*

Form 105

ENTRY OF APPEARANCE BY THIRD PARTY (O 12; O 17, r 3)

(Title etc. as in form 102)

Enter an appearance for G.H. to the notice issued in this action by the defendant C.D., on the _____ day of _____ .

Dated *etc.* _____ *(Signature and memoranda as in form 102)*

SCHEDULE 1 (continued)

Form 106

ENTRY OF APPEARANCE BY NEW PARTY (O 16, r 5)

(Title etc. as in form 102)

Enter an appearance for G.H., who has been served with an order dated the _____ day of _____ to carry on and prosecute the proceedings in this action.

Dated *etc.* _____ *(Signature and memoranda as in form 102)*

Form 107

ENTRY BY NEW PARTY OF APPEARANCE TO COUNTERCLAIM

(Title etc. as in form 102)

Enter an appearance for G.H. to the counterclaim of the abovenamed defendant C.D. in this action.

Dated *etc.* _____ *(Signature and memoranda as in form 102)*

Note—*Either of forms 105 or 106 may be modified in accordance with form 104.*

SCHEDULE 1 (continued)

Form 108

AFFIDAVIT FOR ENTRY OF APPEARANCE AS GUARDIAN
(O 12, rr 23–25)

(Title etc. as in writ of summons or originating proceeding.)

I, Y.Z., of _____, solicitor, make oath and say as follows—

G.H., of *(state residence and description)*, is a fit and proper person to act as guardian *ad litem* of the abovenamed infant defendant, and has no interest in the matters in question in this cause adverse to that of the said infant, and the consent of the said G.H. to act as such guardian is now produced and shown to me and marked with the letter “A”.

Sworn *etc.*

Note—*To this affidavit must be exhibited the document signed by the guardian in testimony of the guardian’s consent to act, which may be in the following form—*

I, G.H., *(state residence and description)*, consent to act as guardian *ad litem* of C.D., and infant defendant in this cause, and I authorise Y.Z., of *etc.* solicitor, to defend this cause as solicitor for me as such guardian.

G.H.

Witness: X.Y.

SCHEDULE 1 (continued)

**SECTION 2—SPECIAL PROCEEDINGS IN
ADMIRALTY ACTIONS**

Form 110

NOTICE OF SECURITY (O 33, r 5)

In the Supreme Court of Queensland.

19 . (*Here put the number*).*(Title of action)*

I, X.Y., [solicitor for] the plaintiff [*or* defendant], tender the undermentioned persons as sureties on behalf of (*state the name, address, and description of the party for whom security is to be given*), in the sum of £ (\$) to answer judgment in this action [*if for costs only, add so far as regards costs*].

Names, addresses, and descriptions of—

	Sureties	Referees
1.
2.

Dated *etc.*

(*To be signed by the party or the party's solicitor or by the solicitor's clerk*).

(*The names of bankers should, if possible, be given as referees.*)

SCHEDULE 1 (continued)

Form 111

SECURITY (O 33, rr 1 and 2)

(Title etc. as in form 110)

We, C.D., of *etc.* and G.H., of *etc.* and I.J. of *etc.* hereby submit ourselves to the jurisdiction of the Supreme Court of Queensland in this action, and jointly and severally consent that if the said C.D. shall not pay what may be adjudged against him or her [*or to be paid to the plaintiff*] in this action with costs, judgment may be signed, and execution may issue, against us, our executors and administrators, lands and tenements, goods and chattels, for a sum not exceeding £ (\$) .

(Signatures).

Signed by the said C.D., G.H., and I.J., the day of
19 .

Before me,

(To be signed before the registrar or a commissioner for taking affidavits.)

Form 112

AFFIDAVIT OF JUSTIFICATION

(See form 319)

Form 113

NOTICES OF OBJECTION TO SECURITY

(Title etc. as in form 110)

Take notice that I object to the security proposed to be given by *(state name, address, and description of surety or sureties objected to)* in this action.

Dated *etc.*(Signed) A.B. [*or X.Y., solicitor for A.B.*]

SCHEDULE 1 (continued)

Form 114

PRAECIPE FOR RELEASE (O 34, r 1)

(Title etc. as in form 110)

I, A.B., [solicitor for] the plaintiff [*or* defendant] in this action pray a release of the (*state name and nature of property*) now under arrest by virtue of a warrant issued from this Court on *etc.*; [security having been given *or* the action having been withdrawn by me before an appearance was entered therein (*or as the case may be*)], and there being no caveat against the release thereof outstanding.

Dated *etc.**(To be signed by the party or the party's solicitor.)*

Form 115

RELEASE (O 34, r 1)

ELIZABETH THE SECOND ETC.

To the marshal of Our Supreme Court of Queensland:

Whereas in an action of _____, commenced in Our said Court on behalf of A.B. against the ship 'Mary' (*or as the case may be*) We commanded you to arrest the said ship (*or etc.*), and to keep the same under safe arrest until you should receive further orders from Us.

Now We do hereby command you to release the said ship (*or etc.*) from the arrest effected by virtue of our warrant in the said action upon payment being made to you of all costs, charges, and expenses attending the care and custody of the property whilst under arrest in that action.

Witnesses *etc.*

Release. Taken out by _____ .

SCHEDULE 1 (continued)

Form 116

PRAECIPE FOR CAVEAT AGAINST RELEASE (O 34, r 2)

(Title etc. as in form 110)

Enter a caveat on behalf of the plaintiff against the release of the (*state name and nature of property*) arrested in this action.

Dated *etc.*

(To be signed by the party or the party's solicitor or by the solicitor's clerk.)

Form 117

PRAECIPE FOR CAVEAT AGAINST WARRANT

(O 34, r 11)

In the Supreme Court of Queensland.

Enter a caveat on behalf of (*state name, address, and description*) against the issue of any warrant for the arrest of (*state name and nature of property*). I hereby undertake to enter an appearance in any action that may be commenced in this Honourable Court against the same, and, within 3 days after I shall have been served with a notice of the commencement of any such action, to give security therein in a sum not exceeding £ (\$) (*state amount for which the undertaking is given*), or to pay such sum into court.

And I consent that all instruments and other documents in such action may be left for me at .

Dated *etc.*

(To be signed by the party or by the party's solicitor)

SCHEDULE 1 (continued)

Form 118

NOTICE OF TENDER (O 46, r 10)

(Title etc. as in form 110)

Take notice that the defendant has paid into court, and tenders in satisfaction of the plaintiff's claim (*or as the case may be*) (*if the tender is for costs also, add 'including costs', the sum of (state sum tendered and on what terms (if any) the tender is made).*

Dated *etc.*

C.D.,

[*or* Y.Z., defendant's solicitor].

Form 119

NOTICE ACCEPTING OR REJECTING TENDER (O 46, r 11)

(Title etc. as in form 110)

Take notice that the plaintiff accepts [*or rejects*] the tender made by the defendant in this action.

Dated *etc.*

A.B.,

[*or* X.Y., plaintiff's solicitor].

SCHEDULE 1 (continued)

PART 3—FORMS RELATING TO THIRD PARTY PROCEEDINGS

Form 120

THIRD PARTY NOTICE CLAIMING INDEMNITY OR CONTRIBUTION OR OTHER RELIEF OR REMEDY (O 17)

In the Supreme Court of Queensland.

Between			19 . No.
	A.B.	plaintiff,	
	and		
	C.D.	defendant,	
	and		
	E.F.	third party	

Third Party Notice

(Issued pursuant to the order of _____ dated the 19).

To E.F. _____ of _____ .

Take notice that this action has been brought by the plaintiff against the defendant. In it the plaintiff claims against the defendant (*here state concisely the nature of the plaintiff's claim*) as appears by the endorsement on the writ of summons a copy whereof is served herewith [together with a copy of the statement of claim].

The defendant claims against you (*here state concisely the nature of the claim against the third party as for instance to be indemnified against the plaintiff's claim and the costs of this action or contribution to the extent of (1/2) of the plaintiff's claim*) [*or the following relief or remedy namely on the grounds that (state concisely the grounds of the claim against the third party)*].

And take notice that if you wish to dispute the plaintiff's claim against the defendant, or the defendant's claim against you, you must cause an appearance to be entered for you within _____ days after the service of this notice on you otherwise you will be deemed to admit the plaintiff's claim against the defendant and the defendant's claim against you and your

SCHEDULE 1 (continued)

liability to [indemnify the defendant *or* to contribute to the extent claimed *or* to *stating the relief or remedy sought*] and you will be bound by any judgment or decision given in the action and the judgment may be enforced against you in accordance with order 17 of the Rules of the Supreme Court.

Take further notice that you are required to plead to the defendant's statement of claim against you [which is delivered herewith] within 28 days after the time limited for your appearance otherwise the defendant may obtain judgment against you.

Dated the day of , 19 .

C.D.

[*or* X.Y.,

solicitor for the defendant C.D.].

Appearance to this notice may be entered either personally or by solicitor at the registry of the Supreme Court at Brisbane [*or* Rockhampton, Townsville *or* Cairns].

This notice is issued by C.D. (*etc. as in endorsement on writ of summons respecting the address of the plaintiff or the plaintiff's solicitor*).

SCHEDULE 1 (continued)

Form 121

THIRD PARTY NOTICE WHEN QUESTION OR ISSUE TO BE
DETERMINED*(Title as in form 120)*

To E.F. _____, of _____.

Take notice that this action has been brought by the plaintiff against the defendant. In it the plaintiff claims against the defendant (*here state concisely the nature of the plaintiff's claim*) as appears by the endorsement on the writ of summons a copy whereof is served herewith [together with a copy of the statement of claim].

The defendant requires that the following question or issue, viz.,
(here state concisely the question or issue to be determined) should be determined not only as between the plaintiff and the defendant but as between either or both of them and yourself.

And take notice that if you wish to be heard on the said question or issue or to dispute the defendant's liability to the plaintiff or your liability to the defendant an appearance must be entered on your behalf within _____ days after service of this notice on you otherwise you will be bound by any judgment or decision in the action insofar as it is relevant to the said question or issue and the judgment may be enforced against you in accordance with order 17 of the Rules of the Supreme Court.

Take further notice that you are required to plead to the defendant's statement of claim against you [which is delivered herewith] within 28 days after the time limited for your appearance otherwise the defendant may obtain judgment against you.

Dated the _____ day of _____, 19 ____.

(Signed) C.D.
[or X.Y.,
solicitor for the defendant].

Note—Add directions for entering appearance and statement by whom notice is issued, as in form 120.

SCHEDULE 1 (continued)

Form 122

NOTICE CLAIMING INDEMNITY OR CONTRIBUTION BY ONE
JOINT TORTFEASOR AGAINST ANOTHER*(Title as in action)*

To the abovenamed defendant, G.H.

Take notice that this action has been brought by the plaintiff against the defendant to recover damages sustained owing to a collision between a motor car driver by you and a motor car driven by the abovenamed defendant (E.F.) which is alleged to have been caused by the negligence of the defendant.

The abovenamed defendant E.F. claims to be entitled to indemnity [*or contribution*] from you in respect of any sum which the plaintiff may recover herein against him or her to the extent of such amount as may be found by the Court to be just and equitable, having regard to your responsibility for such damages on the ground that your negligence contributed to the happening of the abovementioned collision.

Dated the day of , 19 .

(Signed) E.F.

[*or X.Y.*,

solicitor for the abovenamed defendant].

SCHEDULE 1 (continued)

Form 123

NOTICE TO BE ENDORSED ON COUNTERCLAIM AGAINST
PERSON NOT PARTY TO THE ACTION

In the Supreme Court of Queensland.

19 . (*Here put the number*).
 Between A.B. plaintiff,
 and
 C.D. defendant
 By original action:
 and
 Between C.D. plaintiff,
 and
 A.B., E.F., and G.H. defendants,
 By counterclaim

To G.H. of etc.

Take notice that, within days after the service on you of the within-written counterclaim made against you in this action by the defendant, C.D., inclusive of the day of such service, you are required to cause an appearance to be entered for you to such counterclaim; and further take notice that you are required, within 28 days after the time limited for your appearance, to plead to the said counterclaim.

In default of your so entering an appearance or pleading, the said C.D. may obtain judgment against you.

C.D.

[*or X.Y. solicitor for the defendant C.D.*].

Appearance may be entered by the defendant to the counterclaim either personally or by solicitor at the registry of the Supreme Court at Brisbane [*or Rockhampton, Townsville or Cairns*].

This counterclaim is delivered by the defendant C.D. (*etc. as in endorsement on writ of summons respecting the address of the plaintiff or the plaintiff's solicitor*).

SCHEDULE 1 (continued)

**PART 4—PLEADINGS AND MATTERS
INCIDENTIAL TO PLEADINGS**

SECTION 1—STATEMENT OF CLAIM (O 24)

Form 124

GENERAL FORM

In the Supreme Court of Queensland.

19 . (*Here put the number*).

Writ issued the day of , 19 .

(Title of action in full as in writ of summons)

STATEMENT OF CLAIM

Delivered this day of , 19 .

*State facts relied on in numbered paragraphs, and conclude thus—*The plaintiff claims £ (\$) (*or as the case may be*).

[Place of trial: Brisbane.]

[The plaintiff requires the action to be tried by jury].

A.B. [*or X.Y., plaintiff's solicitor*].*Notice to be endorsed on statement of claim (O 22, r 33)*

The defendant is required to plead to the within statement of claim within 28 days from the time limited for appearance or from the delivery of the statement of claim whichever is the later, otherwise the plaintiff may obtain judgment against him or her.

(To be signed with the name of plaintiff or the plaintiff's solicitor).

[This pleadings was settled by of counsel].

SCHEDULE 1 (continued)

SECTION 2—DEFENCE AND COUNTERCLAIM

GENERAL FORMS

Form 125

GENERAL FORM OF DEFENCE (O 22, rr 2 and 5)

In the Supreme Court of Queensland.

19 (*Here put the number*).

(Title of action in full as in statement of claim).

Defence [of the defendant C.D.]

Delivered the day of , 19 .

State facts relied on in numbered paragraphs.

[The defendant requires the action to be tried by jury].

(To be signed) C.D.

[*or* Y.Z., solicitor for the defendant C.D.]

[This pleading was settled by of counsel].

Notice to be endorsed on defence (O 22, r 33)

The plaintiff is required to reply to the within defence within 14 days (*or as the case may be*) otherwise the pleadings will be deemed to be closed and all material statements of fact in the defence will be deemed to have been denied and put in issue.

SCHEDULE 1 (continued)

Form 126

GENERAL FORM OF DEFENCE AND COUNTERCLAIM
(O 25, rr 10 and 11)

In the Supreme Court of Queensland.

19 . (*Here put the number*)
 Between A.B., plaintiff,
 and
 C.D. and E.F. defendants,
 By original action:
 And between C.D., plaintiff,
 and
 A.B., E.F., and G.H. defendants,
 By counterclaim.

Defence and counterclaim of the defendant (C.D.)

Delivered the day of , 19 .

(*State defence as directed in form 125 and proceed*).

And by way of counterclaim the defendant [C.D.] says as follows—

(*State facts as in a statement of claim, or, if the facts relied on or any of them have already been stated in the defence, say—*

The defendant relies on the facts set forth in [paragraphs 2 and 3 of] his or her defence, *and add such other statement as may be necessary*).

The defendant claims (*state claim as in a statement of claim*).

[The defendant requires the action to be tried by jury].

[This pleading was settled by of counsel].

SCHEDULE 1 (continued)

Form 127

NOTICE TO BE ENDORSED ON DEFENCE AND
COUNTERCLAIM (O 22, r 33)

(a) *To parties already parties to the action.*

The plaintiff and the defendant E.F. are required to answer the within defence and counterclaim within 14 days; otherwise the pleadings upon the statement of claim will be deemed to be closed, and the defendant C.D. may obtain judgment upon the counterclaim.

(b) *To defendants to counterclaim other than parties to the action.*
(*See form 123*).

Form 128

FORM OF SEPARATE DEFENCE IN ACTION AGAINST A FIRM
UNDER ORDER 54

(*Title etc. as in form 125*)

Defence of the abovenamed defendants by G.H., 1 of the partners [served and] appearing in the action [*or* by G.H. the sole surviving partner in the firm].

(*State defence as directed in form 125*).

SCHEDULE 1 (continued)

SECTION 3—PAYMENT INTO COURT

Form 129

NOTICE OF PAYMENT INTO COURT (O 46)

(Title as in action)

Take notice that—

The defendant _____ has paid (\$ _____) into court.

Of the said (\$ _____), (\$ _____) is in satisfaction of the plaintiff's cause(s) of action for _____ and (\$ _____) is in satisfaction of the plaintiff's cause(s) of action for _____.

Dated the _____ day of _____, 19 ____.

P.Q.

solicitor for the defendant C.D.

To X.Y. the solicitor for the plaintiff, and

To R.S. the solicitor for the defendant, E.F.

SCHEDULE 1 (continued)

Form 130

NOTICE BY DEFENDANT AS TO LIABILITY TO PAY AMOUNT
OF WORKERS' COMPENSATION ETC.*(Title as in action)*

Take notice that the defendant, if liable to pay damages to the plaintiff, is liable to pay to (*name statutory body or fund*), or to indemnify the said [body *or* fund] against, the whole [*or* £ (\$)] of the amount of workers' or employees' compensation, sickness benefits *etc.* (*stating which*) received by the plaintiff [*or* the deceased], and that the money paid into court may not be paid out except in accordance with the written authority of the parties or an order of the Court or a Judge or registrar.

(Note—This form may be included in notice of payment into court).

Dated the day of , 19 .

P.Q.

solicitor for the defendant C.D.

To X.Y., the solicitors for the plaintiff, and

To R.S., solicitor for the defendant E.F.

SCHEDULE 1 (continued)

Form 131

NOTICE OF ACCEPTANCE OF MONEY PAID INTO COURT

(Title as in action)

Take notice that the plaintiff accepts the sum of £ (\$) paid in by the defendant C.D. in satisfaction of the cause[s] of action in respect of which it was paid in and in respect of which the plaintiff claims [against that defendant] [and abandons the other causes of action in respect of which the plaintiff claims in this action].

Dated the day of , 19 .

Signature:

X.Y.
plaintiff's solicitor.

To P.Q. solicitor for the defendant.

SCHEDULE 1 (continued)

**SECTION 4—REPLY, ANSWER, AND FURTHER
PLEADINGS**

Form 132

GENERAL FORM OF REPLY (O 22, r 5; O 27)

In the Supreme Court of Queensland.

19 . (Here put the number).

(Title of action in full as in statement of defence (and counterclaim (if any))).

Reply (or, if there is a counterclaim, reply and answer).

Delivered the day of , 19 .

The plaintiff says (etc. set out facts alleged by way of reply as in a statement of defence).

If there is a counterclaim, add—

And as to the defendant's counterclaim [or the counterclaim of the defendant C.D.,] the plaintiff says as follows—

(State defence to counterclaim in same manner as in a defence to a statement of claim).

[The plaintiff requires the action to be tried by jury].

[This pleading was settled by of counsel].

Form 133

JOINDER OF ISSUE

The plaintiff [or defendant] joins issue on the defendant's defence [or on the defence of the defendant C.D. or on the plaintiff's reply or on the plaintiff's answer to his or her counterclaim (or as the case may be)].

SCHEDULE 1 (continued)

Form 134

REPLY BY WAY OF CONFESSION AND AVOIDANCE (O 27)

(a) The plaintiff says that the defendant was trespassing and doing damage upon the plaintiff's land, and the plaintiff requested the defendant to leave the said land, which the defendant refused to do, whereupon the plaintiff quietly laid hands upon the defendant in order to remove the defendant, using no more force than was necessary for that purpose, which is the alleged first assault by the plaintiff.

(b) The plaintiff says that by the alleged agreement giving an extension of time for payment to the said G.H. all rights against sureties were expressly reserved by the plaintiff.

Notice to be endorsed on reply [and answer] and subsequent pleadings
(O 22, r 33)

If the defendant does not plead to the within reply [and answer] [rejoinder] then at the expiration of 14 days the pleadings will be deemed to be closed and all material statements of fact in the reply [and answer] [rejoinder] will be deemed to have been denied and put in issue.

[This pleading was settled by _____ of counsel].

Form 135

REPLY TO ANSWER TO COUNTERCLAIM (O 27, r 1)

(Title etc. as in answer)

The defendant says that he or she was induced to execute the release alleged in paragraph 2 of the plaintiff's answer to his or her counterclaim by the fraud of the plaintiff.

(Notice to be endorsed as in form 134)

[This pleading was settled by _____ of counsel].

SCHEDULE 1 (continued)

Form 136

CONFESSION OF DEFENCE (O 28, r 3)

(Title etc. as in last pleading)

The plaintiff confesses the defence set forth in paragraph 3 of the defendant's defence [or of the defendant's amended defence].

[This pleading was settled by _____ of counsel].

SECTION 5—DEMURRER

Form 137

GENERAL FORM OF DEMURRER (O 29)

(Title etc. as in action)

Delivered the _____ day of _____, 19 ____.

The defendant [or plaintiff] demurs to the plaintiff's statement of claim [or to the defendant's defence or counterclaim] [or to so much of the plaintiff's statement of claim as alleges as a breach of contract the matters alleged in paragraph 7 (*or as the case may be*)], and says that the same is bad in law on the following grounds (*here state grounds of demurrer*) and on other grounds sufficient in law.

(To be signed as in case of defence or reply)

[This pleading was settled by _____ of counsel].

Notice to be endorsed on demurrer (O 29, r 7)

The defendant [or plaintiff] is required to set this demurrer down for argument within 10 days, otherwise judgment will be given against him or her on the matters demurred to.

(To be signed with the name of the party demurring or the party's solicitor)

SCHEDULE 1 (continued)

Form 138

DEMURRER WITH COPY OF DOCUMENT RELIED ON BY
OPPOSITE PARTY (O 29, r 6)

(Title etc. as in form 137)

The defendant [*or* plaintiff] says that the agreement sued on [*or* release set up by the defendant (*or as the case may be*)] [so far as the same is material] is in the words [and figures] following, that is to say, (*set it out so far as material*).

And the defendant [*or* plaintiff] says that the plaintiff's claim [*or* the defendant's defence] so far as it depends on the said agreement [*or* release] is bad in law (*etc. as in form 137*).

(To be signed and endorsed as in form 137)

[This pleading was settled by _____ of counsel].

Form 139

DEMURRER WITH PLEADING AS TO FACTS (O 29, r 4)

(Title etc. as in ordinary pleading)

Set out facts pleaded as in other cases and proceed—

The defendant demurs (*etc. as in form 137*) [*or* The defendant says (*etc. as in form 138*)].

[This pleading was settled by _____ of counsel].

SCHEDULE 1 (continued)

SECTION 6—DISCONTINUANCE

Form 140

WITHDRAWAL OF ACTION (O 30, r 5)

(Title etc. as in last pleading)

The plaintiff hereby withdraws this action [against the defendant E.F.].

Dated *etc.*

(To be signed by the plaintiff or the plaintiff's solicitor)

We consent to the withdrawal of this action.

(To be signed by the defendant or the defendant's solicitor)

Form 141

DISCONTINUANCE (O 30, r 1)

(Title etc. as in last pleading)

The plaintiff hereby discontinues this action [against the defendant E.F.] [*or* withdraws so much of the plaintiff's claim as is set forth in paragraphs 4 and 5 of the statement of claim (*or as the case may be*)].

Dated *etc.*

(To be signed as in case of reply)

SCHEDULE 1 (continued)

**PART 5—PROCEEDINGS PRELIMINARY TO
HEARING OR JUDGMENT****SECTION 1—DISCLOSURE**

Form 143

INTERROGATORIES (O 35, rr 1 and 3)

(Title of cause or matter)

Interrogatories on behalf of the abovenamed plaintiff [*or* defendant C.D.] for the examination of the abovenamed defendants C.D. and E.F. [*or* plaintiff].

1. Did not *etc.*
2. Has not *etc.*
3. *Etc.*

The defendant C.D. is required to answer the interrogatories numbered .

The defendant E.F. is required to answer the interrogatories numbered .

(To be signed by the party or the party's solicitor)

SCHEDULE 1 (continued)

Form 145

ANSWER TO INTERROGATORIES (O 35, r 6)

(Title of cause or matter)

The answer of the abovenamed defendant C.D. (*or as the case may be*) to the interrogatories delivered for the defendant's examination by the abovenamed plaintiff.

In answer to the said interrogatories I the abovenamed C.D., make oath and say as follows—

(Here set out the facts alleged in answer).

Form 147

NOTICE REQUIRING LIST OF DOCUMENTS OR DISCOVERY ON
OATH (O 35, r 10(1))

Take notice that you the abovenamed plaintiff [*or defendant*] A.B. are required within 14 days after the service of this notice on you to furnish a list of the documents [*or make and file an affidavit of the documents*] which are or have been in your possession or power relating to the matters in question in the action [*or relating to the following matters in question in the action naming them*]

*(Signature of solicitor or party)**(Address for service)*

Solicitor for the defendant or plaintiff.

Served the day of 19 , by of ,
solicitor for the [defendant] [plaintiff].

SCHEDULE 1 (continued)

Form 148

AFFIDAVIT AS TO DOCUMENTS

(Title of cause or matter)

I the abovenamed defendant C.D. make oath and say as follows—

1. I have in my possession or power the documents relating to the matters in question in this cause set forth in schedule 1.

2. I object to produce the documents set forth in schedule 1, part 2 on the ground that *(stating the ground of objection made and verifying the facts as far as may be)*.

3. I have had, but have not now, in my possession or power the documents relating to the matters in question in this cause set forth in schedule 2.

4. Of the documents in schedule 2 those numbered _____ in that schedule were last in my possession or power on *(stating when)*, and the remainder on *(stating when)*.

(Here state what has become of the said documents and in whose possession they now are.)

5. According to the best of my knowledge, information and belief, I have not now and never had in my possession or power, or in the possession or power of my solicitor or any other person on my behalf, any document of any description whatsoever, relating to the matters in question in this cause or any of them, or wherein any entry has been made relative to such matters or any of them, other than and except the documents set forth in schedules 1 and 2.

(Schedules as in form 148A)

Sworn etc.

SCHEDULE 1 (continued)

Form 148A

LIST OF DOCUMENTS (O 35, r 12)

(Title of cause or matter)

LIST OF DOCUMENTS

The following is a list of the documents relating to the matters in question in this action which are or have been in the possession or power of the abovenamed plaintiff [*or* defendant] A.B. and which is served in compliance with order 35, rule 10 [*or* the order dated the day of 19].

1. The plaintiff [*or* defendant] has in his or her possession or power the documents relating to the matters in question in this action set forth in schedule 1.

2. The plaintiff [*or* defendant] objects to produce the documents set forth in schedule 1, part 2 on the ground that (*stating the ground of objection*).

3. The plaintiff [*or* defendant] has had, but has not now, in his or her possession or power the documents relating to the matters in question in this action set forth in schedule 2.

4. Of the documents in schedule 2 those numbered in that schedule were last in the plaintiff's [*or* defendant's] possession or power on (*stating when*) and the remainder on (*stating when*).

(Here state what has become of the said documents and in whose possession they now are).

5. Neither the plaintiff [*or* defendant], nor his or her solicitor, nor any other person on his or her behalf, has now, or ever had, in his or her possession or power any document of any description whatever relating to any matter in question in this action, other than the documents set forth in schedules 1 and 2.

SCHEDULE 1 (continued)

SCHEDULE 1

Part 1

(Here set forth in a convenient order the documents (or bundles of documents, if of the same nature, such as invoices) in the possession or power of the party in question which he or she does not object to produce, with a short description of each document or bundle sufficient to identify it.).

Part 2

(Here set forth as aforesaid the documents in the possession or power of the party in question which he or she objects to produce).

SCHEDULE 2

(Here set forth as aforesaid the documents which have been, but at the date of service of the list are not, in the possession or power of the party in question).

Dated the day of 19 .

Form 151

NOTICE TO PRODUCE DOCUMENTS FOR INSPECTION

(O 35, rr 14 and 15)

(Title of cause or matter)

Take notice that the plaintiff [*or* defendant] requires you to produce for his or her inspection the following documents referred to in your statement of claim [*or* defence] [*or* affidavit sworn the day of] [*or* list dated the day of].

(Describe documents required).

Dated *etc.*

(To be signed by the party giving the notice, or the party's solicitor, and addressed to the opposite party or the opposite party's solicitor).

SCHEDULE 1 (continued)

Form 152

NOTICE TO INSPECT DOCUMENTS (O 35, r 16)

(Title of cause or matter)

Take notice that you can inspect the documents mentioned in your notice of the day of [except the deed numbered in that notice] at *(state place of inspection)* on Thursday next, the instant, between the hours of 12 and 4 p.m. [*or that the plaintiff [or defendant] objects to giving you inspection of the documents mentioned in your notice of the day of , on the ground that (state the ground).*]

Dated etc.

(To be signed and addressed as in form 151)

Form 153

NOTICE TO ADMIT DOCUMENT (O 36, rr 2 and 3)

(Title of cause or matter)

Take notice that the plaintiff [*or defendant*] in this cause proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant [*or plaintiff*], his or her solicitor or agent, at , on , between the hours of and ; and the defendant [*or plaintiff*] is hereby required, within 48 hours from the lastmentioned hour, to admit, for the purposes of this cause only, that such of the said documents as are specified to be originals were respectively written, signed, or executed, as they purport respectively to have been; that such as are specified as copies are true copies; and that such documents as are stated to have been served, sent, or delivered, were so served, sent, or delivered, respectively; saving all just exceptions to the admissibility of any of such documents as evidence in this cause.

Dated etc.

(To be signed and addressed as in form 151).

SCHEDULE 1 (continued)

(Here describe the documents, the manner of doing which may be as follows—)

ORIGINALS

Description of documents	Dates
Deed of covenant between A.B. and C.D. first part, and E.F. second part	1 January 1963
Indenture of lease from A.B. to C.D.	1 February 1963
Indenture or release between A.B. first part and C.D. second part	2 February 1963
Letter—defendant to plaintiff	1 March 1964
Policy of insurance on goods by ship 'Isabella', on voyage from London to Brisbane	3 December 1964
Memorandum of agreement between C.D., captain of said ship, and E.F.	1 January 1965
Bill of exchange for £100 (\$200) at 3 months drawn by A.B. on and accepted by C.D. endorsed by A.B., E.F., and G.H.	1 May 1965

Rules of the Supreme Court

SCHEDULE 1 (continued)

COPIES

Description of documents	Dates	Original or duplicate served, sent, or delivered when, how, and by whom
Register of birth of A.B. in the town of X.	1 January 1963	—
Letter—plaintiff to defendant	1 February 1964	Sent by general post, 2 February 1964
Notice to produce papers	1 December 1965	Served 2 December 1965, on defendant's attorney by E.F., of
Record of a judgment of the Supreme Court in an action, M.N. v. O.P.	10 June 1962	—
Deed of grant	1 January 1947	—

SCHEDULE 1 (continued)

Form 154

NOTICE TO ADMIT FACTS (O 36, rr 2 and 3)

(Title of cause or matter)

Take notice that the plaintiff [*or* defendant] in this cause proposes to prove the several facts respectively hereunder specified; and the defendant [*or* plaintiff] is hereby required, within 6 days from the service of this notice, to admit, for the purposes of this cause only, the said several facts, saving all just exceptions to the relevancy of such facts as evidence in this cause.

The facts, the admission of which is required, are—

1. That John Smith died on 1 January 1955.
2. That he died intestate.
3. That James Smith was his only lawful son.
4. That James Smith was born on 10 May 1925.
5. That Julius Smith died on 1 April 1961.
6. That Julius Smith never was married.

Dated etc.

(To be signed and addressed as in form 151).

SCHEDULE 1 (continued)

Form 155

ADMISSION OF DOCUMENTS OR FACTS PURSUANT TO
NOTICE (O 36, r 3)*(Title of cause or matter)*

The defendant [*or plaintiff*] in this cause hereby admits, for the purposes of this cause, the several documents [*or facts*] respectively hereunder specified, subject to the qualifications or limitations (if any) hereunder specified, and saving all just exceptions to the admissibility of such documents [*or relevancy of such facts*] or any of them, as evidence in this cause.

This admission is made for the purposes of this cause only, and is not an admission to be used against the defendant [*or plaintiff*] on any other occasion, or by anyone other than the plaintiff [*or defendant (or other party requiring the admission)*].

DOCUMENTS ADMITTED

(Describe them as in the notice)

[Or FACTS ADMITTED]

Facts	Qualifications or limitations (if any) subject to which the facts are admitted

Dated *etc.*

(To be signed by the party making the admission or the party's solicitor, and addressed to the opposite party or the opposite party's solicitor).

SCHEDULE 1 (continued)

Form 156

NOTICE TO PRODUCE (GENERAL FORM) (O 36, r 7)

(Title of cause or matter)

Take notice that you are hereby required to produce and show to the Court (*or as the case may be*) on the trial of this cause (*or as the case may be*) all books, papers, letters, copies of letters, and other writings and documents, in your custody, possession, or power, containing any entry, memorandum, or minute, relating to the matters in question in this cause, and particularly (*here describe any particular documents in the same manner as in form 153*).

Dated etc.

(To be signed and addressed as in form 151)

SECTION 2—BRINGING CAUSE ON FOR HEARING OR TRIAL

Form 157

QUESTIONS FOR TRIAL (GENERAL FORM)

(O 37, r 1; O 38, r 12)

In the Supreme Court of Queensland.

19 . *(Here put the number)*

Writ issued the day of , 19 .

(Title as in last pleading)

Questions for trial before a Judge at Toowoomba with [*or without*] a jury (*or as the case may be*).

1. Was the execution of the deed of 1 April 1963, in the pleadings mentioned procured by the fraud of the defendant (*or as the case may be*)

2. Was *etc.*

(To be signed by the party preparing the issues or the party's solicitor)

SCHEDULE 1 (continued)

Form 158

NOTICE OF TRIAL (O 39, r 14–16)

(Title of cause etc. (as in last pleading (if any))).

Take notice of trial of this action [*or of the question (or issues) ordered to be tried in this action (or as the case may be)*] before a Judge at Brisbane [*or as the case may be*] for the sittings appointed to commence on the day of next.

Trial by jury has [*or has not*] been required.

Dated etc.

(To be signed by the party giving notice of trial or the party's solicitor, and addressed to the opposite party or the opposite party's solicitor)

SCHEDULE 1 (continued)

Form 159

CERTIFICATE OF READINESS FOR TRIAL (O 39, r 30A)

(Title of action)

I/We the undersigned certify to the Court as follows—

1. All orders or requirements for discovery or inspection of documents and all orders for particulars have been complied with and all interrogatories delivered have been answered.

2. All necessary interlocutory steps in the action have been completed.

3. All necessary witnesses are available.

4. The action is in all respects ready for trial.

5. A conference of the kind mentioned in order 39, rule 30A(4)(e) has been held.

6. The present estimated length of trial is as follows—

(a) the plaintiff's solicitors have instructed X. of counsel and his or her present estimate of the length of trial is hours/days;

(b) the defendant's solicitors have instructed Y. of counsel and his or her present estimate of the length of trial is hours/days;

(c) the solicitors for other parties (state which party) have instructed Z. of counsel and his or her present estimate of the length of trial is hours/days.

7. —

(a) The solicitor in the office of the solicitors for the plaintiff responsible for handling this matter is A., whose direct telephone number is

(b) The solicitors in the office of the solicitors for the defendant responsible for handling this matter is B., whose direct telephone number is

(c) The solicitor in the office of the solicitors for other parties (state which party) responsible for handling this matter is C., whose direct telephone number is

SCHEDULE 1 (continued)

Dated the day of , 19 .

Solicitor for the plaintiff.
Solicitor for the defendant.
Solicitors for other parties.

(Note—Interlocutory steps includes, but is not confined to such matters (in actions to which they are appropriate) as discovery, inspection of documents, admissions, particulars and answers to interrogatories.)

(Note—If the solicitors for any party have not instructed counsel at the time this certificate of readiness is filed, they should so state in the certificate and therein set out the length of trial estimated by the solicitors. If, after the certificate has been filed and after the matter appears on the published monthly list of cases to be called over, the solicitors for any party consider that the estimated length of trial should be altered, whether due to change of counsel, amendments to pleadings or otherwise, notification in writing of such alteration should be given by the solicitors to the registrar and to all other parties at least 2 clear days before the call-over. If the matter is not set down at that call-over and there is a further change in the estimate of length of trial the solicitors shall give similar notice at least 2 clear days before the date of the call-over of cases at which it is expected a date of trial will be given. Should there be a change in the estimate of length of trial after the matter has been set down at a call-over then a further notification in writing should be given forthwith by that solicitor to the registrar and to all other parties.)

SCHEDULE 1 (continued)

Form 160

ENTRY OF CAUSE FOR TRIAL OR HEARING (O 39, r 18)

(Title etc. as in writ of summons)

Enter this cause (*or as the case may be*) for trial [*or hearing*] before a Judge with [*or without*] a jury at Brisbane (*or etc.*) on the
day of .

Dated etc.

(To be signed by the party or the party's solicitor.)

SCHEDULE 1 (continued)

Form 161

REQUEST FOR TRANSFER FROM ROCKHAMPTON,
TOWNSVILLE OR CAIRNS TO BRISBANEIn the Supreme Court of Queensland
Rockhampton [*or Townsville or Cairns*]19 . (*Here put the number*)

A.B.

v.

C.D.

The Central [*or Northern or Far Northern*] Judge being unable from illness [*or interest*] (*or as the case may be*) to entertain this action [*or the matter hereinafter mentioned*] [*or being absent from Rockhampton (or Townsville or Cairns), and his or her absence being likely to last for a period longer than 7 days*], and there being no other Judge here present, I hereby request that this action (*or as the case may be*) be transferred to the Supreme Court at Brisbane for the purpose of a summons for final judgment intended to be taken out this day [*or for the purpose of an application for adjudication of bankruptcy upon the petition filed in this matter (or as the case may be)*].

Dated etc.

*(To be signed by the party or the party's solicitor.)*To the registrar of the Supreme Court,
Rockhampton [*or Townsville or Cairns*].

SCHEDULE 1 (continued)

Form 166

NOTICE REQUIRING DEMURRER OR QUESTION OF LAW TO
BE ARGUED BEFORE COURT OF APPEAL (O 29, r 14; O 38, r 7)

(Title etc. as in form 158)

The plaintiff [*or* defendant] requires that the defendant's demurrer to the plaintiff's statement of claim (*or as the case may be*) be set down for argument before the Court of Appeal in the first instance.

(To be signed and addressed as in form 165.)

SCHEDULE 1 (continued)

**SECTION 3—ATTENDANCE AND EXAMINATION
OF WITNESSES**

**A—SUBPOENAS, ORDERS AND NOTICES TO PRODUCE
WITNESSES, WRIT OF NON-PARTY DISCOVERY**

Form 167

SUBPOENA AD TESTIFICANDUM (GENERAL FORM)
(O 40, rr 30 and 33)

In the Supreme Court of Queensland.

19 . (*Here put number*).

Between A.B. plaintiff

and

C.D. and E.F., defendants.

ELIZABETH THE SECOND ETC.

To (*the names of any number of witnesses may be inserted*):

Greeting:

We command you to attend before (*describe the Court or person*)
at on day the day of , 19 , at
the hour of in the noon, and so from day to day until this
cause is tried, to give evidence on behalf of the plaintiff [*or defendant*].

Witness *etc.*

SCHEDULE 1 (continued)

Form 168

SUBPOENA DUCES TECUM (GENERAL FORM)
(O 40, r 30)*(Title etc. as in form 167)*

ELIZABETH THE SECOND ETC.

To *(the names of not more than 3 witnesses may be inserted)*:

Greeting:

We command you to attend before *(describe the Court or person)*
at _____, on _____ day the _____ day of _____, 19____, at
the hour of _____ in the _____ noon, and so from day to day until this
cause is tried, to give evidence on behalf of the _____, and also to
bring with you and produce at the time and place aforesaid *(specify
documents to be produced)*.

Witness *etc.*

Form 169

PRAECIPE FOR SUBPOENA

(Title etc. as in form 167)

Seal a writ of subpoena *ad testificandum* [or duces tecum directed to
M.N.] returnable at the Supreme Court at Brisbane *(or as the case may be)*
on _____.

Dated *etc.**(To be signed by the party or the party's solicitor.)*

SCHEDULE 1 (continued)

Form 169A

WRIT OF NON-PARTY DISCOVERY

(O 40, r 38A)

(Title etc. as in form 167)

ELIZABETH THE SECOND ETC.

To: *(the names of not more than 3 respondents may be inserted)*

We command you that, within 14 days after the day of service of this writ on you, you must—

- (a) produce the document(s) mentioned or described in the schedule at your place of business or at that of your solicitor at a time within ordinary business hours, unless the applicant and you agree otherwise; and
- (b) permit the applicant (*insert name*) to copy the document(s);

but, if—

- (c) you make a claim of privilege in relation to a document or otherwise object to produce a document; and
- (d) the applicant does not accept the claim or objection;

you may apply to a Judge to determine the claim or objection;

and take notice—

- (e) that you may, within 14 days after service of this writ on you, apply to a Judge to have it set aside or varied; and
- (f) that your costs and expenses of producing the document(s) will be paid by the applicant after being taxed, unless the applicant and you agree otherwise.

SCHEDULE

The address and telephone number of the applicant are:

Witness etc.

SCHEDULE 1 (continued)

Form 169B

PRAECIPE FOR WRIT OF NON-PARTY DISCOVERY

(Title etc. as in form 167)

Seal a writ of non-party discovery directed to:

Dated etc.

(To be signed by the party or party's solicitor)

Form 170

AFFIDAVIT FOR WRIT OF HABEAS CORPUS AD
TESTIFICANDUM, OR ORDER TO PRODUCE WITNESS (O 82, r 1)*(Title etc. as in form 167)*I, A.B., of *etc.* make oath and say as follows—

1. O.P., now a prisoner confined in Her Majesty's prison at undergoing a term of imprisonment for [*or* under commitment to take his or her trial for] (*state offence shortly*) will be a material and necessary witness on behalf of the [plaintiff] on the trial of this action.

2. The [plaintiff] cannot safely proceed to trial without the testimony of the said O.P.

SCHEDULE 1 (continued)

Form 171

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

(Title etc. as in form 167)

To the superintendent of Her Majesty's Prison at _____ *(or as the case may be)*.

Greeting:

We command you that you bring O.P. who, it is said is confined in Her Majesty's Prison at _____ *(or as the case may be)* in your custody before the Supreme Court at Brisbane *(or as the case may be)* on day the _____ day of _____, at the hour of _____ in the noon, and so from day to day until this cause is tried, to give evidence on behalf of the plaintiff [*or defendant C.D.*]. And that immediately after the said O.P. shall have so given his or her evidence you safely conduct him or her to his or her former custody in the said prison *(or as the case may be)*.

Witness *etc.*

Form 172

PRAECIPE FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

(Title etc. as in form 167)

Seal a writ of habeas corpus *ad testificandum*, addressed to the superintendent of Her Majesty's Prison at _____ *(or as the case may be)*, to bring O.P. before the Supreme Court at Brisbane *(or as the case may be)* on *etc.*

Dated *etc.*

(To be signed by the party or the party's solicitor.)

SCHEDULE 1 (continued)

Form 174

NOTICE TO PRODUCE WITNESS FOR CROSS-EXAMINATION
AT HEARING (O 41, r 27)*(Title etc. as in form 167)*

Take notice, that the defendant [*or plaintiff*] intends at the trial of this action to cross-examine the several deponents named and described in the schedule on their affidavits therein specified.

And also take notice that you are hereby required to produce the said deponents for such cross-examination before the Court as aforesaid.

Dated etc.

(To be signed by the party giving the notice, or the party's solicitor, and addressed to the opposite party or the opposite party's solicitor).

THE SCHEDULE

Name of deponent	Address and description	Date when affidavit filed

SCHEDULE 1 (continued)

B—COMMISSION AND REQUEST TO EXAMINE WITNESSES

Form 178

COMMISSION TO EXAMINE WITNESSES (O 40, r 9)

(Title of cause or matter)

ELIZABETH THE SECOND ETC.

To M.N., of _____ and S.T. of _____, commissioners named by and on behalf of the plaintiff, and to V.W., of _____, and X.Y., of _____, commissioners named by and on behalf of the defendant.

Greeting.

Know ye that We, in confidence of your prudence and fidelity, have appointed you and by these presents give you power and authority to examine [on interrogatories and] viva voce, as hereinafter mentioned, witnesses on behalf of the said plaintiff and defendant (*or as the case may be*) respectively at _____, before you or any 2 of you, so that 1 commissioner only on each side be present and act at the examination; and We command you as follows—

1. Each of the said parties shall be at liberty to examine [upon interrogatories, and] viva voce [upon the subject matter thereof or arising out of the answers thereto,] such witnesses as shall be produced on his or her behalf, with liberty to the other party to cross-examine the said witnesses [upon cross-interrogatories and] viva voce, the party producing any witness for examination being at liberty to re-examine him or her viva voce; and the answers to all such viva voce questions, whether on examination, cross-examination, or re-examination, shall be reduced into writing, and returned with this commission.

2. Not less than _____ days before the examination of any witness on behalf of either of the said parties, notice in writing, signed by any one of you, the commissioners of the party on whose behalf the witness is to be examined, and stating the time and place of the intended examination and the names of the witnesses to be examined, shall be given to the commissioners of the other party by delivering the notice to them, or by

SCHEDULE 1 (continued)

leaving it at their usual place of abode or business, and if the commissioners or commissioner of the party neglect to attend pursuant to the notice, then one of you, the commissioners of the party on whose behalf the notice is given, shall be at liberty to proceed with and take the examination of the witness or witnesses *ex parte*, and adjourn any meeting or meetings, or continue the same from day to day until all the witnesses intended to be examined by virtue of the notice have been examined, without giving any further or other notice of the subsequent meeting or meetings.

3. In the event of any witness on his or her examination, cross-examination, or re-examination producing any book, document, letter, paper, or writing, and refusing, for good cause to be stated in his or her disposition, to part with the original thereof then a copy thereof, or extract therefrom, certified by such of you as shall be present and acting to be a true and correct copy or extract, shall be annexed to the witness's deposition.

4. Each witness to be examined under this commission shall be examined on oath, affirmation, or otherwise in accordance with his or her religion by or before such of you as shall be present and acting at the examination.

5. If any 1 or more of the witnesses do not understand the English language, the [interrogatories, cross-interrogatories, and] *viva voce* questions (if any), shall be first translated into the language with which he, she or they is or are conversant, and the examination shall then be taken in English through the medium of an interpreter or interpreters to be nominated by such of you as shall be present and acting at the examination, and to be previously sworn in the form hereon endorsed according to his, her or their several religions by or before such of you as shall be so present and acting truly to interpret the questions to be put to the witness and his or her answers thereto.

6. The depositions to be taken under this commission shall be subscribed by the witness or witnesses, and by the commissioners or commissioner who shall have taken the depositions.

7. The [interrogatories, cross-interrogatories, and] depositions, together with any documents referred to therein, or certified copies thereof or extracts therefrom, shall be sent to the registrar of Our Supreme Court of Queensland, at Brisbane [*or* Rockhampton, Townsville *or* Cairns] on or

SCHEDULE 1 (continued)

before the day of enclosed in a cover under the seals or seal of such of you as shall have taken such depositions.

8. Before you or any of you in any manner act in the execution hereof you shall severally take the oath hereon endorsed on the Holy Gospels, or otherwise in such other manner as is sanctioned by the form of your several religions and is considered by you respectively to be binding on your respective consciences. In the absence of any other commissioners or commissioner a commissioner may himself or herself take the oath.

And We give you or any one of you authority to administer such oath to the other or others of you.

Witness *etc.*

WITNESS'S OATH

You are true answer to make to all such questions as shall be asked you, without favour or affection to either party, and therein you shall speak the truth, the whole truth, and nothing but the truth.

So help you God.

COMMISSONER'S OATH

You shall [*or I will*], according to the best of your [*or my*] skill and knowledge, truely and faithfully, and without partiality to any or either of the parties in this cause, take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the commission within written.

So help you [*or me*] God.

INTERPRETER'S OATH

You shall truely and faithfully, and without partiality to any or either of the parties in this cause, and to the best of your ability, interpret and translate the oath or oaths, affirmation or affirmations which he or she shall administer to, and all and every the questions which shall be exhibited or put to, all and every witness and witnesses produced before and examined by the commissioners named in the commission within written, as far forth as you are directed and employed by the said commissioners to interpret and translate the same out of the English into the language of such witness or witnesses, and also in like manner to interpret and translate the respective

SCHEDULE 1 (continued)

depositions taken and made to such questions out of the language of such witness or witnesses into the English language.

So help you God.

CLERK'S OATH

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take, write down, transcribe and engross, all and every the questions which shall be exhibited or put to all and every witness and witnesses produced before and examined by the said commissioners named in the commission within written, as far forth as you are directed and employed by the commissioners, to take, write down, transcribe, or engross, the said questions (and depositions).

So help you God.

Direction of commission etc. when returned by the commissioners.

The registrar of the Supreme Court of Queensland, Brisbane (*or as the case may be*).

Form 179

PRAECIPE FOR COMMISSION TO EXAMINE WITNESSES

(Title of cause or matter)

Seal, in pursuance of order dated *etc.* a commission to examine witnesses directed to *etc.*

Dated *etc.*

(To be signed by the party taking out the commission or the party's solicitor.)

SCHEDULE 1 (continued)

Form 181

REQUEST FOR EXAMINATION ABROAD

(*Title of cause or matter*)

To the Chief Justice and Judges of the Supreme Court of New South Wales (*or as the case may be*).

Whereas a cause is now pending in the Supreme Court of Queensland, in which A.B. is plaintiff and C.D. is defendant (*or as the case may be*), in which said cause the plaintiff (*or etc.*) claims (*state concisely the relief claimed*).

And whereas it has been represented to the said Court that it is necessary for the purposes of justice, and for the due determination of the matters in dispute between the parties, that the following persons should be examined as witnesses upon oath touching such matters—that is to say: O.P., of _____, Q.R., of _____ (*etc.*).

And it appearing that such witnesses are resident within the jurisdiction of your Honourable Court.

Now I _____, as the Chief Justice of the said Supreme Court of Queensland, have the honour to request, and do hereby request, that, for the reasons aforesaid, and for the assistance of the Supreme Court of Queensland, you as the Chief Justice and Judges of the said Supreme Court of New South Wales (*or as the case may be*), or some 1 or more of you, will be pleased to summon the said witnesses [and such other witnesses as the agents of the said plaintiff and defendant shall humbly request you in writing so to summon] to attend at such time and place as you shall appoint before some 1 or more of you, or such other person as according to the procedure of your court is competent to take the examination of witnesses, and that you will cause such witnesses to be examined *viva voce* [*or upon the interrogatories which accompany this letter of request*] touching the said matters in question in the presence of the agents of the plaintiff and defendant, or such of them as shall on due notice given attend such examination.

And I have further the honour to request that you will be pleased to cause the answers of the said witnesses to be reduced into writing, and all books, letters, papers, and documents, produced upon such examination to

SCHEDULE 1 (continued)

be duly marked for identification and that you will be further pleased to authenticate such examination by the seal of your court, or in such other way as is in accordance with your procedure, and to return the same [together with such request in writing (if any) for the examination of other witnesses], to me at the Supreme Court House, Brisbane.

PART 6—FORMS OF JUDGMENTS/ORDERS

Form 182

GENERAL FORM OF JUDGMENT/ORDER

(Title of cause or matter)

JUDGMENT/ORDER

Judge/Master:

Date of Judgment/Order:

Document initiating this hearing:

IT IS ADJUDGED/ORDERED THAT

Registrar

SCHEDULE 1 (continued)

Form 217

NOTICE OF JUDGMENT (O 3, rr 28–30)

(Title etc. as in judgment)

Take notice that the judgment, a copy whereof is within written [*or hereto annexed*], was pronounced [*or made*] in this action on *etc.*

And take notice that from the time of the service of this notice on you, you [*or G.H. an infant (or a mentally ill person)*] will be bound by the proceedings in this action in the same manner as if you [*or he or she*] had been originally made a party, and that you [*or he or she*] may, on entering an appearance at the registry at Brisbane [*or Rockhampton, Townsville or Cairns*] attend the proceedings under the said judgment; and that you [*or he or she*] may within 1 month after the service of this notice apply to the Court to add to the judgment.

To G.H. of *etc.* [*or to M.N., guardian (or committee (or as the case may be)), of G.H. of etc. and infant (or a mentally ill person)*]

(To be signed by the party having the carriage of the judgment or the party's solicitor).

SCHEDULE 1 (continued)

Form 218

PRAECIPE TO ENTER MEMORANDUM OF SERVICE OF NOTICE
OF JUDGMENT*(Title etc. as in form 217)*

Enter memorandum of service of notice of judgment made in this action, and dated *etc.* on the undermentioned persons, viz.—

Name of party served	Date of service

Dated *etc.**(To be signed by the party or the party's solicitor).*

SCHEDULE 1 (continued)

PART 7—FORMS OF WRITS OF EXECUTION ETC.

Form 219

GENERAL FORM OF COMMENCEMENT AND CONCLUSION
(O 47, rr 12, 13 and 17)

In the Supreme Court of Queensland.

19 . (*Here put the number*).

(*Title of cause or matter*)

ELIZABETH THE SECOND (*etc. as in writ of summons*):

To the sheriff of Queensland (*or as the case may be*):

Greeting:

We command you (*etc. as in following forms*).

Witness (*etc. as in writ of summons*).

Levy £ (\$) and £ (\$) for costs of execution, and also interest on £ (\$) at % per annum from the day of , 19 , until payment, beside sheriff's poundage, officer's fees, costs of levying, and all other legal incidental expenses (*or as the case may be*).

This writ was issued by X.Y. of B, agent for W.X., of T, solicitor for the plaintiff [*or by the plaintiff (or as the case may be)*].

The defendant [*or the said C.D.*] is a , and resides at .

SCHEDULE 1 (continued)

Form 220

GENERAL FORM OF PRAECIPE FOR WRIT OF EXECUTION

(Title etc. as in form 219)

Seal a writ of fieri facias (*or as the case may be*) directed (*etc. as in following forms*).

Dated *etc.*

(To be signed by the party or the party's solicitor).

Judgment [*or Order*] dated *etc.*

[Taxing officer's certificate filed the day of .]

SCHEDULE 1 (continued)

Form 221

WRIT OF FIERI FACIAS FOR SUM OF MONEY AND COSTS

(O 47, rr 13 and 20; O 48, r 1)

(Commencement and conclusion as in form 219)

We command you that of the lands, tenements, goods, chattels, choses in action, and other property, of C.D. within the State of Queensland, of or to which the said C.D. is seized, possessed, or entitled, or which he or she can assign or dispose of, you cause to be made the sum of £ (\$) and also interest thereon at the rate of % per annum from the day of (*date of judgment or order*), which said sum and interest were lately before Us in Our Supreme Court of Queensland in a certain cause there depending wherein A.B. is plaintiff and C.D. is defendant [*or in a certain matter there depending entitled 'in the matter of E.F.'* (*or as the case may be*)] by a judgment [*or an order*] of Our said Court, hearing date the day of adjudged [*or ordered*] to be paid by the said C.D. to A.B., together with certain costs in the said judgment [*or order*] mentioned, and which costs have been taxed and allowed by the taxing officer of Our said Court at the sum of £ (\$), as appears by the certificate of the said taxing officer, filed the day of [*or together with £ (\$) for costs*].

And that of the property aforesaid of the said C.D. in Our said State you further cause to be made the said sum of £ (\$) (*the costs*), together with interest thereon at the rate of % per annum from the date aforesaid, and £ (\$) for costs of execution, and that you have that money and interest before Us in Our said Court immediately after the execution hereof to be paid to the said A.B. in pursuance of the said judgment [*or order*].

And in what manner you shall have executed this Our writ make appear to Us in Our said Court immediately after the execution hereof.

And have there then this writ.

SCHEDULE 1 (continued)

Form 222

PRAECIPE FOR WRIT OF FIERI FACIAS

(Title and conclusion as in form 220)

Seal a writ of fieri facias directed to the sheriff of Queensland (*or as the case may be*) to levy against C.D., of _____, the sum of £ (\$) [and £ (\$) for costs] and interest thereon at the rate of _____ % per annum from the _____ day of _____, and £ (\$) for costs of execution.

Form 223

WRIT OF FIERI FACIAS FOR COST ONLY

(O 47, rr 13 and 20; O 48, r 1)

(Commencement and conclusion as in form 219)

We command you that of the lands, tenements (*etc. as in form 221*) you cause to be made the sum of £ (\$) for certain costs, which by a judgment [*or an order*] of Our Supreme Court of Queensland bearing date the _____ day of _____ were adjudged [*or ordered*] to be paid by the said C.D. to A.B., [and which have been taxed and allowed at the said sum, as appears by the certificate of the taxing officer of Our said Court filed the _____ day of _____] together with interest thereon at the rate of _____ % per annum from the date aforesaid, and £ (\$) for costs of execution; and that you have that money (*etc. as in form 221 to the end*).

Form 224

PRAECIPE FOR FIERI FACIAS FOR COSTS

(The same as form 222 with necessary variations)

SCHEDULE 1 (continued)

Form 225

WRIT OF FIERI FACIAS ON JUDGMENT OF DISTRICT COURT
REMOVED INTO THE SUPREME COURT

(O 47, r 13; O 48, r 1)

In the Supreme Court of Queensland.

In the matter of an action lately pending in the District Court at T., between A.B., plaintiff, and C.D., defendant, and removed into this Court.

(Address and conclusion as in form 219)

We command you that of the lands, tenements, goods (*etc. as in form 221*), you cause to be made the sum of £ (\$) which, by a judgment [*or an order*] of the District Court holden at _____, dated the _____ day of _____, made in a certain action there depending (*or as the case may be*), wherein A.B. was plaintiff and the said C.D. was defendant, were adjudged [*or ordered*] to be paid by the said C.D. to the said A.B., and which judgment [*or order*] of the said District Court was afterwards, on the _____ day of _____, removed into Our Supreme Court of Queensland by virtue of an order of the Honourable Justice C., dated *etc.*; and also the further sum of £ (\$) for certain costs, which by the said lastmentioned order were ordered to be paid by the said C.D. to the said A.B., and which costs have been taxed and allowed by the taxing officer of Our said Court at the sum of £ (\$), as appears by the certificate of the said taxing officer filed the _____ day of _____, together with interest thereon at the rate of _____ % per annum on the said sums from the said _____ day of _____ (*date of the order*), and £ (\$) for costs of execution; and that you have that money (*etc. as in form 221*).

SCHEDULE 1 (continued)

Form 226

PRAECIPE FOR WRIT OF FIERI FACIAS ON JUDGMENT OR
ORDER REMOVED INTO SUPREME COURT

(Title and conclusion as in form 225)

Seal a writ of fieri facias, directed to the sheriff of Queensland *(etc. as in form 222)*.

(To be signed by the party or the party's solicitor.)

Judgment [*or order*] of District Court dated the day of .

Order of the Honourable Justice C., dated *etc.*

[Taxing officer's certificate filed the day of .]

SCHEDULE 1 (continued)

Form 227

WRIT OF ELEGIT (O 47, r 3; O 48, r 1)

(Commencement and conclusion as in form 219)

Whereas lately in Our Supreme Court of Queensland, in a certain cause there depending, wherein A.B. is plaintiff and C.D. is defendant [*or in a certain matter there depending, entitled 'In the Matter of E.F.' (or as the case may be)*], by a judgment [*or an order*] of Our said Court bearing date the day of , it was adjudged [*or ordered*] that C.D. should pay to A.B. the sum of £ (\$), together with interest thereon at the rate of % per annum from the said day of , together also with certain costs, as in the said judgment [*or order*] mentioned and which costs have been taxed and allowed by the taxing officer of Our said Court at the sum of £ (\$), as appears by the certificate of the said taxing officer, filed the day of [*or together with £ (\$) for costs*].

And afterwards the said A.B. came into Our said Court, and according to the statute in such case made and provided, chose to have delivered to him or her all the goods and chattels of the said C.D. in Our said State and also all such lands, tenements, rents, and hereditaments in Our said State as the said C.D., or any on trust for him or her, was seized or possessed of on the day of (*date of judgment or order*), or at any time afterwards, or over which the said C.D., on the said lastmentioned day or at any time afterwards, had any disposing power which he or she might without the assent of any other person exercise for his or her own benefit, to hold to him or her the said goods and chattels as his or her proper goods and chattels, and to hold the said lands, tenements, rents, and hereditaments respectively, according to the nature and tenure thereof, to him or her and to his or her assigns, until the said 2 several sums of £ (\$) and £ (\$) together with interest upon the said sums at the rate of % per annum from the said day of , should have been levied.

Therefore We Command you that without delay you cause to be delivered to the said A.B. by a reasonable price and extent all the goods and chattels of the said C.D. in Our said State, and also all such lands, tenements, rents, and hereditaments in Our said State as the said C.D., or any person or persons in trust for him or her, was or were seized or

SCHEDULE 1 (continued)

possessed of on the said day of (*date of judgment or order*), or at any time afterwards, or over which the said C.D. on the said lastmentioned day or at any time afterwards, had any disposing power which he or she might, without the assent of any other person, exercise for his or her own benefit, to hold the said goods and chattels to the said A.B. as his or her proper goods and chattels, and also to hold the said lands, tenements, rents, and hereditaments respectively, according to the nature and tenure thereof, to him or her and to his or her assigns until the said 2 several sums, and interest as aforesaid, shall have been levied.

And in what manner you shall have executed this Our writ make appear to Us in Our said Court, immediately after the execution thereof, under your seal, and the seals of those by whose oath you shall make the said extent and appraisement.

And have there then this writ.

Form 228

PRAECIPE FOR WRIT OF ELEGIT

(*Title and conclusion as in form 220*)

Seal a writ of elegit, directed to the sheriff of Queensland, (*or as the case may be*) against C.D., of , for not paying to A.B. the sum of £ (\$), [and £ (\$) for costs] together with interest thereon from the day of .

SCHEDULE 1 (continued)

Form 229

WRIT OF CAPIAS AD SATISFACIENDUM (O 78, r 23)

(Commencement and conclusion as in form 219)

We command you that you take C.D., if he or she shall be found in Our State of Queensland, and him or her safely keep, so that you may have his or her body before Us at Brisbane [*or* Rockhampton, Townsville *or* Cairns] immediately after the execution of this writ, to satisfy A.B., £ (\$), together with interest thereon at the rate of % per annum from the day of (state date of judgment), which said sum and interest were lately before us in Our Supreme Court in a certain action wherein A.B. is plaintiff and C.D. is defendant, by a judgment of Our said Court bearing date the day of , adjudged to be paid by the said C.D. to the said A.B., together with certain costs in the said judgment mentioned, and which costs have been taxed and allowed by the taxing officer of Our said Court at the sum of £ (\$), as appears by the certificate of the said taxing officer filed the day of [*or* together with £ (\$) for costs], and £ (\$) for costs of execution.

And in what manner (*etc. as in form 221 to the end*).

Form 230

PRAECIPE FOR WRIT OF CAPIAS AD SATISFACIENDUM

(Title and Conclusion as in form 220)

Seal a writ of capias ad satisfaciendum, directed to the sheriff of Queensland (*or as the case may be*), to take the body of C.D. to satisfy the sum of £ (\$), [and £ (\$) for costs] and interest thereon at the rate of % per annum from the day of , and £ (\$) for costs of execution.

SCHEDULE 1 (continued)

Form 231

WRIT OF VENDITIONI EXPONAS (O 47, r 13; O 48, r 2)

(Commencement and conclusion as in form 219)

Whereas by Our writ we lately commanded you that of the goods and chattels of C.D. *(recite the fieri facias to the end)*.

And on the day of you returned to Us in Our Supreme Court aforesaid, that by virture of the said writ to you directed you had taken goods and chattels of the said C.D. to the value of the money and interest aforesaid, which said goods and chattels remained in your hands unsold for want of buyers.

Therefore We, being desirous that the said A.B. should be satisfied his or her money and interest aforesaid, command you that you expose to sale and sell, or cause to be sold, the goods and chattels of the said C.D. by you in form aforesaid taken, and every part thereof, for the best price that can be gotten for the same, and have the money arising from such sale before us in Our said Court of Justice immediately after the execution hereof, to be paid to the said A.B.: *(etc. as in form 221, to the end)*.

Form 232

PRAECIPE FOR WRIT OF VENDITIONI EXPONAS

(Title and conclusion as in form 220)

Seal a writ of venditioni exponas, directed to the sheriff of Queensland *(or as the case may be)*, to sell the goods and chattels of C.D. taken under a writ of fieri facias in this action, dated *etc.*

SCHEDULE 1 (continued)

Form 233

WRIT OF POSSESSION (LAND)

(Commencement and conclusion as in form 219)

Whereas lately in Our Supreme Court of Queensland, by a judgment of the Court, A.B. recovered [*or by an order dated etc.* E.F. was ordered to deliver to M.N., who by the said order [*or by an order dated etc.*] was duly appointed to be receiver of the property therein mentioned and described (*or as the case may be*)] possession of all that (*describe the land as in the judgment or order*) with the appurtenances.

Therefore We command you that you enter upon the said land, and that without delay you cause the said A.B. [*or M.N.*] to have possession of the said land and premises with the appurtenances.

And in what manner you shall have executed this Our writ make appear to Us in Our said Court immediately after the execution hereof.

And have there then this writ.

Form 234

PRAECIPE FOR WRIT OF POSSESSION

(Title and conclusion as in form 220)

Seal a writ of possession, directed to the sheriff of Queensland, (*or as the case may be*), to deliver possession to A.B., of (*describe the land as in the judgment*).

SCHEDULE 1 (continued)

Form 235

WRIT OF POSSESSION AND FIERI FACIAS

(O 48, r 1; O 51, rr 1 and 3)

(Commencement and conclusion as in form 219)

Whereas lately in Our Supreme Court of Queensland, in a certain action there depending, wherein *etc.* by a judgment [*or* an order], dated *etc.* it was adjudged [*or* ordered] that A.B. should recover possession of all that (*describe the land as in judgment or order*) with the appurtenances.

Therefore We command you that you enter upon the said land, and that without delay you cause the said A.B. [*or* M.N.] to have possession of the said land and premises with the appurtenances.

[And we further command you that of the lands, tenements (*etc. as in form 221*) you cause to be made the sum of £ (\$), and also interest thereon at the rate of % per annum from the day of (*date of judgment or order*), which said sum and interest were by the said judgment adjudged [*or* by the said order ordered] to be paid by the said C.D. to A.B., together with certain costs in the said judgment [*or* order] mentioned, and which costs have been taxed and allowed by the taxing officer of Our said Court at the sum of £ (\$), as appears by the certificate of the said taxing officer, filed the day of [*or* together with £ (\$) for costs].

And that of the property aforesaid of the said C.D. in Our said State you further cause to be made (*etc. as in form 221 to the end*).

SCHEDULE 1 (continued)

Form 236

PRAECIPE FOR WRIT OF POSSESSION AND FIERI FACIAS

(Title and conclusion as in form 220)

Seal a writ of possession and fieri facias combined, directed to the sheriff of Queensland (*or as the case may be*), to deliver possession to A.B. of (*describe the land as in the judgment or order*); and also to levy against C.D., of _____, the sum of £ (\$) and £ (\$) for costs and interest thereon at the rate of _____ % per annum from the _____ day of _____, and £ (\$) for costs of execution.

Form 237

WRIT OF RESTITUTION (O 51, r 4)

(Commencement and conclusion etc. as in form 219)

Whereas lately, in Our Supreme Court of Queensland, (*etc. as in form 233*).

And whereas on *etc.* a writ of possession was issued pursuant to the said judgment [*or order*] directing you to cause the said A.B. [*or M.N.*] to have possession of the said land and premises with the appurtenances, and possession has been given to him or her accordingly.

And whereas it now appears to Our said Court that certain persons other than the said A.B. [*or M.N.*] have wrongfully assumed possession of the said premises, and Our said Court has on the _____ day of _____ ordered that a writ of restitution should issue in respect of the land and premises aforesaid.

Therefore We command you that you enter upon the said land and premises and cause the said A.B. to have restitution thereof, with the appurtenances.

And in what manner you shall have executed this Our writ make appear to Us in Our said Court immediately after the execution hereof.

And have there then this writ.

SCHEDULE 1 (continued)

Form 238

PRAECIPE FOR WRIT OF RESTITUTION

(Title and conclusion as in form 220)

Seal a writ of restitution in furtherance of the writ of possession issued in this action on the day of .

Form 239

WRIT OF DELIVERY AND DISTRINGAS AND FIERI FACIAS

(O 52, r 1)

(Commencement and conclusion as in form 219)

We command you that without delay you cause to be returned to A.B. the following chattels, that is to say, (*here enumerate the chattels recovered by the judgment or order for the return of which execution has been order to issue*), which, lately, in Our Supreme Court of Queensland, in a certain action there depending, by a judgment dated *etc.* the said A.B. recovered against C.D. [*or C.D. was ordered to deliver to the said A.B.*].

And we further command you, that, if the said chattels cannot be found in Our said State, you distrain the said C.D. by all his or her lands and chattels in Our said State, so that neither the said C.D. nor anyone for him or her do lay hands on the same until the said C.D. render to the said A.B. the said chattels.

And We further command you that of the lands, tenements (*etc. as in form 221*), you cause to be made [the sum of £ (\$) (*the damages*), and also interest thereon at the rate of % per annum from the day of , which said sum and interest were by the said judgment adjudged to be paid by the said C.D. to A.B., together with] certain costs in the said judgment [*or order*] mentioned, and which costs have been taxed and allowed by the taxing officer of Our said Court at the sum of £ (\$), as appears by the certificate of the said taxing officer filed the day of [*or together with £ (\$) for costs*].

And that of the property aforesaid of the said C.D. in Our said State you further cause to be made (*etc. as in form 221 to the end*).

SCHEDULE 1 (continued)

Form 240

PRAECIPE FOR WRIT OF DELIVERY AND DISTRINGAS AND
FIERI FACIAS*(Title and conclusion as in form 220)*

Seal a writ of delivery and distringas and fieri facias, directed *etc.* for the delivery of the following chattels (*describe them as in the writ*) and to levy [£ (\$) damages and] £ (\$) for costs, and interest thereon at the rate of % per annum from the day of , and £ (\$) for costs of execution.

Form 241

WRIT OF DELIVERY AND FIERI FACIAS FOR DAMAGES FOR
NON-DELIVERY (O 48, r 1; O 52, r 2)*(Commencement and conclusion as in form 219)*

We command you that without delay you cause to be returned to A.B. the following chattels, that is to say, (*here enumerate the chattels recovered by the judgment or order for the return of which execution has been ordered to issue*), which, lately, in Our Supreme Court of Queensland, in a certain action there depending, by a judgment dated *etc.* the said A.B. recovered against C.D. [*or C.D. was ordered to deliver to the said A.B.*].

And We further command you that, if the said chattels cannot be found in Our said State, then of the lands and tenements (*etc. as in form 221*), you cause to be made the sum of £ (\$) (*the assessed value of the chattels*), and also interest thereon (*etc. as in form 239 to the end*).

SCHEDULE 1 (continued)

Form 242

PRAECIPE FOR WRIT OF DELIVERY AND FIERI FACIAS FOR
DAMAGES FOR NON-DELIVERY

(Title and conclusion as in form 220)

Seal a writ of delivery and fieri facias directed *etc.* for the delivery of the following chattels (*describe them as in the writ*), and to levy £ (\$) damages for non-delivery and interest thereon (*etc. as in form 240*).

Form 243

WRIT OF DELIVERY IN AID OF RECEIVER (O 52, r 4)

(Commencement and conclusions as in form 219)

Whereas lately in Our Supreme Court of Queensland, in a certain action there depending, by an order bearing date *etc.* it was ordered that possession of (*describe the property as in the order*) should be delivered to M.N., who by the said order [*or by an order dated etc.*] was duly appointed to be receiver of the property therein mentioned and described.

Therefore we command you that without delay you cause the said M.N. to have possession of the said chattels and premises.

And in what manner (*etc. as in form 221 to the end*).

Form 244

PRAECIPE FOR WRIT OF DELIVERY IN AID OF RECEIVER

(Title and conclusion as in form 220)

Seal a writ of delivery directed *etc.* for the delivery of the following chattels (*describe them as in the writ*) to M.N., the receiver appointed in this cause.

SCHEDULE 1 (continued)

Form 245

WRIT OF ATTACHMENT

(Commencement and conclusion as in form 219)

We command you to attach C.D., so as to have him or her before Us in Our Supreme Court of Queensland, at Brisbane [*or* Rockhampton, Townsville *or* Cairns], there to answer to us, as well touching a contempt which he or she it is alleged hath committed against Us, as also such other matters as shall be then and there laid to his or her charge, and further to perform and abide such order as Our said Court shall make in this behalf, and hereof fail not.

And you may deliver the said C.D. to the superintendent of any prison and such superintendent shall receive the said C.D. and him or her safely keep until such time as the Court or you shall direct.

And in what manner (*etc. as in form 221 to the end*).

Form 246

PRAECIPE FOR WRIT OF ATTACHMENT

(Title and Conclusion as in form 220)

Seal, in pursuance of order of the Court [*or* the Honourable Justice C.], a writ of attachment, directed to the sheriff of Queensland (*etc. as the case may be*), against C.D. for not (*state the act omitted to be done*).

SCHEDULE 1 (continued)

Form 247

AFFIDAVIT FOR HABEAS CORPUS TO BRING UP A PERSON IN
CUSTODY TO ANSWER MOTION FOR ATTACHMENT

In the Supreme Court of Queensland.

19 . (*Here put the number*)*(Title of cause or matter)*I, G.H., of *etc.* make oath and say as follows—

1. On the day of , a notice of motion for a writ of attachment against the above-named defendant (*or as the case may be*) for his or her contempt in not (*describe the nature of the contempt*) was duly served on the said defendant (*or etc.*). The said motion will come on for hearing on *etc.* before (*state the Court*).

2. The said defendant (*or as the case may be*) is a prisoner under commitment for trial [*or sentence or commitment for contempt (or as the case may be)*] now confined in Her Majesty's prison at B.

3. The plaintiff (*or as the case may be*) is desirous that the said defendant (*or etc.*) should be brought before this Honourable Court in order that he or she may answer the said motion.

SCHEDULE 1 (continued)

Form 248

WRIT OF HABEAS CORPUS TO BRING UP PERSON IN
CUSTODY TO ANSWER MOTION FOR ATTACHMENT

ELIZABETH THE SECOND ETC.

To the superintendent of Our Prison at B.:

Greeting:

We command you that you have before (*describe the Court*) at _____, on _____ day the _____ day of _____, at _____ o'clock in the _____ noon, the body of A.B., being committed and detained in Our prison under your custody, as it is said, by whatsoever name he or she may be called, then and there to answer to a motion for his or her attachment for his or her contempt in not (*state the nature of the contempt*), and to be further dealt with according to law

And have you there then this writ.

Witness *etc.*

This writ was issued by (*etc. as in the case of a writ of summons*).

(*To be endorsed*)

By Order of the Court [*or of the Honourable Justice C.*].

Form 249

PRAECIPE FOR WRIT OF HABEAS CORPUS

(*Title of cause or matter*)

Seal in pursuance of order dated *etc.* a writ of habeas corpus directed to *etc.* to bring A.B. before the Supreme Court at Brisbane (*or as the case may be*) on *etc.*

Dated *etc.*

(*To be signed by the party or the party's solicitor.*)

SCHEDULE 1 (continued)

Form 250

WRIT OF SEQUESTRATION (O 47, r 13; O 48, r 4)

(Title etc. as in form 219)

ELIZABETH THE SECOND ETC.

To *(names of not less than 3 commissioners)*:

GREETING:

Whereas lately in Our Supreme Court of Queensland in a certain cause there depending, wherein A.B. is plaintiff and C.D. is defendant [*or in a certain matter there depending, entitled 'In the matter of E.F.' (or as the case may be)*], by a judgment [*or an order*] of Our said Court bearing date *etc.* it was adjudged [*or ordered*] that the said C.D. should pay into court to the credit of the said action [*or matter*] the sum of £ (\$) (*or as the case may be*).

Know ye, therefore, that We, in confidence of your prudence and fidelity, have given and by these presents do give to you, or any 2 [*or more*] of you, full power and authority to enter upon all the lands and tenements whatsoever of the said C.D., in Our said State, and to collect, receive, and sequester into your hands not only all the rents and profits of his or her said lands and tenements, but also all his or her goods, chattels, and personal estate whatsoever.

And therefore We Command you, and any 2 [*or more*] of you, that you do at certain proper and convenient days and hours go to and enter upon all the lands and tenements of the said C.D., and that you do collect, take, and get into your hands not only the rents and profits of his or her said lands and tenements, but also all his or her goods, chattels and personal estate, and detain and keep the same under sequestration in your hands until the said C.D. shall pay into court to the credit of the said action the sum of £ (\$) [*or clear his or her contempt (or as the case may be)*] and Our said Court shall make other order to the contrary.

Witness *(etc. as in form 219.)*

SCHEDULE 1 (continued)

Form 251

PRAECIPE FOR WRIT OF SEQUESTRATION

(Title and conclusion as in form 220)

Seal a writ of sequestration, directed to *(name commissioners)*, to enforce judgment [*or order*] adjudging [*or ordering*] the payment of £ (\$) into court by C.D. *(or as the case may be)*.

Form 252

PRAECIPE FOR RENEWAL OF WRIT OF EXECUTION (O 47, r 21)

(Title and conclusion as in form 220)

Seal renewal of the writ of fieri facias *(or as the case may be)* issued in this action, directed to the sheriff *(or as the case may be)*, and dated *etc.*

Form 253

NOTICE OF RENEWAL OF WRIT OF EXECUTION

(O 47, r 21)

(Title etc. as in form 220)

Take notice, that the writ of fieri facias *(or as the case may be)* issued in this action, directed to you and dated *etc.* has been renewed for 1 year from the day of 19 .

Dated *etc.*

To the sheriff of Queensland *(or as the case may be)*

(To be signed by the party or the party's solicitor.)

SCHEDULE 1 (continued)

Form 254

COMMISSION OF PARTITION

(Title etc. as in form 219)

ELIZABETH THE SECOND ETC.

To *(name or names of commissioner or commissioners)*:

Greeting:

Whereas by a certain judgment [*or order*] given [*or made*] by Our Supreme Court of Queensland on the _____ day of _____, 19____, in a certain action there depending, wherein A.B. is plaintiff and C.D. is defendant, it was, amongst other things, adjudged [*or ordered*] that (*recite so much of the mandatory part of the judgment or order as directs the issuing of the commission, the partition, and the examination of witnesses*).

Know ye, therefore, that We, in confidence of your prudence and fidelity, have appointed you, and, by these presents in pursuance of the said judgment [*or order*] do give unto you, [*or any 2 or more of you,*] full power and authority, and hereby command you, that you [*or any 2 or more of you,*] do assemble and meet together at proper and convenient times and places, by you, or any 2 or more of you, to be for that purpose appointed; and that you do from thence] go to and survey the lands (*describe the land as in the judgment or order*); and that you do thereby, and by such other lawful ways and means as you shall think proper, and according to the best of your skill, knowledge, and judgment, make a fair partition, division, and allotment thereof, and separate and divide the same into parts of equal value as nearly as may be, and allot the same to and amongst (*state in accordance with the judgment the number of parts into which the land is to be divided and the names of the persons to whom such parts are to be allotted*) according to the true intent and meaning of the said in part recited judgment [*or order*].

And, for better making such partition, division, and allotment, We do hereby authorise and empower you [*or any 2 or more of you*], diligently to examine all such witnesses as you shall see occasion [*upon such interrogatories in writing or otherwise, as you shall deem necessary*].

And therefore We command you that on certain days, and at certain

SCHEDULE 1 (continued)

places to be appointed by you for that purpose, you do cause the said witnesses to come before you, and then and there examine each of them on oath or affirmation first taken before you [or any 2 or more of you]; and that you do take their examinations, and reduce them into writing on paper; and when you shall have so done, you [or any 2 or more of you], are to make a certificate of such partition, division, and allotment, and of all your proceedings in the premises, and send them, together with this writ and the depositions of such witnesses (if any) as shall be examined by you touching the premises, unto Us in our said Court on or before the day of next [*or, if no return day is named in the judgment or order, without delay*], under your hand and seal [*or the hands and seals of any 2 or more of you*].

Witness (*etc. as in form 219*)

Form 255

PRAECIPE FOR COMMISSION OF PARTITION

(*Title and Conclusion as in form 220*)

Seal a commission of partition directed to (*name commissioners*).

SCHEDULE 1 (continued)

PART 8—FORMS RELATING TO MOTIONS AND RULES

Form 256

FORM OF NOTICE OF MOTION ORIGINATING A CAUSE
(O 62, rr 2–4)

In the Supreme Court of Queensland.

19 . (*Here put the number*)

In the matter of the *Barristers Act 1848*;
and

In the matter of the rules relating to the
admission of barristers of the Supreme
Court of Queensland; and

In the matter of the application of A.B.C.

Take notice that this Honourable Court will be moved before the Honourable the Chamber Judge [*or that the Court of Appeal will be moved*] on day the day of next, or as soon thereafter as counsel can be heard, by counsel on behalf of A.B. of , for an order that (*state relief sought*).

Dated this day of , 19 .

To the secretary of the Barristers' Board [*or To C.D. (or as the case may be).*]

(*To be signed by the moving party or the party's solicitor*).

This notice is given by A.B. in person (*or etc. as in endorsement on a writ of summons*).

Memorandum to be added at foot.

On the hearing of the motion, the plaintiff (*or as the case may be*) intends to read the following affidavits—

Affidavit of I.J. filed *etc.*

K.L. filed *etc.*

[He or she also intends, by leave of the Court, to adduce oral evidence]

SCHEDULE 1 (continued)

Form 257

NOTICE OF MOTION IN PENDING CAUSE OR MATTER
(O 62, rr 2–4)

In the Supreme Court of Queensland.

19 . (*Here put the number*)*(Title of cause or matter)*

Take notice that this Honourable Court will be moved before the Honourable the Chamber Judge on day the day of next, or as soon thereafter as counsel can be heard, by counsel on behalf of the plaintiff [*or defendant C.D. (or as the case may be)*] that (*state the order sought*).

Dated this day of , 19 .

To the defendant [C.D.] (*or as the case may be*).*(To be signed by the party or the party's solicitor.)*On the hearing (*etc. as in form 256*)

SCHEDULE 1 (continued)

Form 258

(O 70, r 2)

NOTICE OF APPEAL

(Title etc. as in cause or matter)

1. The appellant appeals from [specify whether the whole or a part, and if a part, which part] of the judgment of [specify court or Judge below] given on [specify date]

GROUND(S)

2. [Specify briefly the grounds of appeal]

ORDER(S) SOUGHT

3. [Specify the judgment sought in lieu of that appealed from including any special order as to costs]

RECORD PREPARATION (Delete whichever does not apply)

4. I/We request that preparation of a record be started and that the record contain all material required to be included in the record under the rules and practice directions and any order or direction in the proceeding. I/We undertake to pay the cost of the preparation and of any associated work.

4. I/We undertake to cause a record to be prepared and lodged, and to include all material required to be included in the record under the rules and practice directions and any order or direction in the proceedings.

Dated 19 .

(To be signed by the appellant or the appellant's solicitors)

To the defendant (or as the case may be)
and to the Registrar [Court appealed from]

SCHEDULE 1 (continued)

Form 258A

CONSENT ORDER DISMISSING APPEAL

(Title of cause or matter)

Take notice that the abovenamed appellant consents to an order of this Honourable Court that—

- (a) this appeal be dismissed by consent;
- (b) here specify 1 or more of the orders referred to in order 70, rule 5(3)(b) as are appropriate.

Dated this day of , 19 .

(Signed)

Solicitors for the appellant.

The respondent consents to this order.

(Signed)

Solicitors for the respondent.

SCHEDULE 1 (continued)

Form 259

GENERAL FORM OF AFFIDAVIT (O 41, r 4; O 41, r 15)

In the Supreme Court of Queensland.

If the affidavit is made in a pending cause or matter, entitle it in the cause or matter with the number

If no cause or matter is pending, do not entitle it except 'In the Supreme Court', unless a title is prescribed by rules of the Court or by these forms.

I, A.B., of *etc.* (*state residence and description*) [*or We, A.B., of etc. and C.D. of etc. severally*] make oath and say as follows—

[And I, the said A.B., for myself say—]

1. I am *etc.*

(State the facts in consecutive numbered paragraphs)

If a document is referred to as an exhibit, include a clause similar to the following, which may form a separate paragraph—

2. The paper writing now produced and shown to me and marked with the letter "A" is a letter *etc.* [*or The said will is now produced and shown to me and marked "A"*]

[And I, the said C.D., for myself say *etc.*]

Sworn by the abovenamed deponent
or by both [*or all*] of the abovenamed
deponents at this
day of , 19 .

Before me:

SCHEDULE 1 (continued)

Or—

[Sworn by the abovenamed deponent
A.B. at _____, the _____ day
of _____, and by the abovenamed
deponent C.D. at _____, the
day of _____

Before me:]

Or—

*[In the case of an illiterate or blind
deponent,*

Sworn by the abovenamed A.B.
before me at _____, the _____ day
of _____; and I certify that this
affidavit was first read to the said A.B. in
my presence, and that he or she seemed
perfectly to understand the same, and that
he or she made his or her signature (or
mark) thereto in my presence;]

M.N.

J.P.

*(If there are more deponents than 1, and they are sworn at separate
times, their names must be written at length in the jurat).*

SCHEDULE 1 (continued)

Form 260

CERTIFICATE ON EXHIBIT

(Title as in affidavit; if in a pending cause or matter short title only is required)

This is the paper writing (*or as the case may be*) marked "A" referred to in the affidavit of A.B. sworn herein before me this day of , 19 .

M.N.

(J.P. before whom affidavit is sworn)

SCHEDULE 1 (continued)

PART 9—PETITIONS

Form 266

GENERAL FORM OF PETITION (O 63, rr 1–3)

In the Supreme Court of Queensland.

19 . (*Here put the number*)

If the petition is presented in a cause or matter, here put the title of the cause or matter.

If the petition is an originating petition, entitle it in the matter to be originated.

To the Supreme Court of Queensland.

The humble petition of A.B., of _____, in the State [*or of the plaintiff (or as the case may be)*], showeth unto the Court as follows—

(Here set out the facts in the same manner as in a statement of claim).

The petitioner therefore humbly prays as follows—

(Here set out relief sought).

(To be signed by the petitioner or the petitioner's solicitor).

It is intended to serve this petition on C.D. (*etc. as the case may be*).

[*Or It is not intended to serve this petition on any person*].

In the case of an originating petition add—

This petition is presented by A.B. in person (*or etc. as in endorsement on a writ of summons*).

SCHEDULE 1 (continued)

Form 267

FIAT TO BE ENDORSED ON ORIGINATING PETITION (O 63, r 6)

Let all parties concerned attend at the Supreme Court House, Brisbane
[or Rockhampton, Townsville or Cairns] [before the Honourable Justice
C.] on day the day of , 19 , at
o'clock in the forenoon, on the hearing of the within petition.

Registrar.

Form 267A

AFFIDAVIT VERIFYING PETITION (O 63, r 8)

I, A.B., of etc. make oath and say that the statements in the above [or
the annexed] petition are to the best of my belief true in substance and in
fact.

Signed and sworn *etc.*

SCHEDULE 1 (continued)

**PART 10—FORMS RELATING TO USUAL
PROCEEDINGS IN CHAMBERS**

Form 269

GENERAL FORM OF SUMMONS IN PENDING CAUSE OR
MATTER (O 65, r 5)

(Title of cause or matter)

Let all parties concerned attend at the chambers of the Chamber Judge [or of the registrar] at the Supreme Court House, Brisbane [or Rockhampton, Townsville or Cairns], on day the day of , 19 , at o'clock in the noon, on the hearing of an application on the part of the plaintiff (*or as the case may be*) that (*state the order sought*).

Dated the day of , 19 .

(Official seal) Registrar.

This summons was taken out by the plaintiff (*or as the case may be*).
To the defendant (*or as the case may be*).

Form 270

APPLICATION FOR ORDER EX PARTE (WHEN REQUIRED BY
JUDGE) (O 65, r 4)

(Title of cause or matter, as in a summons)

On behalf of the plaintiff [or defendant or A.B.] I apply that an order may be made that (*state the order sought*).

Dated *etc.*

(To be signed by the party or the party's solicitor).

SCHEDULE 1 (continued)

Form 271

PRAECIPE FOR ORDER TO BE DRAWN UP BY REGISTRAR
WITHOUT DIRECTION OF JUDGE (O 66, r 9)*(Title of cause or matter as in a summons)*Draw up and seal an order that *(state the order sought)*.Dated *etc.**(To be signed by the party or the party's solicitor.)*Taxing officer's certificate filed the _____ day of *(or as the case may be)*.

Form 293

AFFIDAVIT IN SUPPORT OF GARNISHEE ORDER (O 49, r 1)

*(Title of action)*I, _____, of _____ the abovenamed plaintiff *(or as the case may be)* [*or* solicitor for the abovenamed plaintiff *(or as the case may be)*], make oath and say as follows—

1. By a judgment of the Court given in this action [*or* cause], and dated *etc.* it was adjudged [*or* By an order made in this action (*or etc.*) by the Honourable Justice C., and dated *etc.* it was ordered] that I [*or* the abovenamed (plaintiff) A.B.] should recover against the abovenamed C.D. [*or* that the abovenamed C.D should pay me (*or* the abovenamed A.B.)] the sum of £ (\$) and costs to be taxed, and the said costs were by the taxing officer's certificate, filed the _____ day of _____, allowed at £ (\$).

2. The said judgment [*or* order] still remains unsatisfied to the extent of £ (\$), and interest, amounting in all to £ (\$).

3. I am informed and verily believe that G.H. of *(state address and description of intended garnishee)*, is indebted to the said C.D. [in the sum of £ (\$) or thereabouts.]

4. The said G.H. is within the jurisdiction of this Court.

Sworn *etc.*

SCHEDULE 1 (continued)

Form 299

NOTICE TO EXECUTION CREDITOR OF CLAIM TO GOODS
TAKEN IN EXECUTION (O 59, r 16)

Take notice that G.H. has claimed the goods [*or certain goods, namely (where only certain goods are claimed here enumerate them)*], taken in execution by me, under the writ of fieri facias issued in this action.

You are hereby required to admit or dispute the title of the said G.H. to the said goods, and give notice thereof in writing to me within 4 days from the receipt of this notice, failing which I will take out an interpleader summons. If you admit the title of the said G.H. to the said goods, and give notice thereof in manner aforesaid to me, you will only be liable for any fees and expenses incurred prior to the receipt of the notice admitting the claim.

Dated *etc.*

P.P., sheriff of Queensland.

To A.B.

Form 300

NOTICE OF ADMISSION OR DISPUTE OF TITLE OF CLAIMANT
(O 59, r 16)

Take notice that I admit [*or dispute*] the title of G.H. to the goods [*or to certain of the goods, namely (set them out)*], seized by you under the execution issued under the judgment in this action.

To the sheriff of Queensland and the sheriff's officers.

*(To be signed by the execution creditor or
the execution creditor's solicitor.)*

SCHEDULE 1 (continued)

PART 11—FORMS RELATING TO SECURITY

Form 318

GENERAL FORM OF SECURITY (O 33, rr 1 and 2)

In the Supreme Court of Queensland.

19 . (*Here put the number*)

(*Title of cause*)

We, G.H. of *etc.* and I.J., of *etc.* hereby submit ourselves to the jurisdiction of the Supreme Court of Queensland in this cause, and jointly and severally consent that, if (*state the conditions on which the sureties are to become liable*), judgment may be signed against us or our executors and administrators, and execution may be issued against our lands, goods and chattels for a sum not exceeding £ (\$).

Signed by the said A.B. and G.H. the sureties, the _____ day
of _____, 19 .

(*Signatures of sureties*).

Before me,

(*To be signed before the registrar or a justice of the peace*)

Form 319

AFFIDAVIT OF JUSTIFICATION (O 33, rr 6 and 7)

(*Title of action*)

I, (*state name, address, and description*) one of the proposed sureties for (*state the party for whom security or bail is to be given*), make oath and say as follows—

I am well and truly worth more than the sum of (*state in words the sum in which security is to be given*) £ (\$), after the payment of all my just debts, and all other sums for which I am liable as surety for other persons.

Sworn *etc.*

SCHEDULE 1 (continued)

Form 320

SECURITY FOR COSTS (O 33, rr 1 and 14)

(Title and conclusion as in form 318)

We (*etc. as in form 318*), and consent that, if the abovenamed plaintiff shall fail to pay or cause to be paid to the abovenamed defendant any costs which the plaintiff may be ordered or adjudged to pay to the said defendant in this action, judgment may be signed (*etc. as in form 318*) for a sum not exceeding £ (\$).

Form 321

SECURITY FOR PLAINTIFF'S CLAIM (O 33, r 1)

(Title and conclusion as in form 318)

We (*etc. as in form 318*), and consent that, if the plaintiff shall recover judgment in this action against the defendant C.D., and the said defendant shall fail to pay or cause to be paid to the plaintiff the sum adjudged to be recovered from the defendant, judgment may be signed (*etc. as in form 318*).

Form 322

SECURITY IN ADMIRALTY ACTION (O 33, r 1; O 34)

See form 111.

SCHEDULE 1 (continued)

Form 323

SECURITY BY RECEIVER OR GUARDIAN OR COMMITTEE

(O 33, r 1; O 58, r 13)

(Title and conclusion as in form 318)

Whereas, by an order made in this cause [*or matter*] by the Honourable Justice C., and dated *etc.* it was ordered that upon M.N., of *etc.* first giving security he or she should be appointed receiver [and manager] of (*describe the property*) [*or should be appointed guardian of the estate of G.H., an infant (or committee of the estate of G.H. a mentally ill person)*] [*or that a proper person should be appointed to receive the rents and profits of the real estate, and to collect and get in the outstanding personal estate of G.H. in the said order named (or as the case may be)*].

And whereas the Honourable Justice C. [*or the registrar*] hath approved of O.P. of *etc.* and Q.R. of *etc.* as sureties for the said M.N., [*or hath approved of M.N., of etc. as a proper person to be such receiver (and manager), and hath approved of O.P. of etc. and Q.R. of etc. as sureties for the said M.N.*], and hath also approved of this instrument as a proper security to be entered into by the said M.N., O.P., and Q.R., pursuant to the said order, and in testimony of such approbation hath signed an allowance in the margin hereof.

Now we, the said M.N., O.P., and Q.R., hereby submit ourselves (*etc. as in form 318*) and jointly and severally consent that, if the said M.N. shall make default in duly accounting for all and every the sum and sums of money which he or she shall receive on account of the said estate [*or the rents and profits of the real estate, and in respect of the personal estate of the said G.H. (or as the case may be)*], at the periods appointed by the said order, or at such other periods as the Court or a Judge may appoint or in duly paying the balances which shall from time to time be certified to be due from him or her, as the Court or a Judge hath directed or shall hereafter direct, then judgment may be signed (*etc. as in form 318*).

(To be written in the margin)

(I have approved of and allowed this security).

P.A.C., J. [*or Registrar*].

SCHEDULE 1 (continued)

Form 324

AFFIDAVIT OF SERVICE OF ORDER AND REGISTRAR'S
ALLOCATUR AND DEMAND AND NON-PAYMENT OF MONEY,
TO ENFORCE SECURITY
(O 33, r 11)*(Title of cause or matter)*I, A.B., of *etc.* make oath and say as follows—

1. I did, on the day of , personally serve G.H. of *etc.* with the judgment [*or order*] made in this action [*or cause*] on the day of , a copy whereof, and of the memorandum of taxation thereon, is now produced and shown to me and marked “A”, by delivering a true copy of the said judgment [*or order*] to the said G.H. at , and at the same time showing to the said G.H. a duplicate of the said judgment [*or order*]. And I did, at the same time, demand of the said G.H. the sum of £ (\$), the amount payable to A.B. under the said judgment [*or order*] (*or as the case may be*); but the said G.H. did not then pay the same or any part thereof to me, nor has he or she, the said G.H. at any time since paid the same, or any part thereof, to the plaintiff (*or as the case may be*), or to anyone on his or her behalf, as I have been informed by the said plaintiff (*or as the case may be*) and verily believe.

2. The said sum of £ (\$) still remains unpaid.

SCHEDULE 1 (continued)

**PART 12—FORMS RELATING TO ACCOUNTS AND
INQUIRIES AND OTHER ADMINISTRATIVE
BUSINESS**

Form 328

FORM OF APPOINTMENT TO PROCEED WITH ACCOUNTS OR
INQUIRIES (O 67, r 20; O 73, r 8; O 74, r 4)*(Short title of cause or matter)*

I have appointed day the day of , at my office in the Supreme Court House, Brisbane [*or* Rockhampton, Townsville *or* Cairns] (*or as the case may be*) to proceed with the accounts and inquiries directed by the judgment [*or* order] in this action [*or* matter] dated the day of .

Dated *etc.*

To the plaintiff and defendant (*or as the case may be*).

Registrar.

SCHEDULE 1 (continued)

Form 329

FORM OF ADVERTISEMENT FOR CLAIMANTS NOT BEING
CREDITORS (O 67, rr 29–32)

Pursuant to a judgment [*or order*] of the Supreme Court of Queensland, made in an action by A.B. against C.D., (*or as the case may be*) the persons claiming to be next of kin to G.H., late of _____, in the State, who died in or about the month of _____, 19____, are to come in on or before the _____ day of _____, and prove their claims at the registry of the said Court at Brisbane [*or Rockhampton, Townsville or Cairns*]; or in default thereof they will be peremptorily excluded from the benefit of the said judgment [*or order*]. The _____ day of _____, at o'clock in the _____ noon, at the said registry, is appointed for hearing and adjudicating upon the claims.

Dated *etc.*

Registrar.

SCHEDULE 1 (continued)

Form 330

FORM OF ADVERTISEMENT FOR CREDITORS

(O 67, rr 29–32)

Pursuant to a judgment [*or order*] of the Supreme Court of Queensland, made in [the matter of the estate of G.H., and in] an action by A.B. against C.D., the creditors of G.H., late of _____, in the State, who died in or about the month of _____, 19____, are on or before the _____ day of _____, to send by post, prepaid, to X.Y., of _____, the solicitor of the defendant C.D., the executor [*or administrator*] of the deceased (*or as may be directed*), their christian names and surnames, addresses and descriptions, the full particulars of their claims, a statement of their accounts, and the nature of the securities (if any) held by them; or in default thereof they will be peremptorily excluded from the benefit of the said judgment [*or order*].

Every creditor holding any security is to produce the same before the registrar at the registry of the said Court at Brisbane [*or Rockhampton, Townsville or Cairns*], on the _____ day of _____, at _____ o'clock in the _____ noon, being the time appointed for adjudication on the claims.

Dated *etc.*

Registrar.

SCHEDULE 1 (continued)

Form 331

NOTICE TO CREDITOR TO PRODUCE DOCUMENTS

(O 67, r 34)

A.B. v. C.D.

You are hereby required to produce in support of the claim sent in by you against the estate of G.H., deceased (*describe the document required to be produced*), before the registrar of the Supreme Court, at the registry of the said Court at Brisbane (*or etc.*), on the day of , at o'clock in the noon.

Dated *etc.*

To P.Q.

(To be signed by the party or the party's solicitor.)

SCHEDULE 1 (continued)

Form 332

AFFIDAVIT OF EXECUTOR OR ADMINISTRATOR AS TO
CLAIMS OF CREDITORS

(Title of action)

We, C.D., of *etc.* the abovenamed defendant (*or as the case may be*), the executor [*or administrator*] of G.H., late of _____, in the State of Queensland, deceased, and X.Y., of *etc.* solicitor for the said defendant (*or etc.*) severally make oath and say as follows—

And first I, the said X.Y., for myself, say as follows—

1. I have in the paper writing now produced and shown to me, and marked “A”, set forth a list of all the claims the particulars of which have been sent in to me by persons claiming to be creditors of the said G.H., deceased, pursuant to the advertisement issued in that behalf dated the day of _____.

And I, the said C.D., for myself, say as follows—

2. I have examined the particulars of the several claims mentioned in the paper writing now produced, and shown to me, and marked “A”, and I have compared the same with the books, accounts, and documents of the said G.H. (*or as the case may be: state any other inquiries or investigations made*), in order to ascertain, so far as I am able, to which of such claims the estate of the said G.H. is justly liable.

3. From such examination (*add any other reason*) I am of opinion, and verily believe, that the estate of the said G.H. is justly liable to the amounts set forth in the sixth column of the first part of the said paper writing, marked “A”, and to the best of my knowledge and belief such several amounts are justly due from the estate of the said G.H., and proper to be allowed to the respective claimants named in the said paper writing.

4. I am of opinion that the estate of the said G.H. is not justly liable to the claims set forth in the second part of the said paper writing, marked “A”, and that the same ought not be allowed without proof by the respective claimants [*or I am not able to state whether the estate of the said G.H. is justly liable to the claims set forth in the second part of the said paper writing, marked “A”, or whether such claims, or any parts thereof,*

SCHEDULE 1 (continued)

are proper to be allowed without further evidence].

5. Except as hereinbefore mentioned, there are not, to the best of my knowledge, information, and belief any other claims against the estate of the said G.H.

Form 333

EXHIBIT REFERRED TO IN FORM NO. 332 (O 67, r 36)

A.

(Short title)

List of claims, the particulars of which have been sent in to X.Y., the solicitor of the defendant (*or as the case may be*), by persons claiming to be creditors of G.H., deceased, pursuant to the advertisement issued in that behalf, dated the _____ day of _____.

This is the paper writing, marked “A”, referred to in the affidavit of C.D. and X.Y. sworn before me this _____ day of _____.

A justice of the peace.

FIRST PART—CLAIMS PROPER TO BE ALLOWED WITHOUT FURTHER EVIDENCE

Serial No.	Names of claimants	Addresses and descriptions	Particulars of claim	Amount claimed	Amount proper to be allowed

SCHEDULE 1 (continued)

SECOND PART—CLAIMS WHICH OUGHT TO BE PROVED BY
THE CLAIMANTS

Serial No.	Names of claimants	Addresses and descriptions	Particulars of claim	Amount claimed

Form 334

NOTICE TO CREDITOR TO PROVE THE CREDITOR'S CLAIM
(O 67, r 33)*A.B. v. C.D.*

You are hereby required to prove the claim sent in by you against the estate of G.H., deceased. You are to file such affidavit as you may be advised in support of your claim, and give notice thereof to me on or before the day of next, and to attend by your solicitor at the registry of the Supreme Court, in Brisbane (*or etc.*) on the day of , at o'clock in the noon, being the time appointed for adjudicating on the claim.

Dated *etc.*X.Y., solicitor for the plaintiff (*or as the case may be*).

To P.Q.

SCHEDULE 1 (continued)

Form 335

NOTICE TO CREDITOR OF ALLOWANCE OF CLAIM (O 67, r 40)

A.B. v. C.D.

The claim sent in by you against the estate of G.H., deceased, has been allowed at the sum of £ (\$), with interest thereon at % per annum, from the day of , 19 , and £ (\$) for costs.

[*If part only allowed, add:* If you claim to have a larger sum allowed, you are hereby required to prove such further claim, and you are to file such affidavit as you may be advised in support of your claim, and give notice thereof to me on or before the day of next, and to attend at the chambers of the Honourable the Chamber Judge, at the Supreme Court House, Brisbane (*or etc.*), on the day of , at o'clock in the noon, being the time appointed for adjudicating on the claim.]

Dated *etc.*

X.Y., solicitor for the plaintiff (*or as the case may be*).

To P.Q.

SCHEDULE 1 (continued)

Form 336

NOTICE HOW TO OBTAIN PAYMENT (O 67, r 44)

A.B. v. C.D.

The amounts payable to the creditors of G.H., deceased, under an order in this action dated the day of , may be obtained at the office of the Treasury in Brisbane, upon production of this notice, which may be presented* at that office, or may be sent to the Treasurer by post, with a request for remittance endorsed thereon as follows—

I request the Treasurer to send me by post a direction for payment of £ (\$) due to me, as herein notified, to be payable to my account at the bank at .

(To be signed by the party having the carriage of the judgment or the party's solicitor)

*Note—If presented by the payee in person, the payee must be identified.

SCHEDULE 1 (continued)

Form 337

AFFIDAVIT VERIFYING ACCOUNTS AND ANSWERING USUAL
INQUIRIES AS TO REAL AND PERSONAL ESTATE (O 67, r 27)*(Title of action)*

We, C.D., of *etc.* and E.F. of *etc.* the abovenamed defendants, severally make oath and say as follows—

1. We have according to the best of our knowledge, information, and belief, set forth in schedule 1 a full account and inventory of the personal estate of or to which G.H., the testator named in the judgment [*or order*] dated *etc.* made in this action, who died on *etc.* was possessed or entitled at the time of his or her death [and not by him or her specifically bequeathed].

2. Save what is set forth in schedule 1 [and what is by the said testator specifically bequeathed], the said testator was not to the best of our knowledge, information, or belief, at the time of his or her death possessed of or entitled to any debt or sum of money due to him or her from us or any of us on any account whatsoever, nor to any leasehold or other personal estate whatsoever.

3. The said testator's funeral expenses have been paid. The same consists of the items of disbursement numbered and in the account hereinafter referred to (*if not paid, it should be so stated, with the amount due and to whom due*).

4. We have in the account marked "A", now produced and shown to us, according to the best of our knowledge, information, and belief, set forth a full account of the personal estate of the said testator, not by the testator specifically bequeathed, which has come to our hands or to the hands of any of us, or to the hands of any person or persons by our order, or by the order of any of us, or for our use or the use of any of us, with the times when, the names of the persons from whom, and on what account, the same has been received, and also a like account of the disbursements, allowances, and payments, made by us or any of us on account of the said testator's funeral expenses, debts, and personal estate, together with the times when, the names of the persons to whom, and the purpose for which, the same were disbursed, allowed, or paid.

SCHEDULE 1 (continued)

5. And we, each speaking positively for himself or herself, and to the best of his or her knowledge and belief as to other persons, further say that, except as appears in the said account marked "A", we have not, nor has any of us, nor have nor has any other person or persons by our order or the order of any of us, or for our use or the use of any of us, possessed, received, or got in, any part of the said testator's personal estate, nor any money in respect thereof, and that the said account marked "A" does not contain any item of disbursement, allowance, or payment, other than such as has actually been disbursed, allowed or paid, on the account aforesaid.

6. To the best of our knowledge, information, and belief, the personal estate of the said testator now outstanding or undisposed of consists of the particulars set forth in schedule 2.

7. Save what is set forth in schedule 2, there is not to our knowledge, information, or belief, any part of the said testator's personal estate now outstanding or undisposed of.

8. We have, according to the best of our knowledge, information, and belief, set forth in schedule 3 the particulars of all the real estate which the said G.H. was seized of or entitled to at the date of his or her death.

9. Save what is set forth in schedule 3 the said testator was not to the best of our knowledge, information, or belief, at the time of his or her death seized of or entitled to any real estate whatsoever.

10. We have, according to the best of our knowledge, information, and belief, set forth in schedule 4 the particulars of all the incumbrances affecting the said testator's real estate, and what part thereof such incumbrances respectively affect.

11. We have in the account marked "B", now produced and shown to us, according to the best of our knowledge, information, and belief, set forth a full account of all the rents and profits of the said testator's real estate which has come to our hands or to the hands of any of us, or to the hands of any person or persons by our order, or the order of any of us, or for our use, or the use of any of us, and the times when, the names of the persons from whom, on what account, in respect of what part of such estate the same have been received, and the times when the same became due, and also a like account of the disbursements, allowances, and payments, made by us, or any or either of us, in respect of the said testator's real estate, or

SCHEDULE 1 (continued)

the rents and profits thereof, and the times when, the names of the persons to whom, and the purposes for which, the same were made.

12. And we, each speaking positively for himself or herself, and to the best of his or her knowledge and belief as to other persons further say that, except as appears in the said account marked "B", we have not, nor has any of us, nor has any other person by our order, or the order of any of us, or for our use, or the use of any of us, possessed, received or got in any rents or profits of the said testator's real estate, nor any money in respect thereof, and that the said account marked "B" does not contain any item of disbursement, payment, or allowance, other than such as has actually been disbursed, paid, or allowed, as above stated.

SCHEDULE 1

1. £50 (\$100) cash in the house.
2. £100 (\$200) cash at the testator's bankers, the Q.N. Bank, Limited
etc.

SCHEDULE 2

(Particulars to be set forth in the same manner as above)

SCHEDULE 3

(To contain short particulars of the real estate)

SCHEDULE 4

(To contain short particulars of the incumbrances, and showing what part of the above real estate is subject to each)

SCHEDULE 1 (continued)

Form 338

ACCOUNT OF PERSONAL ESTATE, BEING ACCOUNT A,
REFERRED TO IN FORM 337 (O 67, r 20)

A

In the Supreme Court of Queensland.

19 . (Here put the number).

(Title of action)

This is the account, marked "A", referred to in the affidavit of C.D.
and E.F., sworn this day of .

Before me , , .

A justice of the peace.

RECEIPTS

No. of item	Date when received	Names of persons from whom received	On what account received	Amount received	
				Proceeds of assets realised or collected	Income

SCHEDULE 1 (continued)

DISBURSEMENTS

No. of item	Date when paid or allowed	Names of persons to whom paid or allowed	On what account paid or allowed	Amount paid or allowed	
				From capital	From income

SCHEDULE 1 (continued)

Form 339

ACCOUNT OF RENTS AND PROFITS, BEING ACCOUNT B,
REFERRED TO IN FORM 337 (O 67, r 20)

B

In the Supreme Court of Queensland.

19 . (Here put the number)

*(Title of action)*This is the account marked "B", referred to in the affidavit of C.D. and
E.F., sworn this day of .

Before me , .

A justice of the peace.

RECEIPTS

No. of item	Date when received	Names of persons from whom received	On what account and in respect of what part of the estate received, and when due	Amount received

SCHEDULE 1 (continued)

DISBURSEMENTS

No. of item	Date when paid or allowed	Names of persons to whom paid or allowed	For what purpose paid or allowed	Amount paid or allowed

SCHEDULE 1 (continued)

Form 340

CERTIFICATE OF REGISTRAR (O 67, rr 50 and 52)

(Title of cause or matter)

In pursuance of the directions given to me by the Honourable Justice C., I hereby certify that the result of the accounts and inquiries which have been taken and made in pursuance of the judgment [*or order*] in this action [*or cause or matter*], dated the day of , is as follows—

1. The defendants, the executors of G.H., the testator, have received personal estate of the amount of £ (\$) , and they have paid, or are entitled to be allowed on account thereof, sums to the amount of £ (\$) , leaving a balance due from [*or to*] them of £ (\$) on that account.

The particulars of the above receipts and payments appear in the account, marked “A”, verified by the affidavit of C.D. and E.F., filed the day of , and which account is to be filed with this certificate, except that in addition to the sums appearing on such account to have been received, the said defendants are charged with the following sums (*state the same here or in a schedule*) and except that I have disallowed the items of disbursement in the said account numbered and .

[Or, in cases where a transcript has been made of account as altered and passed,

The defendants have brought in an account, verified by the affidavit of C.D. and E.F., filed the day of , and which account is marked “A”, and is to be filed with this certificate. The account has been altered, and the account marked “AA”, and which is also to be filed with this certificate, is a transcript of the account as altered and passed.]

The evidence *etc.*

2. The debts of the testator which have been allowed are set forth in schedule 1, and with the interest thereon and costs mentioned in the schedule are due to the persons therein named, and amount together to £ (\$).

The evidence *etc.*

SCHEDULE 1 (continued)

3. The funeral expenses of the testator amount to the sum of £ (\$), which I have allowed the said executors in the said account of personal estate.

4. The legacies [and annuities] given by the testator are set forth in schedules 2 and 3, and with the interest therein mentioned remain due to the persons therein named, and they amount altogether to £ (\$).

5. Particulars of the outstanding personal estate of the testator are set forth in schedule 4.

6. Particulars of the real estate to which the testator was entitled are set forth in schedule 5.

7. The defendants have received rents and profits of the testator's real estate *etc.* (as in paragraph 1).

8. The incumbrances affecting the said testator's real estate are specified in schedule 6.

9. The real estate of the testator directed to be sold has been sold, and the purchase moneys amounting together to £ (\$), have been paid into court (or as the case may be).

Note—The above numbers are to correspond with the numbers in the judgment or order. After each paragraph the evidence produced is to be stated thus—

The evidence produced on this account [*or inquiry*] consists of the probate of the testator's will, the affidavit of C.D. and E.F., filed the day of , and paragraph 5 of the affidavit of K.L., filed the day of (*or as the case may be*).

SCHEDULE 1 (continued)

Form 341

LIST OF DEBTS ALLOWED (REFERRED TO IN FORM 340)
(O 67, rr 43, 50 and 52)

A.B. v. C.D.

SCHEDULE 1
LIST OF DEBTS

No. of entry of claim	Names of creditors	Addresses	Amounts allowed for principal, interest and costs	Total amounts due

SCHEDULE 1 (continued)

Form 342

LIST OF LEGACIES REMAINING UNPAID (REFERRED TO IN
FORM 340) (O 67, rr 50 and 52)

A.B. v. C.D.

SCHEDULE 2
LIST OF LEGACIES

Name of legatees	Descriptions	Amounts of principal and interest	Total amounts due
		Total	

SCHEDULE 1 (continued)

Form 343

LIST OF ANNUITIES AND ARREARS DUE (REFERRED TO IN
FORM 340) (O 67, rr 50 and 52)*A.B. v. C.D.*

SCHEDULE 3

LIST OF ANNUITIES

Name of annuitants	Description of annuitants and nature of annuities	Amounts of annuities	Amounts of arrears due
	Totals		

SCHEDULE 1 (continued)

Form 344

STATEMENT OF APPORTIONMENT AMONG CREDITORS OR
LEGATEES (WHEN ESTATE INSUFFICIENT) (O 67, rr 50 and 52)*A.B. v. C.D.*Apportionment among creditors [*or* legatees].

Name of creditors (or legatees)	Addresses	Amounts before certified to be due and subsequent interest	Totals due	Amounts apportioned
			Total	

SCHEDULE 1 (continued)

Form 345

RECEIVERS OR GUARDIANS ACCOUNT (Referred to in form 346) (O 58, r 16; O 76, r 5)

A. B. v. C. D.

The [first] Account of M.N., the receiver appointed in this cause [or matter] for pursuant to an order made in this cause [or matter], dated etc., to receive the rents and profits of the real estate, and to collect and get in the outstanding personal estate, of G.H., the testator [or intestate] in this cause (or as the case may be), from the _____ day of _____, to the _____ day of _____.

REAL ESTATE—RECEIPTS

No. of item	Date when received	Tenant's name	Description of premises	Annual rent	Arrears due on	Amount due on	Amount received	Arrears remaining due	Observations

PAYMENTS AND ALLOWANCES ON ACCOUNT OF REAL ESTATE

No. of item	Date of payment or allowance	Names of persons to whom paid or allowed	For what purpose paid or allowed	Amount	Observations
Total payments					

SCHEDULE 1 (continued)

Form 346

AFFIDAVIT VERIFYING RECEIVER'S OR GUARDIAN'S
ACCOUNT (O 58, r 17; O 76, r 5; O 80)

In the Supreme Court of Queensland.

19 . (*Here put the number*)*(Title of cause or matter)*

I, M.N. of etc. the receiver (*or etc.*) appointed in this cause (*or etc.*), make oath and say as follows—

1. The account produced and shown to me at the time of swearing this my affidavit, and marked with the letter "A", purporting to be my account of the rents and profits of the real estate and of the outstanding personal estate of G.H., the testator [*or intestate*] in this cause (*or etc.*) from the day of to the day of , both inclusive, contains a true account of all and every sum and sums of money received by me or by any other person or persons by my order, or to my knowledge, or belief, for my use or on my account, in respect of the said rents and profits accrued due on or before the said day of , or on account or in respect of the said personal estate [except what is included as received in my former account [*or accounts*] verified by me].

2. The several sums of money mentioned in the said account as having been paid and allowed have been actually and truly so paid and allowed for the several purposes in the said account mentioned.

3. The said account is just and true in all and every the items and particulars therein contained, according to the best of my knowledge and belief.

4. O.P. and Q.R., the sureties named in my security, filed the of , are both alive, and neither of them has become bankrupt.

SCHEDULE 1 (continued)

Form 347

ORDINARY CONDITIONS OF SALE (O 68, r 2)

A.B. v. C.D.

CONDITIONS OF SALE

1. No person is to advance less than £ (\$) at each bidding.

2. The sale is subject to a reserved bidding for each lot, which has been fixed by the Judge.

3. Each purchaser is at the time of sale to subscribe the purchaser's name and address to his or her bidding, and the abstract of title and all written notices and communications and summonses are to be deemed duly delivered to and served upon the purchaser by being left for the purchaser at such address, unless or until the purchaser is represented by a solicitor.

[4. Each purchaser is at the time of sale to pay a deposit of % on the amount of his or her purchase money to , the person appointed by the said Judge to receive the same.]

5. The registrar will after the sale proceed to certify the result, and the day of at o'clock in the noon, is appointed as the time at which the purchasers may, if they think fit, attend by their solicitors at the registry to settle such certificate. The certificate will then be settled, and will in due course be signed and filed, and become binding without further notice or expense to the purchasers.

6. Each purchaser shall, within 14 days from the day of sale, deliver at the office of X.Y., solicitor, at , a statement in writing of his or her objections and requisitions (if any) to or on the title and upon the expiration of such lastmentioned time, which time is to be deemed of the essence of the contract, the title is to be considered as approved of and accepted by such purchaser, subject only to such objections and requisitions (if any).

[7. Each purchaser is, in addition to the amount of the purchaser's bidding at the sale, to pay the value of all timber, and crops (if any) on the lot purchased by the purchaser, down to 1s. (10c.) per stick, inclusive, the amount thereof to be ascertained by a valuation to be made in manner

SCHEDULE 1 (continued)

following: that is to say, each party, vendor and purchaser, or their respective solicitors, is within days after the registrar's certificate has become binding to appoint by writing 1 valuer, and give notice in writing to the other party of such appointment, and the valuers so appointed are to make such valuation, but before they commence their duty they are to appoint an umpire by writing, and the decision of such valuers, if they agree, or of such umpire if they disagree, is to be final; and in case the purchaser neglects or refuses to appoint a valuer, or to give notice of appointment of a valuer thereof in the manner and within the time above specified, the valuation is to be made by the valuer appointed by the vendor alone, and his or her valuation is to be final.]

8. Each purchaser is, under a direction by the registrar for that purpose to be obtained by the purchaser, or in case of his or her neglect by the vendor at the cost of the purchaser, to pay the amount of his or her purchase money [after deducting the amount paid as a deposit], [together with the amount of the valuation under condition 7 (if any)] into court to the credit of this action [*or matter*], on or before the day of , and if the same is not so paid, then the purchaser is to pay interest on his or her purchase money, [including the amount of such valuation], at the rate of % per annum from the day of to the day on which the same is actually paid. Upon payment of the purchase money in manner aforesaid the purchaser is to be entitled to possession, or to the rents and profits, as from the day of , down to which time all outgoings are to be paid by the vendor.

9. If any error or misstatement shall appear to have been made in the above particulars, such error or misstatement is not to annul the sale, or entitle the purchaser to be discharged from his or her purchase, but compensation is to be made to or by the purchaser, as the case may be, and the amount of such compensation is to be settled by the Judge at chambers.

10. If the purchaser shall not pay his or her purchase money at the time above specified, or at any other time which may be named in any order for that purpose, and in all other respects perform these conditions, an order may be made by the Judge upon application at chambers for the resale of the lot purchased by such purchaser, and for payment by the purchaser of the deficiency (if any) in the price which may be obtained upon such resale, and of all costs and expenses occasioned by such default.

SCHEDULE 1 (continued)

Form 348

CERTIFICATE OF RESULT OF SALE (O 68, r 10)

To the Supreme Court of Queensland.

A.B. v. C.D.

I, M.N., of _____, auctioneer, the person appointed to sell the estate comprised in the particulars hereinafter referred to, hereby certify as follows—

1. I did at the time and place, in the lots, and subject to the conditions, specified in the particulars and conditions of sale hereto annexed and marked “A”, put up for sale by auction the estates described in the said particulars.

The result of the sale is truly set forth in the schedule.

2. I have received the sums set forth in the fourth column of the schedule as deposits from the respective purchasers whose names are set forth in the second column of the schedule opposite the said sums in respect of their purchase money, leaving the sums set forth in the fifth column of the schedule due in respect thereof.

THE SCHEDULE

No. of lot	Name of purchaser	Amount of purchase money	Amount of deposit received	Amount remaining due

Dated *etc.*

M.N.,

To the best of my belief the above certificate is correct.

Auctioneer.
X.Y.

Solicitor for the party having the conduct of the abovementioned sale.

SCHEDULE 1 (continued)

Form 349

AFFIDAVIT VERIFYING ABSTRACT

(Title of cause or matter)

I, X.Y., of *etc.* solicitor for the plaintiff (*or etc.*) in this action [*or matter*] make oath and say as follows—

I have carefully examined and compared the abstract written on sheets of paper, now produced and shown to me at the time of swearing this affidavit, and marked with the letter “A”, with the several deeds and documents thereby purported to be abstracted. Such abstract is a true and correct abstract of the said deeds and documents, so far as such deeds and documents relate to the lands referred to in the order of the Honourable Justice C. made in this action [*or matter*] dated the day of .

Form 350

AFFIDAVIT VERIFYING ENGROSSMENTS OF DEEDS

(Title of cause or matter)

I, A.B. of *etc.* make oath and say as follows—

1. I have carefully examined and compared the paper writing now produced and shown to me at the time of swearing this affidavit, and marked with the letter “A”, with the draft of paper writing now produced and shown to me at the time of swearing this affidavit, and marked with the letter “B”, being the draft of the conveyance [*or settlement (or as the case may be)*] settled at the chambers of the Judge, pursuant to the order of the Honourable Justice C., made in this action [*or matter*], dated *etc.*

2. The said paper writing is a true and correct transcript and engrossment of the said draft.

SCHEDULE 1 (continued)

Form 351

REQUEST TO SET DOWN CAUSE FOR FURTHER
CONSIDERATION (O 39, r 29; O 67, r 58)

In the Supreme Court of Queensland.

19 . (*Here put the number*)

(*Title of cause or matter*)

I request that this cause [*or matter*], the further consideration whereof was adjourned by order of the day of , may be set down for further consideration before the Honourable Justice C. on the day of .

Dated *etc.*

(*To be signed by the party having the conduct of the proceedings or the party's solicitor.*)

Form 352

NOTICE THAT CAUSE HAS BEEN SET DOWN FOR FURTHER
CONSIDERATION (O 39, r 29; O 67, r 58)

In the Supreme Court of Queensland.

19 . (*Here put the number*)

(*Title of cause or matter*)

Take notice that this cause [*or matter*], the further consideration whereof was adjourned by the order of the day of , was on the day of set down for further consideration before the Honourable Justice C. for the day of .

X.Y., solicitor for the plaintiff (*or etc.*)

To Y.X., solicitor for the defendant (*or etc.*)

SCHEDULE 1 (continued)

Form 353

CONSENT TO ACT AS TRUSTEE OR GUARDIAN

(O 75, r 4)

I, C.D., of *etc.* hereby consent to act as a trustee of the (*describe the instrument*) [*or as guardian of A. an infant*].

(*Signed*) C.D.

I, X.Y. of _____, solicitor, hereby certify that the above-written signature is the signature of C.D., the person mentioned in the above-written consent.

X.Y., solicitor for the said C.D.

SCHEDULE 1 (continued)

**PART 13—SPECIAL FORMS FOR USE IN CERTAIN
ACTIONS****SECTION 1—PROBATE ACTIONS**

Form 354

AFFIDAVIT OF SCRIPTS (O 23, r 3)

(Title of action)

I, A.B., of *etc.* the abovenamed plaintiff [*or* defendant], make oath and say as follows—

No paper writing being or purporting to be, or having the form or effect of, a will or codicil or other testamentary disposition of G.H., late of _____, deceased, the testator in this action, or being or purporting to be instructions for or the draft of any will, codicil, or testamentary disposition, of the said G.H., has at any time either before or since his or her death come to my hands, possession or knowledge or to the hands, possession, or knowledge of my solicitor in this action, so far as is known to me, save and except the true and original last will and testament of the said G.H., now remaining in the registry of this Court [*or* hereunto annexed (*or as the case may be*)], which said will bears date the _____ day of _____; also save and except (*here enumerate the dates and particulars of any other testamentary papers of which the deponent has any knowledge*).

SCHEDULE 1 (continued)

SECTION 2—ADMIRALTY ACTIONS

Form 355

PRAECIPE FOR CAVEAT AGAINST PAYMENT

In the Supreme Court of Queensland.

19 . (*Here put the number*)*(Title of action)*

Enter a caveat on behalf of the plaintiff [*or defendant*] in this action [*or of G.H.*] against the payment of any money [*if the objector of the payment to be prohibited is limited, add for costs, or as the case may be*] out of the proceeds of the sale of (*state whether ship or cargo, and name of ship etc.*) now remaining in court, without notice being first given to me.

(If the person entering the caveat is not a party to the action the person must also state his or her address, and an address for service within 10 km of the registry.)

(To be signed by the person lodging the caveat or the person's solicitor).

Form 356

PRAECIPE TO WITHDRAW CAVEAT (O 34, r 20)*(Title etc. as in form 355)*

I, A.B., [solicitor for] the plaintiff [*or defendant*] hereby withdraw the caveat against (*state tenor of caveat*), entered by me on *etc.* [on behalf of (*state name*)].

Dated *etc.*

(To be signed by the person by whom the praecipe for the entry of the caveat was signed or by the person's solicitor).

SCHEDULE 1 (continued)

Form 357

WRIT OF POSSESSION

(Title etc. as in form 355)

ELIZABETH THE SECOND ETC.

To the marshal of Our Supreme Court of Queensland:

Greeting:

Whereas in this action Our said Court has ordered possession of the ship 'Mary' (*or as the case may be*) to be delivered up to A.B. or to his or her lawful attorney for his or her use.

We, therefore, hereby command you to release the said ship, the ship's tackle, apparel, and furniture, (*or as the case may be*) from the arrest made by virtue of Our warrant in that behalf, and to deliver possession thereof to the said A.B. or to his or her lawful attorney for his or her use.

Witness *etc.*This writ was issued by (*etc. as in writs of execution, form 219*).

Form 358

PRAECIPE FOR WRIT OF POSSESSION

(Title etc. as in form 355)

Seal a writ of possession, directed to the marshal, to deliver possession of the ship 'Mary' (*or as the case may be*) to A.B.

Dated *etc.*Order dated *etc.**(To be signed by the party or the party's solicitor.)*

SCHEDULE 1 (continued)

Form 359

COMMISSION OF APPRAISEMENT (O 68, r 15)

(Title and address as in form 357).

Whereas in this action Our said Court has ordered the ship ‘Mary’ (*or as the case may be*) (*state whether ship or cargo, and state name of ship and, if part only of cargo, state what part*) to be appraised.

We, therefore, hereby authorise and command you to reduce into writing an inventory of the said ship [*or cargo (or as the case may be)*], and, having chosen 1 or more experienced person or persons, to swear him, her or them to appraise the same according to the true value thereof, and, upon a certificate of such value having been reduced into writing, and signed by you and by the appraiser or appraisers, to file the same in the registry of Our said Court, together with this commission.

Witness *etc.*

This commission was taken out by (*etc. as in form 357*).

Form 360

PRAECIPE FOR COMMISSION OF APPRAISEMENT

(Title and conclusion as in form 358.)

Seal a commission of appraisement, directed to the marshal, to appraise the value of the ship ‘Mary’ (*or as the case may be*).

SCHEDULE 1 (continued)

Form 361

COMMISSION OF SALE (O 68, r 15)

(Title and address as in form 357)

Whereas in this action Our said Court has ordered the ship ‘Mary’ (*or as the case may be*) (*state whether ship or cargo, and state name of ship, and if part only of cargo, what part*) to be sold.

We, therefore, hereby authorise and command you to reduce into writing an inventory of the said ship [*or cargo (or as the case may be)*], and to cause the said ship [*or cargo or etc.*] to be sold by public auction for the highest price that can be obtained for the same.

And We further command you, as soon as the sale has been completed, to pay the proceeds arising therefrom into Our said Court, and to file an account of the sale signed by you, together with this commission.

Witness *etc.*

This commission of sale was taken out by (*etc. as in form 357*).

Form 362

PRAECIPE FOR COMMISSION OF SALE

(Title and conclusion as in form 358)

Seal a commission of sale, directed to the marshal, to sell the ship ‘Mary’ (*or as the case may be*).

SCHEDULE 1 (continued)

Form 363

COMMISSION OF APPRAISEMENT AND SALE (O 68, r 15)

(Title and address as in form 357)

Whereas in this action Our said Court has ordered the ship ‘Mary’ (*or as the case may be*) (*state whether ship or cargo, and state name of ship, and if part only of cargo, what part*) to be appraised and sold.

We, therefore, hereby authorise and command you to reduce into writing an inventory of the said ship [*or cargo (or as the case may be)*], and, having chosen 1 or more experienced person or persons, to swear him, her or them to appraise the same according to the true value thereof, and upon a certificate of such value having been reduced into writing, to cause the said ship [*or cargo (or as the case may be)*] to be sold by public auction for the highest price, not under the appraised value thereof, that can be obtained for the same.

And We further command you, as soon as the sale has been completed, to pay the proceeds arising therefrom into Our said Court, and to file the certificate of appraisement, signed by you and by the appraiser or appraisers, and an account of the sale signed by you, together with this commission.

Witness *etc.*

This commission of appraisement and sale was taken out by (*etc. as in form 357*).

Form 364

PRAECIPE FOR COMMISSION OF APPRAISEMENT AND SALE

(Title and conclusion as in form 358)

Seal a commission of appraisement and sale, directed to the marshal, to appraise and sell the ship ‘Mary’ (*or as the case may be*).

SCHEDULE 1 (continued)

Form 365

COMMISSION OF REMOVAL (O 68, r 15)

(Title and address as in form 357)

Whereas in this action Our said Court has ordered that the ship ‘Mary’ shall be removed from _____ to _____, on a policy of insurance in the sum of £ (\$) being deposited in the registry or Our said Court (*or as the case may be*).

And whereas a policy of insurance for the said sum has been so deposited (*or as the case may be, state performance of the conditions*).

We, therefore, hereby command you to cause the said ship to be removed accordingly.

And We further command you, as soon as the removal has been completed, to file a certificate thereof, signed by you, in the said registry together with this commission.

Witness.

This commission of removal was taken out by (*etc. as in form 357*).

Form 366

PRAECIPE FOR COMMISSION OF REMOVAL

(Title and conclusion as in form 358)

Seal a commission of removal, directed to the marshal to remove the ship ‘Mary’ from _____ to _____.

Additional memorandum to be inserted above signature.

Policy deposited (*or as the case may be*) on the _____ day of _____.

SCHEDULE 1 (continued)

Form 367

COMMISSION FOR DISCHARGE OF CARGO

(Title and address as in form 357)

Whereas in this action Our said Court has ordered that the cargo of the ship 'Mary' shall be discharged.

We, therefore, hereby command you to discharge the said cargo from on board the said ship, and to put the same into some fit and proper place of deposit.

And we further command you, as soon as the discharge of the said cargo has been completed, to file your certificate thereof in the registry of Our said Court, together with this commission.

Witness *etc.*

This commission was taken out by *(etc. as in form 357.)*

Form 368

PRAECIPE FOR COMMISSION TO DISCHARGE CARGO

(Title and conclusion as in form 358)

Seal a commission of discharge directed to the marshal, to discharge the cargo of the ship 'Mary'.

 SCHEDULE 1 (continued)

Form 369

MINUTES IN AN ADMIRALTY ACTION

19 . (Title of action)

- Jan. 3 Writ of summons [and warrant] issued on behalf of A.B. etc. the owners of the ship 'Jane', against the ship 'Mary' [and freight, *or as the case may be*] in an action for damages by collision. Amount claimed £10 000 (\$20 000).
- " 5 Notice of appearance on behalf of C.D. etc. the owners of the ship 'Mary'.
- " 6 Marshal filed warrant.
- " 7 Release of ship 'Mary' issued to Y.Z.

Here insert address for service of documents required to be served on the plaintiffs.

Here insert address for service of documents required to be served on the defendants.

NOTE—*The above minutes are typical extracts of minutes as might be required in an action in rem for damage by collision. Additional minutes would be required.*

SCHEDULE 1 (continued)

**PART 14—FORMS RELATING TO PROBATE
BUSINESS IN COMMON FORM, AND
APPLICATIONS FOR ORDERS TO ADMINISTER
ETC. UNDER THE PUBLIC TRUSTEE ACT 1978**

Form 370

REQUEST FOR PROBATE [OR LETTERS OF ADMINISTRATION]
WITH THE WILL

In the Supreme Court of Queensland.

In the will [and codicil] of A.B., late of _____,
in the State of Queensland, [farmer], deceased.

To the registrar of the Supreme Court of Queensland at _____.

I, C.D. (*address, occupation*) [and D.B. (*address, occupation*)] hereby request that probate of the will [and codicil] [letters of administration with the will (and codicil) annexed] (*as the case may be*) of the abovenamed deceased dated [respectively the _____ day of _____, 19__] be granted to me as the [executor] [administrator] thereof (*with such limitations as may be applicable*).

Dated the _____ day of _____, 19__.

(To be signed by the applicant.)

SCHEDULE 1 (continued)

Form 371

REQUEST FOR ADMINISTRATION OF LANDS OR GOODS, OR
LANDS AND GOODS, OF AN INTESTATE

In the Supreme Court of Queensland.

In the [lands and] goods of A.B., late of _____ ,
in the State, [farmer] deceased, intestate.

To the registrar of the Supreme Court of Queensland, at _____ .

I, C.B., (*address, occupation*) [and D.B. (*address, occupation*)]
hereby request that letters of administration of the lands [*or goods*] [*or*
lands and goods] (*as the case may be*) of the abovenamed deceased intestate
be granted to me as the administrator thereof.

Dated the _____ day of _____ , 19 ____ .

(To be signed by the applicant.)

SCHEDULE 1 (continued)

Form 372

ADVERTISEMENT FOR PROBATE—SHORT FORM

A.B., late of (street), (town), [farmer] deceased.

After 14 clear days from today, C.D., of (street), (town), [farmer], the sole executor appointed by the deceased's will dated (1 January 1943) (*or as the case may be*) will apply to the Supreme Court, Brisbane, [Rockhampton, Townsville *or* Cairns, *as the case may be*] for probate of this will. Any person interested who desires to object to the application or to be heard upon it, may file a caveat in the registry at any time before the grant is made, and all notices may be served at the undermentioned address. All creditors in the estate of the deceased are hereby required to send in particulars of their claim to the undersigned within 6 weeks from the date hereof [at the expiration of which time the said executor will proceed to distribute the assets of the testator among the persons entitled thereto having regard only to the claims of which the said executor shall then have had notice: *Omitted if statutory notice to creditors advertised separately*].

C.D.

[*or* X.Y. solicitor, Queen Street, Brisbane].

SCHEDULE 1 (continued)

Form 373

ADVERTISEMENT FOR PROBATE—ALTERNATE SHORT FORM

*(To be used when 2 or more advertisements are inserted
contemporaneously in the same publication)*

After 14 clear days from today applications will be made to the Supreme Court, Brisbane, [*or Rockhampton, Townsville or Cairns,*] for grants of probate of the following wills. Any person interested who desires to object to any application or to be heard upon it may file a caveat in the registry at any time before the relevant grant is made and all notices may be served at the undermentioned address. All persons or creditors having claims against the estates of any of the undermentioned testators are hereby required to send particulars thereof to the respective executors at the addresses of the respective solicitors within 6 weeks from the date hereof [at the expiration of which time the said respective executors will proceed to distribute the assets of their respective testators among the persons entitled thereto having regard only to the claims of which the said respective executors shall then have had notice; omitted if statutory notice to creditors advertised separately].

Deceased—A.B., late of (*street*), (*town*), (*occupation*).

Applicant—C.D., of (*street*), (*town*), (*occupation*), the sole executor appointed by the will dated (*or as the case may be*).

Solicitors—X.Y. of (*address*).

SCHEDULE 1 (continued)

Form 374

ADVERTISEMENT FOR ADMINISTRATION WITH THE
WILL—SHORT FORM

A.B., late of (*street*), (*town*), [farmer], deceased.

After 14 clear days from today, E.F., of (*street*), (*town*), [farmer], the attorney of C.D., the executor named in the deceased's will dated (1 January 1943 *or as the case may be*) [*or* the residuary legatee named in the deceased's will dated _____], will apply to the Supreme Court Brisbane, [Rockhampton, Townsville *or* Cairns *as the case may be*] for a grant of administration of the personal estate of the abovenamed deceased with his or her will [and codicil]. Any person interested who desires to object to the application, or to be heard upon it, may file a caveat in the registry at any time before the grant is made, and all notices may be served at the undermentioned address.

E.F.

[*or* X.Y., solicitors, Queen Street, Brisbane].

SCHEDULE 1 (continued)

Form 375

ADVERTISEMENT FOR ADMINISTRATION WITH THE
WILL—ALTERNATE SHORT FORM

*(To be used where 2 or more advertisements are inserted
contemporaneously in the same publication).*

APPLICATIONS FOR ADMINISTRATION WITH WILLS

After 14 clear days from today, applications will be made to the Supreme Court, Brisbane [Rockhampton *or* Townsville *or* Cairns *as the case may be*] for administration of the personal estates with the respective wills of the following deceased persons. Any person interested who desires to object to any application or to be heard upon it may file a caveat in the registry at any time before the relevant grant is made, and all notices may be served at the undermentioned address.

Deceased—A.B., late of (*street*), (*town*), [farmer].

Applicant—E.F., of (*street*), (*town*), [farmer], the attorney of C.D. the executor named in the deceased's will (*or as the case may be*) [dated 1 May 1943, *or as the case may be*].

Solicitors—X.Y., Queen Street, Brisbane.

Deceased—G.H., late of (*street*), (*town*), [farmer].

Applicant—K.L., of (*street*), (*town*), [farmer], as residuary legatee (*or as the case may be*) named in the will [dated 1 May 1943, *or as the case may be*] I.J., executor named in the said will, being dead (*or as the case may be*).

Solicitors—M.N., Adelaide Street, Brisbane.

SCHEDULE 1 (continued)

Form 376

ADVERTISEMENT FOR ADMINISTRATION IN CASE OF
INTESTACY—SHORT FORM

A.B., late of (*street*), (*town*), [farmer], deceased.

After 14 clear days from today, C.D., of (*street*), (*town*), [farmer], the lawfully constituted attorney of E.F., of (*grazier*) brother or sister of the said deceased (*or as the case may be*) will apply to the Supreme Court Brisbane, [*or Rockhampton or Townsville or Cairns*] for a grant of administration of the [real and] personal estate of the abovenamed deceased who died intestate. Any person interested who desires to object to the application, or to be heard upon it, may file a caveat in the registry at any time before the grant is made, and all notices may be served at the undermentioned address.

C.D.

[*or X.Y.*, solicitors, Queen Street, Brisbane.].

SCHEDULE 1 (continued)

Form 377

ADVERTISEMENT FOR ADMINISTRATION IN CASE OF
INTESTACY—ALTERNATE SHORT FORM

*(To be used only in cases where 2 or more notices are inserted
contemporaneously in the same publication)*

APPLICATIONS FOR ADMINISTRATION—INTESTATE ESTATES

After 14 clear days from today, applications will be made to the Supreme Court, Brisbane, [*or Rockhampton or Townsville or Cairns*] for grants of administration in the following intestate estates. Any person interested who desires to object to any application or to be heard upon it may file a caveat in the registry at any time before the relevant grant is made, and all notices may be served at the undermentioned address.

Deceased—A.B., late of (*street*), (*town*), [farmer].

Applicant—C.D., of (*street*), (*town*), [farmer] lawfully constituted attorney of E.F., of (*street*), (*town*), [grazier], brother or sister of the said deceased, who died intestate.

Solicitors—X.Y., Queen Street, Brisbane.

Deceased—G.H., late of (*street*), (*town*), [farmer].

Applicant—I.J., of (*street*), (*town*), widow or widower of the deceased, who died intestate.

Solicitors—M.N., Adelaide Street, Brisbane.

SCHEDULE 1 (continued)

Form 378

ADVERTISEMENT FOR SEALING PROBATE OR LETTERS OF
ADMINISTRATION UNDER BRITISH PROBATES ACT 1896
(O 71, rr 3 and 66)

In the Supreme Court of Queensland.

In the will [and codicil] [*or goods*] of A.B. late
of _____, in the State of _____ [merchant],
deceased [intestate].

Notice is hereby given, that, after the expiration of 14 days from the
publication hereof, application will be made to this Honourable Court for
the sealing of the probate of the will [*or letters of administration (with the
will) of the personal estate*] of the abovenamed deceased, granted by the
Supreme Court of Judicature in England (*or as the case may be*),
at _____ on the _____ day of _____ .

SCHEDULE 1 (continued)

Form 379

AFFIDAVIT OF EXECUTOR (O 71, rr 2 and 11)

In the Supreme Court of Queensland.

In the will (and codicil) of A.B., late of *etc.* deceased.

I, C.D., of *etc.* make oath and say as follows—

1. I believe that the paper writing [*or* paper writings] now produced and shown to me and marked [respectively] with the letter [*or* letters] “A” [“B” and “C”] is and contains [*or* are and contain] the true and original last will [with 2 codicils] of the abovenamed deceased.

2. I am the sole executor [*or* 1 of the executors] therein named [*or* executor according to the tenor thereof (*or* executor during life) (*or* executrix during widowhood or widowerhood) therein named (*or as the case may be*)].

3. The testator died at on the day of 19 , as appears by the certificate of death now produced and shown to me and marked with the letter (“D”) leaving [real and] personal estate in Queensland.

4. The marriage between the testator and this deponent C.D. has not been dissolved or annulled.

(this paragraph to be included where an executor (or executrix) was the spouse of the testator)

SCHEDULE 1 (continued)

Form 380

AFFIDAVIT OF ADMINISTRATOR WITH THE WILL
(O 71, rr 2, 11 and 12)

In the Supreme Court of Queensland.

In the will (and codicil) of A.B., late of *etc.* deceased.

I, E.F., of *etc.* make oath and say as follows—

1. I believe that the paper writing [*or* paper writings] now produced and shown to me and marked [respectively] with the letter [*or* letters] “A” [“B” and “C”] is and contains [*or* are and contain] the true and original last will [with 2 codicils] of the abovenamed deceased.

2. C.D., the executor named in the said will [and codicils], is absent from Queensland, and has duly appointed me to be his or her attorney to apply for administration of the personal estate of the abovenamed deceased with the said will [and codicils] [*or* is dead without having taken probate thereof, and I am the residuary legatee named therein (*or as the case may be*)].

3. The testator died at on the day of 19 , as appears by the certificate of death now produced and shown to me and marked with the letter (“D”) leaving personal estate and effects in Queensland.

SCHEDULE 1 (continued)

Form 381

AFFIDAVIT OF ATTESTING WITNESS IN PROOF OF THE DUE
EXECUTION OF A WILL OR CODICIL (O 71, rr 2 and 14)

In the Supreme Court of Queensland.

In the will of A.B., late of *etc.* deceased.

I, G.H., of *etc.* make oath and say as follows—

1. I am 1 of the subscribing witnesses to the last will [*or* codicil] of the abovenamed deceased, bearing date the day of which said will [*or* codicil] is now produced and shown to me and marked with the letter “A”.

2. The said testator executed the said will [*or* codicil] on the day of the date thereof [*or* on *etc.*] by signing his or her name at the foot or end thereof [*or* in the testimonium clause thereof (*or* in the attestation clause thereto) meaning and intending the same for his or her final signature to his or her will (*or* codicil)], as the same now appears thereon, in the presence of me and of J.K., the other subscribing witness thereto, both of us being present at the same time, and we thereupon attested and subscribed the said will [*or* codicil] in the presence of the said testator and of each other.

SCHEDULE 1 (continued)

Form 382

AFFIDAVIT OF HANDWRITING OR TESTATOR OF ATTESTING
WITNESS (O 71, rr 2 and 15)

In the Supreme Court of Queensland.

In the will of A.B., late of *etc.* deceased.

I, M.N., of *etc.* make oath and say as follows—

1. I knew and was well acquainted with the abovenamed deceased [or G.H.], who died on or about the day of , at for many years before and down to the time of his or her death, and during such period I frequently saw him or her write and also subscribe his or her name to writings [or had frequent communication with him or her by letter], whereby I have become well acquainted with his or her manner and character of handwriting and subscription.

2. I have carefully perused and inspected the paper writing now produced and shown to me and marked with the letter “A”, purporting to be and contain the last will of the said deceased [or to bear the signature of the said G.H.], beginning thus— and ending thus— and being subscribed thus ‘A.B.’ [or ‘G.H.’] (*include in these recitals the date of the will, and, if the affidavit relates to the signature of a witness, the attestation clause and names of witnesses*), and I say that I verily believe that the name A.B. subscribed thereto as aforesaid [or the name G.H. subscribed thereto as aforesaid as a witness attesting the execution thereof] is of the true and proper handwriting and subscription of the said deceased [or G.H.].

SCHEDULE 1 (continued)

Form 383

AFFIDAVIT OF PLIGHT AND CONDITION AND FINDING
(O 71, rr 2 and 16)

In the Supreme Court of Queensland.

In the will of A.B., late of *etc.* deceased.

I, C.D., of *etc.* make oath and say as follows—

1. I am the sole executor (*or as the case may be*) named in the paper writing now produced and shown to me and marked with the letter “A”, purporting to be and contain the last will of the abovenamed deceased, who died at on or about the day of , and which said will bears date the day of , and begins thus—
and ends thus— and is subscribed thus ‘A.B.’

2,3,4. (*Recite the finding of the will, and the various obliterations, interlineations, erasures, and alterations (if any) and the general plight and condition of the will, or any other matters requiring to be accounted for, and clearly trace the will from the possession of the deceased in his or her lifetime up to the time of making the affidavit.*)

5. The said will is now in all respects in the same state, plight, and condition as when it was so found as aforesaid (*or as the case may be*).

SCHEDULE 1 (continued)

Form 384

AFFIDAVIT TO BE USED WHEN THE WILL IS NOT DATED AND
NO ONE CAN DEPOSE TO THE ACTUAL DATE OF EXECUTION

In the Supreme Court of Queensland.

In the will of A.B., late of *etc.* deceased.

I, C.D., of *etc.* make oath and say as follows—

1. I am the sole executor (*or as the case may be*) named in the paper writing now produced and shown to me and marked with the letter “A”, purporting to be and contain the last will of the abovenamed deceased, who died at _____ on the _____ day of _____, and which said will begins thus— _____ and ends thus—‘In witness whereof I have hereunto set my hand this _____ day of _____ in the year of Our Lord 19 _____ (*or as the case may be*)’ and is subscribed thus ‘A.B.’.

2. Referring particularly to the fact that the blank spaces originally left in the said will for the insertion of the day and month of the date thereof have never been supplied [*or that the said will is without date (or as the case may be)*] I say that I have made inquiry of X.Y., the solicitor of the said deceased, and that I have also made diligent and careful search in all places where the said deceased usually kept his or her papers of importance and in his or her place of safe custody, in order to ascertain whether the deceased had or had not left any other will, but that I have been unable to discover any other will.

3. I verily believe that the said deceased died without having left any will, codicil, or testamentary paper whatsoever, other than the said will by me hereinbefore deposed to.

SCHEDULE 1 (continued)

Form 385

AFFIDAVIT OF ADMINISTRATOR IN CASE OF INTESTACY
(O 71, rr 2, 27 and 28)

In the Supreme Court of Queensland.

In the [lands and] goods of A.B., late of *etc.*
deceased, intestate.

I, C.D., of *etc.* make oath and say as follows—

1. The abovenamed deceased died at _____, on the _____ day
of _____, 19____, intestate, as appears by the certificate of death now
produced and shown to me and marked with the letter “A”, leaving [real
and] personal estate in Queensland.

2. The said deceased died a bachelor without issue, parent, brother or
sister, uncle or aunt, nephew or niece (*or as the case may be*).

3. I am the lawful cousin-german and one of the next of kin of the said
deceased (*or as the case may be*), and entitled by law, as I believe, to a grant
of administration of the [real and] personal estate of the said deceased at the
time of his or her death.

SCHEDULE 1 (continued)

Form 386

AFFIDAVIT OF PUBLICATION AND SERVICE

(O 71, rr 2–4)

In the Supreme Court of Queensland.

In the will [and codicil] of A.B. late of *etc.* deceased
[or in the (lands and) goods of A.B., late of *etc.*
deceased].

I, G.H., of *etc.* make oath and say as follows—

1. The notice, a true copy whereof is now produced and shown to me and marked “A” was published and duly appeared in the Queensland Government Gazette published at _____ in the State on the _____ day of _____, 19____, and in the Queensland Law Reporter published on _____, the _____, day of _____ 19____, and also in the Courier Mail published on the _____ day of _____ 19____, both of which are newspapers published at _____ in the State [or in the D.B., published at _____ on the _____ day of _____, 19____, which is a local newspaper circulating in the neighbourhood of the place where the abovenamed deceased resided].

2. I did on the _____ day of _____, 19____, serve a copy of the Notice now produced and shown to me and marked with the letter “A” upon the Public Trustee by delivering the same to and leaving the same with a clerk in the Public Trustee’s office].

Sworn by the abovenamed deponent,
at _____ in the State this _____ day
of _____ 19____, before me:

A justice of the peace.

SCHEDULE 1 (continued)

Form 386A

AFFIDAVIT OF SEARCH

In the Supreme Court of Queensland.

In the will (and codicil) of A.B., late of *etc.* deceased
(or in the (lands and) goods of A.B., late of *etc.*
deceased).

I, G.H., of *etc.* make oath and say as follows—

1. I have this day searched in the proper office of this Honourable Court at _____, and find that no caveat has been entered in the estate of the abovenamed deceased, that no order to administer the said estate has been granted to the Public Trustee, and further that no election has been filed by the said the Public Trustee or any trustee company in this estate.

Sworn by the abovenamed deponent,
at _____ in the State this _____ day
of _____, 19____, before me:

A justice of the peace.

SCHEDULE 1 (continued)

Form 387

AFFIDAVIT OF EXECUTOR OR ADMINISTRATOR ON
APPLICATION FOR SEALING GRANT UNDER BRITISH
PROBATES ACT 1898 (O 71, rr 2 and 67)

In the Supreme Court of Queensland.

In the will (and codicil) (*or* goods) of A.B., late
of _____, in the State of _____, (merchant)
deceased (intestate).

I. C.D., of *etc.* _____, make oath and say as follows—

1. A grant of probate of the will (*or* of letters of administration (with the Will) of the personal estate) of the abovenamed deceased, who died at _____ on the _____ day of _____, 19____, was made to me (*or* to E.F., of *etc.*) by the Supreme Court of _____ Judicature in England (*or as the case may be*), at _____, on the _____ day of _____, 19____.

2. The said deceased was at the time of his or her death domiciled at _____ (within the jurisdiction of the said Court).

3. The said deceased left (real and) personal estate in Queensland.

(4. I am the person lawfully authorised by the said E.F. by letter (*or* certificate) under his or her hand dated the _____ day of _____, 19____, and am duly authorised to apply to this Honourable Court for the sealing of the said grant. The original letter or certificate is now produced and shown to me and marked with the letter “A”).

5. A list of creditors of the deceased in Queensland is now produced and shown to me and marked with the letter “B” (list must show full name and address of each creditor and amount of the debt).

SCHEDULE 1 (continued)

Form 393

ELECTION BY MINORS OF A GUARDIAN (O 71, r 36)

In the Supreme Court of Queensland.

In the will [*or* In the (lands and) goods] of
A.B., late of *etc.* deceased [*intestate*].

Whereas the abovenamed deceased, died at _____, on or about the _____ day of _____, having first duly made his or her last will, whereby he or she appointed C.D., of *etc.* executor thereof, and the said C.D. died without obtaining probate thereof (*or as the case may be*), and the said deceased was a widower or widow and left (*or* Whereas the said deceased, died at *etc.* on or about the _____ day of _____, *intestate*, and a widower or widow, leaving E.F., G.H., and J.K., his or her natural and lawful children and only next of kin, the said E.F. being a minor of the age of 17 years, the said G.H. being also a minor of the age of 15 years, and the said J.K. being an infant of the age of 6 years (*or as the case may be*).

Now, we, the said E.F. and G.H., do hereby make choice of and elect M.N., of _____ [*merchant*], our lawful maternal uncle, and 1 of our next of kin, to be our guardian, for the purpose of his or her applying to the Supreme Court for administration of the [*real and*] personal estate of the said deceased [*with the will*], to be granted to him or her for our use and benefit, and until one of us attains the age of 18 years [*or for the purpose of renouncing, for us and on our behalf, all our right, title, and interest to and in administration of the said estate (or as the case may be): [add, in cases where a solicitor appears for the minors.*

And we hereby appoint X.Y., of _____ our solicitor, to file this our election for us in the registry of the said Court].

In witness whereof we have hereunto set our hands this _____ day
of _____, 19 ____.

Signed by the said E.F. and G.H., in the presence of (*I witness*).

SCHEDULE 1 (continued)

Form 394

RENUNCIATION OF PROBATE OR ADMINISTRATION WITH
THE WILL (O 71, rr 33 and 39)

In the Supreme Court of Queensland.

In the will of A.B., late of *etc.* deceased.

Whereas the abovenamed deceased died at _____, on or about the _____ day of _____, having duly made and executed his or her last will bearing date the _____ day of _____, 19 ____ . [and 2 codicils thereto, bearing date, respectively, the _____ day of _____, and the day of _____], and thereby appointed me, C.D., of *etc.* executor thereof [or residuary legatee (*or as the case may be*)].

Now, I, the said C.D., do hereby declare that I have not intermeddled with the personal estate of the said deceased, and will not hereafter intermeddle therewith with intent to defraud creditors; and I do hereby expressly renounce all my right and title to the probate and execution of the said will [and codicils] [*or to administration with the said will [and codicils] of the personal estate of the said deceased*] [*Add, in cases where a solicitor appears for the person renouncing.*]

And I hereby appoint X.Y., of _____ my solicitor, to file this renunciation for me in the registry of the Supreme Court].

In witness whereof I have hereto set my hand this _____ day of _____ 19 ____ .

Signed by the said C.D. in the presence of (*I witness*).

SCHEDULE 1 (continued)

Form 395

RENUNCIATION OF ADMINISTRATION IN CASE OF
INTESTACY (O 71, rr 33 and 39)

In the Supreme Court of Queensland.

In the [lands and] goods of A.B., late of *etc.*
deceased, intestate.

Whereas the abovenamed deceased died at _____, on or about
the _____ day of _____, intestate, a widower or widow, and
whereas I, C.D., of *etc.* am his or her natural lawful child, and his or her
only next of kin, (*or as the case may be*).

Now I, the said C.D., do hereby declare that I have not intermeddled
with the [real or] personal estate of the said deceased, and do hereby
expressly renounce all my right and title to administration of the [real and]
personal estate of the said deceased [*Add, in cases where a solicitor
appears for the person renouncing.*]

And I hereby appoint X.Y., of _____, my solicitor, to file this
renunciation for me in the registry of the Supreme Court].

In witness whereof, I have hereto set my hand this _____ day
of _____, 19 ____.

Signed by the said C.D. in the presence of (*I witness*).

SCHEDULE 1 (continued)

Form 396

AFFIDAVIT OF DUE EXECUTION OF RENUNCIATION

In the Supreme Court of Queensland.

In the will of A.B., late of *etc.* deceased [*or*

In the (lands and) goods of A.B., late of *etc.*
deceased, intestate].

I, M.N., of *etc.* make oath and say as follows—

1. I am the subscribing witness to the execution by C.D. of the instrument of renunciation now produced and shown to me and marked with the letter “A”.

2. The said C.D. duly signed the said instrument on the day
of , in my presence, and the name M.N. thereto subscribed as
the witness to the execution thereof is in my proper handwriting.

SCHEDULE 1 (continued)

Form 397

SUMMONS TO PARTIES INTERESTED (O 71, rr 42 and 46)

In the Supreme Court of Queensland.

In the will of A.B., late of *etc.* [*or*
In the (lands and) goods of A.B., late of *etc.*
deceased, intestate].

Let E.F., of *etc.* [and G.H. of *etc.*] within days after the service of this summons on him or her [*or* on them respectively], inclusive of the day of such service, cause an appearance to be entered for him, her [*or* them] in the Supreme Court, at Brisbane [*or* Rockhampton, Townsville *or* Cairns], to this summons, which is issued upon the application of C.D., of *etc.* for a grant to him or her of administration of the [lands and] goods of the abovenamed deceased.

Registrar.

Dated *etc.*

To E.F. [and G.H.]

This summons was taken out by [X.Y. of *etc.* solicitor for] the abovenamed C.D. (*as in writ of summons*).

The respondent [*or* respondents] may appear hereto by entering an appearance [*or* appearances] either personally or by a solicitor, at the Supreme Court Office, at Brisbane [*or* Rockhampton, Townsville *or* Cairns].

Note—If the respondent [*or* respondents] does not [*or* do not] enter an appearance [*or* appearances] within the time and at the place mentioned, the Court may proceed to grant administration upon the application of the said C.D. in his, her [*or* their] absence.

SCHEDULE 1 (continued)

Form 398

NOTICE OF APPOINTMENT TO PROCEED ON SUMMONS
(O 71, r 45)

In the Supreme Court of Queensland.

In the will of A.B., late of *etc.* [*or*In the (lands and) goods of A.B., late of *etc.*
deceased, intestate].

To E.F. and G.H.

Take notice, that you are required to attend at the office of the registrar of the Supreme Court, at Brisbane [*or* Rockhampton, Townsville *or* Cairns], on *etc.* at o'clock, upon the hearing of the application of C.D. for a grant of administration of the [lands and] goods of the abovenamed deceased and to show cause why such grant should not be made to him or her as the brother or sister and 1 of the next of kin of the said deceased (*or as the case may be*).

If you do not attend in person or by solicitor at the time and place abovementioned, the grant may be made in your absence.

Dated *etc.*C.D. [*or* X.Y., solicitor for the said C.D.]

SCHEDULE 1 (continued)

Form 399

CAVEAT (O 71, r 51)

In the Supreme Court of Queensland.

In the estate of A.B., late of *etc.* deceased.

Let nothing be done towards the grant of administration of the estate of the abovenamed deceased without notice to Q.R., of who claims to be interested in the said estate.

Dated *etc.*Q.R. [*or* X.Y., solicitor for the said Q.R.]

Note—The address for service of the said Q.R. [*or* X.Y.] is 6 Queen Street, Brisbane (*or as the case may be*).

Form 400

CAVEAT BY CREDITOR OR BENEFICIARY OR NEXT OF KIN
REQUIRING SECURITY UNDER THE BRITISH PROBATES ACT
1898 (O 71, r 69)

In the Supreme Court of Queensland.

In the estate of A.B., late of *etc.* deceased.

Let nothing be done towards the sealing of a probate of the will [*or* of a grant of administration of the goods] of the abovenamed deceased, without notice to Q.R., of , who claims to be a creditor [*or* to be interested in the estate] of the said deceased.

Dated *etc.*Q.R. [*or* X.Y., solicitor for the said Q.R.]

Note—The address for service of the said Q.R. [*or* X.Y.] is 6 Queen Street, Brisbane (*or as the case may be*).

(Forms 398 and 399 may be combined)

SCHEDULE 1 (continued)

Form 401

NOTICE TO CAVEATOR (O 71, r 54, 70)

In the Supreme Court of Queensland.

In the will of A.B., late of *etc.* deceased [*or*
In the (lands and) goods of A.B., late of *etc.*
deceased, intestate].

To Q.R., of *etc.* [*or* To X.Y., solicitor for Q.R., of *etc.*]

Take notice that a request for a grant of probate of the will [and codicil] of the abovenamed deceased bearing date [respectively] the day of , [and the day of], has been presented to this Honourable Court by C.D., of *etc.* who claims to be the sole executor named in the said will (*or as the case may be*).

[*or* Take notice, that a request for a grant of administration of the goods of the abovenamed deceased, with his or her will (and codicil) bearing date *etc.* has been presented to this Honourable Court by C.D., of *etc.* who claims to be his or her widow or widower (or residuary legatee under the said will (and codicil) *or as the case may be*)].

[*or* Take notice, that a request for a grant of administration of the (lands and) goods, of the abovenamed deceased has been presented to this Honourable Court by C.D., of *etc.* who claims to be his or her widow or widower (*or* eldest son or daughter and 1 of his or her next of kin) (*or as the case may be*)].

And take notice, that, within 8 days after the service of this notice upon you, you must cause a memorandum of appearance to be entered for you [*or* for the said Q.R.] in this Honourable Court upon your [*or* his] caveat filed in the matter of the estate of the said deceased on (*date of filing caveat*); and that in such memorandum you must set forth what interest you claim [*or* he or she claims] in the said estate, and must undertake to appear to any action that may be commenced by the said C.D. for a grant of probate of the said will [*or* for a grant of administration of the personal estate of the said deceased with his or her will (and codicil) *or* for a grant of administration of the (real and) personal estate of the said deceased].

SCHEDULE 1 (continued)

And further take notice, that, in default of your so doing the Court will proceed to make the grant in your absence.

[*or* Take notice that application has been made to this Honourable Court by G.H., of *etc.* that probate of the will [and codicil] [*or* letters of administration of the goods] of the abovenamed deceased, granted on *etc.* by the Supreme Court of Victoria (*or as the case may be*) to the said G.H. may be sealed.

And take notice, that, if you desire that security should be given by the said G.H., you must apply to a Judge by summons, within 8 days after the service of this notice upon you, for an order to that effect].

Dated *etc.*

Registrar.

Note—If you only desire to be heard upon the application of the said C.D. for a grant of probate [*or* administration], and do not require him or her to bring an action, you may say so in your memorandum of appearance (*not to be added in case of caveat against sealing*).

SCHEDULE 1 (continued)

Form 402

MEMORANDUM OF APPEARANCE UPON CAVEAT
(O 71, rr 56, 64 and 81)

In the Supreme Court of Queensland.

In the will of A.B., late of *etc.* deceased [*or* In the (lands and) goods of A.B., late of *etc.* deceased, intestate].

Q.R., of _____, in pursuance of his or her caveat filed on (*date of filing caveat*) in the matter of the estate of the abovenamed deceased, now appears and says that he or she is the eldest son or daughter and 1 of the next of kin of the said deceased, and that he or she requires the alleged will [and codicil] of the said deceased, propounded by C.D., to be proved in solemn form of law [*or* that he or she is the executor under a will made by the said deceased of later date than the will propounded by C.D., namely of date the _____ day of _____, (*or as the case may be*)] [*or* that he or she is the brother or sister and 1 of the (*or sole*) next of kin of the abovenamed deceased].

The said Q.R. undertakes to enter an appearance in any action that may be commenced against him or her by the said C.D. for a grant of probate of the will [*or* administration of the estate] of the said deceased.

(If the caveator desires to take advantage of order 71, rule 64, a demand for proof in solemn form of law must not be made, and the following paragraph is to be substituted for the second paragraph of this form—

The said Q.R. only desires to be heard upon the application of C.D. for a grant of probate (*or* administration), and does not require the said C.D. to bring an action).

Dated *etc.*

Q.R. [*or* X.Y., solicitor for the said Q.R.]

SCHEDULE 1 (continued)

Form 403

PROBATE (O 71, rr 7 and 23)

In the Supreme Court of Queensland.

Be it known that on the _____ day of _____ the last will [with _____ codicils] of A.B., late of _____, deceased [wife or husband of C.B., of *etc.*], who died at _____, on _____, a copy whereof is hereto annexed, was proved and registered in the Supreme Court [in solemn form of law], and that administration of all and singular the personal estate of the said deceased was granted by the said Court to C.D., the sole executor (*or as the case may be*) named in the said will [and codicils] [*or* the executor according to the tenor of the said will (and codicils)], [power being reserved to make the like grant to E.F., the other executor named in the said will, when he or she shall apply for the same].

Given under the seal of the Court at _____, this _____ day of _____.

[L.S.] _____ Registrar.

Taken out by

(*To be written in the margin*)

(*If the will has no attestation clause, add—*
The execution of the will was proved by the affidavit [*or* evidence] of).

SCHEDULE 1 (continued)

Form 404

DOUBLE PROBATE

In the Supreme Court of Queensland.

Be it known that on the _____ day of _____, the last will [with _____ codicils] of A.B., late of _____, deceased, who died at _____, on _____, a copy whereof is hereto annexed, was proved and registered in the Supreme Court [in solemn form of law] and that administration of all and singular the personal estate of the said deceased was granted by the said Court to C.D., 1 of the executors named in the said will [and codicils], power being reserved to make the like grant to E.F., the other executor named in the said will [and codicils], when he or she should apply for the same.

And be it further known, that on the _____ day of _____, the like administration of all and singular the personal estate and effects of the said deceased was granted to the said E.F.

Given under the seal of the Court at _____, this _____ day of _____.

[L.S.] _____ Registrar.

Taken out by

*(To be written in
the margin)*

{ Former grant, dated *etc.*

SCHEDULE 1 (continued)

Form 405

ANCILLARY PROBATE (O 71, r 7)

In the Supreme Court of Queensland.

Be it known that on the _____ day of _____ letters testimonial, under the seal of the Supreme Court of the State of New South Wales (*or as the case may be*), testifying that on the _____ day of _____ the last will [with _____ codicils] of A.B., late of _____, who died at _____, on _____, and a copy whereof was annexed to the said letters testimonial, was proved and registered in the Supreme Court of the said State of New South Wales (*or etc.*) to which court the granting of probate thereof by law appertained, and that administration of the personal estate of the said deceased was, on the said _____ day of _____, granted by the said Supreme Court of the State of New South Wales (*or etc.*) to C.D., the sole executor named in the said will [and codicils] (*or as the case may be*), were produced and filed of record in the Supreme Court of Queensland.

And be it further known that on the _____ day of _____, the said last will [and codicils] of the abovenamed deceased, a copy whereof is hereto annexed, was [*or were*], on the faith and credit of the said letters testimonial, proved and registered in the Supreme Court of Queensland, and that administration of all and singular the personal estate of the said A.B. was granted by the said Supreme Court of Queensland to the said C.D.

Given under the seal of the Court at _____, this _____ day of _____ . [L.S.] _____ Registrar.

Taken out by _____

SCHEDULE 1 (continued)

Form 406

LETTERS OF ADMINISTRATION WITH THE WILL

(O 71, rr 7, 23 and 24)

In the Supreme Court of Queensland.

Be it known that on the _____ day of _____, the last will [with _____ codicils] of A.B., late of _____, deceased, who died at _____ on _____, a copy whereof is hereto annexed, was proved and registered in the Supreme Court [in solemn form of law], and that administration, with the said will [and codicils] of all and singular the personal estate of the said deceased was granted by the said Court to C.D. (*state the character in which the grant is taken*).

Given under the seal of the Court at _____ this _____ day of _____ . [L.S.] _____ Registrar.

Taken out by _____

SCHEDULE 1 (continued)

Form 407

ANCILLARY LETTERS OF ADMINISTRATION WITH THE WILL

In the Supreme Court of Queensland.

Be it known that on the day of letters testimonial, under the seal of the Supreme Court of the State of New South Wales (*or as the case may be*), testifying that on the day of , the last will [with codicils] of A.B., late of , who died at , on , and a copy whereof was annexed to the said letters testimonial, was proved and registered in the Supreme Court of the said State of New South Wales (*or etc.*) to which court the granting of probate thereof by law appertained, and that administration of the personal estate of the said deceased was, on the said day of , granted by the said Supreme Court of the State of New South Wales (*or etc.*) to C.D. the sole executor named in the said will [and codicils] (*or as the case may be*), were produced and filed of record in the Supreme Court of Queensland.

And be it further known that on the day of the said last will [and codicils] of the abovenamed deceased, a copy whereof is hereto annexed, was [*or were*] on the faith and credit of the said letters testimonial proved and registered in the Supreme Court of Queensland and that administration of all and singular the personal estate of the abovenamed deceased was granted by the said Supreme Court of Queensland to C.D. (*state the character in which the grant is taken*).

Given under the seal of the Court at , this day
of . [L.S.] Registrar.

Taken out by

SCHEDULE 1 (continued)

Form 408

EXEMPLIFICATION OF PROBATE OR LETTERS OF
ADMINISTRATION WITH THE WILL

In the Supreme Court of Queensland.

Be it known that on the _____ day of _____ the last will [with _____ codicils] of A.B., late of _____, deceased, who died at _____, on _____, was proved and registered in the Supreme Court, and that administration of the personal estate and effects of the said A.B. was granted by the said Court to C.D., the executor named in the said will [and codicils] [*or* was proved and registered in the Supreme Court, and that administration with the said will [and codicils] of the personal estate and effects of the said A.B. was granted by the said Court to C.D. (*recite from the letters the character in which the grant was taken*)], as appears from the grant of probate [*or* letters of administration with the will [and codicils] [annexed] which now remain of record in the registry of the said Court.

The true tenor of which said will [and codicils] is in the words following that is to say—

(Marginal notes as they appear in the grant to be copied in the margin of the exemplification).

In faith and testimony whereof these letters testimonial are issued.

Given under the seal of the Court at _____, this _____ day of _____, in the year of our Lord.

[L.S.] _____ Registrar.

Taken out by _____

 SCHEDULE 1 (continued)

Form 409

LETTERS OF ADMINISTRATION (O 71, rr 7, 27, 30 and 31)

In the Supreme Court of Queensland.

Be it known that on the _____ day of _____ administration of all and singular the [real and] personal estate of A.B., late of _____, deceased, who died at _____ on _____, intestate, was granted by the Supreme Court to C.B., of _____, the widow or widower of the said deceased, [*or to E.B., of etc. the brother or sister of the said deceased, C.B., his or her widow or widower, having renounced administration of his or her estate [or having been summoned and having refused to apply for administration of his or her estate] (or as the case may be: State character in which the grant is taken, and account for all persons having prior claims)*].

Given under the seal of the Court at _____, this _____ day of _____.

[L.S.]

Registrar.

Taken out by

SCHEDULE 1 (continued)

Form 410

FORMS OF LIMITATION IN GRANTS OF ADMINISTRATION
(O 71, rr 32 and 76)

Before the words ‘was granted by the Supreme Court’ in form 409, insert—

(a) Limited to the minority of E.F., the executor named in the will of the said A.B.

or (b) Limited to the minority [*or* absence from Queensland] of E.B., the eldest son or daughter and next of kin of the said A.B.

or (c) Limited to taking possession of and preserving the said estate pending an action between *etc.*

or (d) Limited to collecting and getting in the said estate and paying the debts of the said A.B. [*pending etc.*]

or (e) Limited to bringing [*or* defending] an action against [*or* at the suit of] E.F. for *etc.*

or as the case may be.

(Recitals of undertaking to be altered accordingly).

SCHEDULE 1 (continued)

Form 411

EXEMPLIFICATION OF LETTERS OF ADMINISTRATION

In the Supreme Court of Queensland.

Be it known that on the day of , administration of all and singular the [real and] personal estate of A.B., , of intestate, was granted by the Supreme Court to C.D., the widow or widower (*or as the case may be: recite from the letters the character in which the grant was taken*) of the said deceased, as appears from the letters of administration which now remain of record in the registry of the Court.

(Marginal notes as they appear in the grant to be copied in the margin of the exemplification.)

In faith and testimony whereof these letters testimonial are issued.

Given under the seal of the Court at this day
of in the year of our Lord .

[L.S.] Registrar.

Taken out by .

SCHEDULE 1 (continued)

Form 412

LETTERS OF ADMINISTRATION DE BONIS NON
(O 71, rr 27 and 76)

In the Supreme Court of Queensland.

Be it known that on the _____ day of _____ administration of all and singular the [real and] personal estate of A.B., late of _____, deceased, who died at _____, on _____, intestate, was granted by the Supreme Court to C.D. (*state character in which the grant was taken*), and that the said C.D., after taking such administration upon him or her, in part administered the estate of the said deceased, and afterwards, to wit, on or about _____ died, leaving part thereof unadministered.

And, be it further known that on the _____ day of _____ administration of all and singular the said [real and] personal estate so left unadministered was granted by the Court to E.F. (*state character in which the grant is taken*).

Given under the seal of the Court at _____ this _____ day of _____.

[L.S.] _____ Registrar.

Taken out by _____

SCHEDULE 1 (continued)

**FORMS OF PROCEEDINGS UNDER THE PUBLIC
TRUSTEE ACT 1978**

Form 412A

REQUEST (O 72)

In the Supreme Court of Queensland.

In the will [and codicil] [in the estate] of A.B., late
of _____, in the State, [butcher] deceased
[intestate].

To the registrar of the Supreme Court at _____ .

The Public Trustee hereby requests that an order may be made
authorising the Public Trustee to administer the estate of the abovenamed
deceased [with the said will].

Dated at _____, the _____ day of _____, 19 ____ .

Public Trustee.

SCHEDULE 1 (continued)

Form 413

AFFIDAVIT OF PUBLIC TRUSTEE

In the Supreme Court of Queensland.

In the matter of the *Public Trustee Act 1978*;
and

In the will [and codicil] of _____, late
of _____ in the State [farmer] deceased.

I, _____, of _____, in the State, _____, make oath and
say as follows—

1. After due inquiries, I am satisfied that _____ late of _____, in the State, [farmer] died at _____, in the State on or about the _____ day of _____, 19____, as appears by the certificate of death now produced and shown to me and marked with the letter “B” leaving a will [and codicil] dated the _____ day of _____, 19____, whereby he or she appointed executor thereof. The said will [and codicil] is now produced and shown to me and marked with the letter “A”.

2. The said _____ left property within the State.

Sworn by the abovenamed deponent
at _____ aforesaid, this
day of _____, 19____.

Before me—

A justice of the peace.

SCHEDULE 1 (continued)

Form 414

AFFIDAVIT OF PUBLIC TRUSTEE—INTESTACY

In the Supreme Court of Queensland.

In the matter of the *Public Trustee Act 1978*;
and

In the estate of _____, late of _____, in
the State [farmer], deceased, intestate.

I, _____, of _____, in the State, make oath and say as
follows—

1. After due inquiries I am satisfied that _____, late of _____,
in the State, [farmer], died at _____, in the said State on or about
the _____ day of _____, 19____, intestate.

2. The said _____ left property within the State.

3. No person has applied for administration of the estate of the said
deceased to be granted to him or her.

Sworn by the abovenamed deponent
at _____ aforesaid, this
day of _____, 19____.

Before me—

A justice of the peace.

SCHEDULE 1 (continued)

Form 415

ORDER TO ADMINISTER (O 72)

In the Supreme Court of Queensland.

In the matter of the *Public Trustee Act 1978*;
and

In the will [and codicil] of _____, late
of _____, in the State [farmer],
deceased.

Upon hearing the Public Trustee and upon reading the request of the said the Public Trustee and the affidavit of _____ with the will [and codicil] of the abovenamed deceased exhibited thereto filed herein the day of _____, 19____, I do order that the said the Public Trustee be authorised to administer with the said will [with _____ codicils] a copy whereof is hereto annexed, the estate of the abovenamed deceased, who died at _____, in the State on the _____ day of _____, 19____.

Dated this _____ day of _____, 19____.

Registrar.

SCHEDULE 1 (continued)

Form 416

ORDER TO ADMINISTER—INTESTACY

In the Supreme Court of Queensland.

In the matter of the *Public Trustee Act 1978*;
andIn the estate of _____, late of _____, in
the State [farmer], deceased intestate.

Upon hearing the Public Trustee and upon reading the request of the Public Trustee and the affidavit of _____, both filed herein the _____ day of _____, 19____, I do order that the Public Trustee be authorised to administer the estate of the abovenamed deceased.

Dated this _____ day of _____, 19____.

Registrar.

SCHEDULE 1 (continued)

**PART 15—FORMS RELATING TO EXECUTORS’
AND ADMINISTRATORS’ AND TRUSTEES’
ACCOUNTS**

Form 420

EXECUTOR’S OR ADMINISTRATOR’S ACCOUNT (O 73, r 1)

In the Supreme Court of Queensland.

In the will of A.B., late of *etc.* deceased [*or* In
the (lands and) goods of A.B., late of *etc.*
deceased, intestate].

Account of the administration of C.D., the executor under the will of
the abovenamed deceased [*or* C.D., the administrator of the (lands and)
goods of the abovenamed deceased (*or as the case may be*)], of the estate of
the said deceased from the day of to the
day of .

(*See form 338.*)

SCHEDULE 1 (continued)

Form 421

AFFIDAVIT VERIFYING EXECUTOR'S OR ADMINISTRATOR'S
ACCOUNT*(Title etc. as in form 420)*

I, C.D., of *etc.* [and E.F., of *etc.* (and G.H., of *etc.*)] make oath and say as follows—

1. I am [*or We are*] the executor [*or executors*] of the will [*or administrator[s]* with the will] of the abovenamed deceased [*or administrator[s]* of the (lands and) goods of the abovenamed deceased, intestate].

2. The said deceased died on or about the day of .

3. On the day of , 19 , probate of the said will was granted by this Honourable Court to me [*or us*] as such executor [*or executors*] [*or administration of the goods of the said deceased with the said will or administration of the (lands and) goods of the said deceased (or as the case may be)*] was granted to me by this Honourable Court].

4. I [*or We*] have, in the account marked “A”, now produced and shown to me [*or us*] according to the best of my [*or our respective*] knowledge, information and belief, set forth a full account of all the estate of the said testator [*or deceased*] which has come to my [*or our*] hands [*or to the hands of any (or either) of us*] or to the hands of any person or persons by my order or for my use [*or by our order or for our use or by the order or for the use of any (or either) of us*], with the times when, the names of the persons from whom, and on what account, the same has been received, from the day of to the day of .

5. I [*or We*] have in the same account set forth, to the best of my [*or our respective*] knowledge, information, and belief, a full account of the disbursements, allowances, and payments, made by me [*or us or any (or either) of us*] *or* by my order [*or by our order or by the order of any (or either) of us*] on account of the said testator's estate (*or as the case may be*), and the management thereof by me [*or us*] together with the times when, the names of the persons to whom, and the purposes for which, the same were disbursed, allowed, or paid.

SCHEDULE 1 (continued)

6. And I [*or We*, each speaking positively for himself or herself, and to the best of his or her knowledge and belief as to other persons] further say that, except as appears in the said account, I [*or we*] have not [*nor has any (or either) of us*] nor has nor have any other person or persons by my order, or for my use [*or by our order or for our use, or by the order or for the use of any (or either) of us*] possessed, received, or got in, any part of the said estate of the said testator [*or deceased*], nor any money in respect thereof, and that the said account does not contain any item of disbursement, allowance, or payment, other than such as has been actually disbursed, allowed, or paid, on the account aforesaid.

(In the case of 2 or more executors or administrators use the words in brackets)

Form 422

TRUSTEE'S ACCOUNT (O 73, r 3)

In the Supreme Court of Queensland.

In the trusts of the will of A.B., late of *etc.* deceased [*or of a deed of settlement, dated etc.* and made between A.B. of the one part and S.T. and Y.Z. of the other part (*or as the case may be*)].

Account of the receipts and disbursements of G.H., the trustee under the will of the abovenamed deceased [*or under a deed (etc. as above) or as the case may be*], in respect of the trust estate from the _____ day of _____ to the _____ day of _____ .

See forms 338 and 339.

SCHEDULE 1 (continued)

Form 423

AFFIDAVIT VERIFYING TRUSTEE'S ACCOUNTS

In the Supreme Court of Queensland.

(Title etc. as in form 422)

I, C.D., of etc. [and E.F., of etc. (and G.H. of etc.)] make oath and say as follows—

1. I am [or We are] the trustee [or trustees] of the will of the abovenamed deceased [or trustee (or trustees) under a deed of settlement dated etc. and made between etc.].

2. I [or We] have, in the account marked “A”, now produced and shown to me [or us] according to the best of my [or our respective] knowledge, information, and belief, set forth a full account of all the estate subject to the trusts of the said will [or deed or as the case may be] which has come to my [or our] hands [or to the hands of any (or either) of us] or to the hands of any person or persons by my order or for my use [or by our order or for our use or by the order or for the use of any (or either) of us], with the times when, the names of the persons from whom, and on what account, the same has been received from the day of to the day of .

3. I [or We] have, in the same account, set forth, to the best of my [or our respective] knowledge, information, and belief, a full account of the disbursements, allowances, and payments, made by me [or us or any (or either) of us] or by my order [or by our order or by the order of any (or either) of us] in respect of or on account of the said trust estate, and the management thereof by me [or us], together with the times when, the names of the persons to whom, and the purposes for which, the same were disbursed, allowed, or paid.

4. And I [or we, each speaking positively for himself or herself, and to the best of his or her knowledge and belief as to other persons,] further say that, except as appears in the said account, I [or we] have not [nor have nor has any (or either) of us] nor has nor have any other person or persons by my order, or for my use [or by our order or for our use or by the order or for the use of any (or either) of us] possessed, received, or got in any part of the said trust estate, nor any money in respect thereof, and that the said

SCHEDULE 1 (continued)

account does not contain any item of disbursement, allowance, or payment, other than such as has been actually disbursed, allowed, or paid, on the account aforesaid.

(In the case of 2 or more trustees, use the words in brackets).

Note—In the case of combined executor's and trustee's accounts form 421 and this form should be combined.

Form 424

COMBINED EXECUTORS' AND TRUSTEES' ACCOUNT

(O 73, r 17)

In the Supreme Court of Queensland.

In the will *(etc. as in form 420)*; and

In the trusts *(etc. as in form 422)*.

THE FIRST PART—EXECUTOR'S ACCOUNT

RECEIPTS *(etc. as in form 338)*

THE SECOND PART—TRUSTEE'S ACCOUNT

RECEIPTS *(etc. as in forms 338 and 339)*

SCHEDULE 1 (continued)

Form 427

NOTICE OF FILING EXECUTOR'S OR ADMINISTRATOR'S
AND/OR TRUSTEE'S ACCOUNT

In the Supreme Court of Queensland.

19 . (*Here put the number*)In the will of late of ,
deceased; and (*if necessary*)
In the trusts *etc.*

The account from to of as executor
[*or administrator (or trustee)*] [who is applying for the allowance of a
commission on income and proceeds of sales of trust property (*as the case
may be*)] has been filed and will be examined in my office on
the day of , 19 . The account may be inspected
and objections to the account or to any item thereof or to the allowance of
commission must be filed prior to that date.

Dated this day of 19 .

For the Registrar.

Clerk.

SCHEDULE 1 (continued)

Form 428

MEMORANDUM TO BE FILED BY PERSON CLAIMING TO BE
HEARD ON THE EXAMINATION AND PASSING EXECUTOR'S
OR ADMINISTRATOR'S OR TRUSTEE'S ACCOUNTS OR TO THE
ALLOWANCE OF COMMISSION

In the Supreme Court of Queensland.

(Title etc. as in form 420)

Q.R., of *etc.* who is interested in this estate as a legatee [*or as 1 of the next of kin or as a creditor (or as the case may be)*] claims to be heard on the examination and the passing of the executor's [*or administrator(s) or trustee(s)*] account filed on *etc.*

[*or objects to the allowance of any commission to the executor administrator or trustee*] [*or claims to be heard and objects etc.*]

Dated *etc.*

Q.R. [*or X.Y., solicitor for the said Q.R.*]

Note—The address for service of the said Q.R. [*or X.Y.*] is 6 Queen Street, Brisbane (*or as the case may be.*)

SCHEDULE 1 (continued)

Form 429

REGISTRAR'S CERTIFICATE OF RESULT OF EXAMINATION OF
EXECUTOR'S OR ADMINISTRATOR'S ACCOUNT

In the Supreme Court of Queensland.

(Title etc. as in form 420)

I hereby certify that I have been attended by the solicitor for C.D., the executor (*or etc.*) of the will of the abovenamed deceased (*or as the case may be*), and have examined the account filed by him or her in this matter on the day of , of the amounts received and paid by him or her as such executor (*or etc.*) in connection with the estate of the said testator [*or intestate*] from the day of , to the day of , and have examined the vouchers produced in support thereof, and find that the said account is correct [with the exception of item No. of the disbursements, being in respect of *etc.* which I have disallowed (*or as the case may be*)].

And I find that proper notice of the filing of the said account has been given.

And I further certify that no person attended before me on the examination of the said account to oppose the allowance of any item of disbursement charged in the said account or to challenge the accuracy of any amount shown in it to have been received by the said executor (*or etc.*) on account of the said estate, or to surcharge the said executor (*or etc.*) in respect of any sums not shown in the said account [*or And I further certify that the only persons who objected to any items in the said account were M.N. and O.P., both of whom have withdrawn their objections (or of whom the said O.P. has withdrawn his or her objections, or as the case may be)*] (*Add any other facts material in considering the allowance of commission*).

[And I further certify that the costs of the examination of the said account have been taxed and allowed at \$]

The evidence produced on the examination of the said account is *etc.*

Dated *etc.*

Registrar.

SCHEDULE 1 (continued)

Form 430

REGISTRAR'S CERTIFICATE OF RESULT OF EXAMINATION OF
TRUSTEE'S ACCOUNT

In the Supreme Court of Queensland.

(Title as in form 420)

I hereby certify that I have been attended by the solicitor for C.D., the (executor and) trustee of the will of the abovenamed deceased (*or as the case may be*), and have examined the account filed by him or her in this matter on the day of , 19 , of the amounts received and paid by him or her as such (executor and) trustee in connection with his or her administration of the trust estate from the day of , 19 , to the day of , 19 , and have examined the vouchers produced in support thereof, and find that the said account is correct (with the exception of item No. of the disbursements) (in the first part of the account), being in respect of *etc.* which I have disallowed (*or as the case may be*) and I find that proper notice of the filing of the said account has been given.

And I further certify that the total amount received by the said C.D. as such trustee is \$ from the proceeds of the sale of trust property, and \$ for income thereof (And I further certify that the total amount received by the said C.D. as executor is \$ and that the total amount received by him or her as trustee is \$ from the proceeds of the sale of trust property, and \$ for income thereof).

And I further certify that no person attended before me on the examination of the said account to object to any item of disbursement charged in the said account or to challenge the accuracy of any amount shown in it to have been received by the said (executor and) trustee on account of the said estate, or to surcharge the said (executor and) trustee in respect of any sums not shown in the said account (and that no person has given notice that he or she objects to an allowance of commission to the said (executor and) trustee (*or* And I further certify that the only persons who objected to any items in the said account were O.P. and Q.R., both of whom have withdrawn their objections, (*or* of whom the said O.P. has withdrawn his or her objections, *or* as the case may be)) (*or* And I further certify that Q.R. has filed a memorandum objecting to any commission

SCHEDULE 1 (continued)

being allowed to the said trustee).

(Add any other facts material in considering the allowance of commission).

(And I further certify that the costs of the examination of the said account and of the application for commission have been taxed and allowed at \$.)

The evidence produced on the examination of the said account is *etc.*

Dated *etc.*

Registrar.

SCHEDULE 1 (continued)

**PART 16—FORMS OF PROCEEDINGS UNDER THE
SETTLED LAND ACT 1886**

Form 431

DESCRIPTION OF APPLICANT IN SUMMONS (O 77, r 1)

(a) On the part of A.B., the tenant for life [*or tenant in tail, or as the case may be, describing the nature of the applicant's estate*] under the abovementioned settlement.

(b) On the part of A.B., the tenant for life [*or as the case may be*] under the abovementioned settlement, an infant, by X.Y., his or her testamentary guardian [*or guardian appointed by order dated etc. or next friend*].

(c) On the part of C.D. and E.F., the trustees of the abovementioned settlement for the purposes of the abovementioned Act.

(d) On the part of G.H., the tenant for life in remainder [*or tenant in tail in remainder or as the case may be, describing the applicant's interest*] under the abovementioned settlement subject to the life interest of A.B. (*or as the case may be*).

(e) On the part of M.N., the purchaser of the lands [*or the timber upon the lands or chattels or as the case may be*] settled by the abovementioned settlement.

(f) On the part of M.N., the lessee under a mining lease dated *etc.* granted under the powers of the abovementioned Act of the mines and minerals under the lands settled by the abovementioned settlement.

(g) On the part of O.P., the mortgagee under a mortgage intended to be created under section 18 of the abovementioned Act of the lands settled by the abovementioned settlement.

(h) On the part of Q.R., interested under the contract hereinafter mentioned.

SCHEDULE 1 (continued)

Form 432

AFFIDAVIT VERIFYING TITLE (O 77, r 6)

(Formal parts as usual)

1. By a settlement dated *etc.* and made between *etc.* the abovementioned lands [*or* certain chattels, namely, (*describe them shortly*)] stand limited to the following uses [*or* upon the following trusts], namely (*set out the trusts verbatim so far as material*).

2. Under the said uses [*or* trusts] A.B. is [*or* I am] now beneficially entitled in possession as tenant for life [*or* tenant in tail *or* tenant in fee simple, with an executory gift over *or as the case may be*].

3. [The said A.B. is an infant of the age of _____ years or thereabouts].

4. C.D., of *etc.* and E.F. of *etc.* are trustees under the said settlement, with a power of sale of the said lands [*or* with power of consent to or approval of the exercise of a power of sale of the said lands, contained in the said settlement, *or* are the persons by the said settlement, declared to be trustees thereof for purposes of the abovementioned Act].

SCHEDULE 1 (continued)

Form 433

SUMMONS FOR AUTHORITY TO SELL OR LEASE WHEN THE
TENANT FOR LIFE HAS ENTERED INTO A CONTRACT

(O 77, rr 7 and 8)

(Formal parts as usual)

1. That the conditional contract dated *etc.* and made between the applicant [*or, in the case of an infant, the said X.Y.*] of the 1 part and _____ of the other part, for the sale [*or lease*] to the said O.P. of the lands therein mentioned, [for the term and] upon the conditions therein stated, may, pursuant to section 20 [*or 39*] of the abovementioned Act, be approved, and that the said A.B. [*or X.Y.*] may be authorised to execute a conveyance [*or lease*] in pursuance of the said contract.

2. That the costs of this application may be directed to be taxed as between solicitor and client, and that the same when taxed may be paid out of the property subject to the said settlement, and that for that purpose all necessary directions may be given.

Form 434

SUMMONS FOR AUTHORITY TO SELL OR LEASE WHEN NO
CONTRACT HAS BEEN ENTERED INTO (O 77, rr 7 and 8)

1. That the sale to O.P. [*or the lease proposed to be granted to O.P.*] of the lands [*or of the mansion house etc.*] settled by the said settlement may, pursuant to section 20 [*or 39*] of the abovementioned Act, be approved, and that the applicant [*or, in the case of an infant, the said X.Y.*] may be authorised to execute the same.

2. *(Add application for costs as in form 433)*

SCHEDULE 1 (continued)

Form 435

SUMMONS UNDER SECTIONS 20, 62 AND 64, FOR A SALE OUT
OF COURT OF THE PRINCIPAL MANSION HOUSE AND
DEMESNES, OR OF TIMBER OR CHATTELS (O 77, rr 7 and 8)

1. That the applicant [*or, in the case of an infant, the said X.Y.*] may be authorised to sell the principal mansion house [*or the timber ripe and fit for cutting*] on the land [*or the furniture and chattels*] settled by the abovementioned settlement in such manner and subject to such particulars, conditions, and provisions as he or she may think fit.

2. That the costs of this application may be taxed as between solicitor and client, and that C.D. and E.F., the trustees of the said settlement, may be at liberty to pay the costs when taxed out of the proceeds of the said sale [*or, in case of timber, out of the $\frac{3}{4}$ of the proceeds of the said sale to be set aside as capital money arising under the said Act or as the case may be*].

Form 436

SUMMONS UNDER SECTIONS 20, 62 AND 64 FOR SALE BY THE
COURT OF THE PRINCIPAL MANSION HOUSE AND
DEMESNES, OR OF TIMBER OR CHATTELS

1. That the principal mansion house [*or the timber ripe and fit for cutting*] on the land [*or the furniture and chattels*], settled by the abovementioned settlement, may be sold under the direction of the Court.

2. (*Add application for costs as in form 433.*)

SCHEDULE 1 (continued)

Form 437

SUMMONS UNDER SECTION 26

(Formal parts as usual)

1. That the applicant may be at liberty to enforce [*or carry into effect or vary or rescind as the case may be*] the contract entered into between the applicant of the one part, and _____ of the other part; or that such directions may be given relating to the said contract as the Judge may think fit.

2. (*Add application for costs as in form 433.*)

Form 438

SUMMONS UNDER SECTION 27 FOR APPOINTMENT OF
PERSONS TO EXERCISE POWERS ON BEHALF OF INFANT*(Formal parts as usual)*

1. That the powers conferred upon a tenant for life by section 13 of the abovementioned Act (*or such other powers as it is desired to have exercised*) may be exercised by the said X.Y. on behalf of the said A.B. during his or her minority.

2. (*Add application for costs as in form 433.*)

SCHEDULE 1 (continued)

Form 439

SUMMONS UNDER SECTION 31 BY PURCHASER FOR
PAYMENT INTO COURT OF PURCHASE MONEY OF SETTLED
LAND, TIMBER, OR CHATTELS (O 77, r 9)*(Formal parts as usual)*

1. That the applicant may be at liberty to pay into court to the credit of an account entitled 'In the matter of the *Settled Land Act 1886*', and 'In the matter of K.L.'s settlement', the sum of £ (\$) on account of the purchase money of the A. estate (*or as the case may be*) settled by the abovementioned settlement.

2. That such directions may be given for the investment of the said sums when paid into court, and the accumulation or payment of the dividends of the securities, representing the same as the Court may think proper.

SCHEDULE 1 (continued)

Form 440

SUMMONS UNDER SECTION 31 FOR PAYMENT INTO COURT
BY LESSEE UNDER A MINING LEASE (SEE SECTION 17)

(O 77, r 9)

(Formal parts as usual)

1. That the applicant may be at liberty to pay into court to the credit of an account entitled 'In the matter of the *Settled Land Act 1886*', and 'In the matter of K.L.'s settlement: Mineral Rents', the sum of £ (\$) being $\frac{3}{4}$ [*or* $\frac{1}{4}$] of the rents payable by him or her under the said lease for the half-year ending *etc.* , less £ (\$) the costs of payment into court.

2. That the applicant may be at liberty on or before the day of and the day of in every year during the term created by the said lease to pay into court to the credit aforesaid, so much of the rents payable by him or her under the said lease as is by section 17 of the abovementioned Act directed to be set aside as capital money arising under the said Act, after deducting therefrom the costs of payment in, the amount paid in to be verified by affidavit.

3. That the said sum of £ (\$) and all other sums to be paid into court to the credit aforesaid may be invested in the purchase of (*name the investment*) to the like credit and that the dividends on the said when purchased may be paid to A.B., the tenant for life under the abovementioned settlement during his or her life or until further order.

SCHEDULE 1 (continued)

Form 441

SUMMONS UNDER SECTION 31 FOR PAYMENT INTO COURT
BY MORTGAGEE (SEE SECTION 18) (O 77, r 9)*(Formal parts as usual)*

1. That the applicant may be at liberty to pay into court to the credit of an account entitled 'In the matter of the *Settled Land Act 1886*', and 'In the matter of K.L.'s settlement, O.P. mortgagee', the sum of £ (\$), being the amount agreed to be advanced by the applicant on mortgage of the lands comprised in the abovementioned settlement, less the costs of payment into court.

2. *(Add directions for investment as in form 439.)*

Form 442

SUMMONS UNDER SECTION 35(1)

(Formal parts as usual)

1. That the scheme filed in the registry on *etc.* for the execution of improvements on the lands settled by the abovementioned settlement may be approved.

2. *(Add application for costs as in form 433.)*

Form 443

SUMMONS UNDER SECTION 35(2)(b) FOR APPOINTMENT OF
AN ENGINEER OR SURVEYOR*(Formal parts as usual)*

1. That Q.R., of _____, engineer [*or* surveyor] may be approved as engineer [*or* surveyor] for the purposes of section 35(2)(b) of the abovementioned Act.

2. *(Add application for costs as in form 433.)*

SCHEDULE 1 (continued)

Form 444

NOMINATION OF AN ENGINEER OR SURVEYOR BY THE
TRUSTEES

We, C.D., of *etc.* and E.F., of *etc.* the trustees of the abovementioned settlement for the purposes of the abovementioned Act, hereby nominate Q.R. of *etc.* engineer [*or* surveyor], for the purposes of section 35(2)(b) of the said Act.

(Signed)

C.D.
E.F.

Form 445

SUMMONS UNDER SECTION 35(2)(c)

(Formal parts as usual)

1. That C.D. and E.F., the trustees of the abovementioned settlement for the purposes of the abovementioned Act, may be directed to apply the sum of £ (\$) out of the capital money arising under the said Act in their hands subject to the said settlement in payment for (*describe the work or operation*), being [part of] an improvement executed upon the lands subject to the said settlement pursuant to a scheme approved by the said C.D. and E.F. under the said Act.

2. (*Add application for costs as in form 433.*)

SCHEDULE 1 (continued)

Form 446

SUMMONS UNDER SECTION 35(3)

(Formal parts as usual)

1. That the sum of £ (\$) may be ordered to be raised out of the funds in court to the credit of an account entitled *etc.* and that the same when raised may be paid to S.T. upon his or her undertaking to apply the same in payment for (*describe the works or operation*) being [part of] an improvement executed upon the land settled by the abovementioned settlement pursuant to the scheme approved by order dated *etc.*

2. (*Add application for costs as in form 433.*)

Form 447

SUMMONS FOR DIRECTION UNDER SECTION 42

(Formal parts as usual)

1. That it may be declared that (*set out the declaration required*).

2. (*Add application for costs as in form 433, or as the circumstances may require.*)

Form 448

SUMMONS UNDER SECTION 45 FOR THE APPOINTMENT OF
NEW TRUSTEES*(Formal parts as usual)*

1. That G.H. and I.J. may be appointed trustees under the abovementioned settlement for the purposes of the abovementioned Act.

2. (*Add application for costs as in form 433.*)

SCHEDULE 1 (continued)

Form 449

SUMMONS UNDER SECTION 58 FOR ADVICE AND DIRECTION

(Formal parts as usual)

For the opinion, advice, and direction of the Judge on the following questions—

1. Whether:
2. Whether:
3. Whether:

(or, if the questions involve complicated facts.)

for the opinion, advice, and direction of the Judge on the facts and questions submitted by the statement filed in the registry on *etc.*

2. *(Add application for costs as in form 433.)*

Form 450

SUMMONS UNDER SECTION 61 FOR APPLICATION OF MONEY
PAID FOR A LEASE OR REVERSION*(Formal parts as usual)*

1. That the sum of £ (\$), being the proceeds of sale of a lease for years [*or life or of a reversion (or other interest, describe it),*] settled by the abovementioned settlement, may, pursuant to section 61 of the abovementioned Act, be directed to be applied for the benefit of the parties interested under the said settlement in such manner as the Court may think fit.

2. *(Add application for costs as in form 433.)*

SCHEDULE 1 (continued)

Form 451

SUMMONS FOR DIRECTIONS AS TO SERVICE OF PETITION
(O 77, r 5)

(Formal parts as usual)

That directions may be given as to the persons to be served with the petition presented in this matter on *etc.*

SCHEDULE 1 (continued)

**PART 17—FORMS RELATING TO ARREST OF
ABSCONDING DEFENDANTS**

Form 453

WRIT OF CAPIAS AD RESPONDENDUM (O 78, r 1)

In the Supreme Court of Queensland.

19 . *(Here put the number)**(Title of action as in writ of summons)*

ELIZABETH THE SECOND ETC.

To the sheriff of Queensland *(or as the case may be)*: Greeting:

We command you that you take C.D., *(state defendant's name and residence, or supposed residence, or, if more than 1 defendant ordered to be held to bail, name them all, and state the residence or supposed residence of each accordingly)* if he, she [*or they*] shall be found in Our State of Queensland, and him, her [*or them*] safely keep until he, she [*or they*] shall have given you bail or made deposit with you according to law in this action, or until the said C.D. *(name all the defendants to be held in bail)* shall by other lawful means be discharged from your custody.

And you may deliver the defendant to the superintendent of any prison and such superintendent shall receive the said defendant and the defendant safely keep until such time as the Court or you shall direct.

And We further command you that on execution hereof, you do deliver a copy of this writ to the said C.D. *(name all the defendants ordered to be held to bail)*.

And We hereby require the said C.D. *(name all the defendants ordered to be held to bail)* to take notice that within *(here state the number of days that would be limited for the defendant's appearance if the capias were a writ of summons)* days after the execution hereof on him, her [*or them*] inclusive of the day of such execution, he, she [*or they*] may cause special bail to be put in for him, her [*or them*] in Our Supreme Court at Brisbane [*or Rockhampton, Townsville or Cairns*] to this action, and that in default of so doing such proceedings may be had and taken as are

 SCHEDULE 1 (continued)

mentioned in the warning written hereon.

And We further command you that immediately after the execution hereof you do return this writ to Our said Supreme Court, setting forth the manner in which you shall have executed the same, and the day of the execution hereof; or, if this writ shall remain unexecuted, then that you do so return the same at the expiration of [2] calendar months from the date hereof, or sooner if you shall be thereto required by order of Our said Court or a Judge thereof.

Witness (*etc. as in a writ of summons*)

The following memoranda must be subscribed to the writ and copies—

1. This writ is to be executed within [2] calendar months from the date thereof, including the day of such date, and not afterwards.

2. A warning to the defendant—If a defendant, having given bail on the arrest, omits to put in special bail within days, the plaintiff may require the sheriff to retake the defendant, or may proceed on the bail bond.

The following endorsements must also be made on the writ and copies—

1. Bail for £ (\$), by order of the Honourable Justice C., dated the day of , 19 .

2. This writ was issued by (*etc. as in the case of a writ of summons*).

3. *Endorsement on writ to be made within 6 days after execution thereof* C.D. was arrested by me, O.P., on the within writ, on day, the day of , 19 .

(If there are several defendants, make such endorsement for each).

Note—*When the writ is issued by a commissioner, this form must be followed, and, in addition, the writ must be signed by the commissioner issuing the same, together with a memorandum in the form prescribed by the Common Law Process Act 1867, section 66, but no seal need be affixed to a writ issued by a commissioner.*

SCHEDULE 1 (continued)

Form 454

PRAECIPE FOR CAPIAS

(Title etc. as in form 453)

Seal a writ of capias, directed to the sheriff of Queensland (*or as the case may be*), to arrest the defendant C.D.

Dated *etc.*

(To be signed by the plaintiff or the plaintiff's solicitor).

Order dated the day of .

SCHEDULE 1 (continued)

**PART 18—FORMS RELATING TO PROCEEDINGS
BY FOREIGN ATTACHMENT**

Form 455

WRIT OF FOREIGN ATTACHMENT (O 79, r 1)

In the Supreme Court of Queensland.

19 . (*Here put the number*)

(*Title of action as in writ of summons*)

ELIZABETH THE SECOND ETC.

To the sheriff of Queensland:

Greeting:

Whereas the abovenamed A.B. hath lately in Our Supreme Court of Queensland commenced an action against C.D. [and E.F.], and the writ of summons in the said action has been returned [*or has, as to the said C.D., been returned*] by the person charged with the service thereof with a return that he or she had made diligent search for the said C.D., and had been unable to find him or her, and the said A.B. hath caused to be filed in Our said Court the affidavit required by the *Common Law Process Act 1867* in that behalf.

Now We command you that you attach in the hands of G.H. [and I.J. (respectively)] all the lands, tenements, moneys, securities for money, chattels, and other property, which the said C.D. is possessed of or entitled to, or otherwise beneficially interested in, and which are or is in the custody or under the control of the said G.H. [and I.J. (respectively)] at the time of your serving him, her or them with this writ, and also all and every the sums and sum of money in which the said G.H. [and I.J. or either of them are or] is indebted to the said C.D. at the time of such service.

And We further command you that you summon the said G.H. [and I.J., and each of them] that he, she [*or they*] appear before Our said Court at Brisbane [*or Rockhampton, Townsville or Cairns*] within (*here state such number of days, not less than 14 and not more than 60, as would be limited if the writ were a writ of summons*) days next after service hereof, to be

SCHEDULE 1 (continued)

examined touching the premises, and to do and receive what Our said Court shall consider in this behalf.

And have you then there this writ.

Witness *etc.*

This writ was issued by (*etc. as in the case of a writ of summons*).

NOTICE TO GARNISHEE

(*To be endorsed on the writ*)

Take notice that from the time of your being served with this writ, all the lands, hereditaments, moneys, chattels, bills, bonds, and other property, of whatsoever nature, in your [*or either of your*] custody, or under your [*or either of your*] control, belonging to the within-named C.D., or to or in which he or she is legally or equitably entitled or otherwise beneficially interested, and whether solely or jointly with any other person, and all debts of every kind due by you [*or either of you*] to the said C.D., although the same or part thereof may be payable only at a future day, are, to the extent of the right title or interest, of the said C.D. therein, attached in your hands, and, subject to any bona fide prior claims or liens thereon, are liable to the satisfaction of the debt due to the within-named A.B. in this action.

And if you [*or either of you*] before this attachment is dissolved, sell or otherwise dispose of, or part with any such property, or pay over any such debt, or any part thereof, without leave of the Court, you [*and each of you*] will be liable to pay to the said A.B. such damages as the said Court or a Judge thereof, upon the application of the said A.B., shall think fit to order.

(*To be signed by the plaintiff or the plaintiff's solicitor*).

To G.H. [*and I.J.*]

Memorandum—You are required to attend on this writ before the Honourable the Chamber Judge at the Supreme Court House, Brisbane [*or Rockhampton, Townsville or Cairns*] on the day within specified at o'clock in the forenoon.

SCHEDULE 1 (continued)

Form 456

PRAECIPE FOR WRIT OF FOREIGN ATTACHMENT

(Title etc. as in form 454, adding)

G.H. and I.J.

Garnishees.

Seal a writ of foreign attachment to attach property of the defendant C.D. in the hands of the abovenamed garnishees.

Dated *etc.**(To be signed by the plaintiff or the plaintiff's solicitor)*

Writ of summons issued the day of .

Writ returned the day of .

Affidavit of officer filed the day of .

Plaintiff's affidavits filed the day of .

SCHEDULE 1 (continued)

Form 457

PLAINTIFF'S BOND

Know all persons by these presents that we, A.B. of *etc.* M.N., of *etc.* and O.P., of *etc.* and are, each of us is, jointly and severally bound unto C.D., late of *etc.* in the sum of £ (\$) of good and lawful money of Australia to be paid to the said C.D., his or her executors or administrators, for which payment to be well and truly made, we bind ourselves and each of us, our and each of our executors, and administrators, firmly by these presents: Sealed with our seals: Dated the day of , in the year of Our Lord, 19 .

Whereas an action hath lately been commenced in the Supreme Court, at Brisbane [*or* Rockhampton, Townsville *or* Cairns] at the suit of the abovebounden A.B., against the abovenamed C.D. [and one E.F.], and a writ of foreign attachment hath, on the application of the said A.B., been issued therein.

And whereas, the said A.B. being about to proceed in the said action, it is necessary for him or her to give the security required by the *Common Law Process Act 1867*, and the abovebounden M.N. and O.P. have agreed to become his or her sureties.

Now the condition of this obligation is that if the said A.B., his or her executors or administrators, shall repay or cause to be repaid to the said C.D., his or her executors and administrators, all and every the sums and sum of money which he or she the said A.B. shall receive or recover in the said action, in case the judgment obtained therein shall be hereafter vacated, reversed, or altered, and also pay or cause to be paid the sum and sums of money, damages, costs and charges, which by the said Court shall, at any time hereafter, be adjudged or ordered to be paid by the said A.B., his or her executors or administrators, to the said C.D., his or her executors or administrators, by reason of, or in any manner relating to, the said action and the said attachment, or either of them, or any proceedings taken or to be taken in or under the same respectively, or under any execution or executions issued in the same action, then this obligation shall be void, but otherwise shall remain in full force and virtue.

SCHEDULE 1 (continued)

**PART 19—PROCEEDINGS RELATING TO
MENTALLY ILL PERSONS**

Form 460

GENERAL TITLE OF PROCEEDINGS

In the Supreme Court of Queensland.

19 . (*Here put the number*).

In the matter of A.B., of _____, in the State, merchant, a mentally ill person [*and where the person has not been so declared adding the words 'not so declared' or 'a patient' (as the case may be).*]

SCHEDULE 1 (continued)

Form 461

PETITION FOR DECLARATION THAT A PERSON IS MENTALLY
ILL

(Title as in form 460, omitting the words 'a mentally ill person')

(Formal parts as directed in part 9.)

The humble petition of C.D. of _____, [and E.F. of _____],
sheweth—

1. A.B. [who is now confined in Her Majesty's prison at _____, was on the _____ day of _____ on the trial of an indictment presented against him or her, acquitted on the ground of insanity (or was on the _____ day of _____ upon arraignment upon a criminal charge, found to be insane) and] is now and has for _____ past been mentally ill and incapable of managing his or her estate.

2. The property of the said A.B. consists of the following particulars—that is to say: The sum of £300 (\$600) standing to the account of the said A.B. in _____ Bank at _____, and *(here set out details of property)* at _____, producing together a net income of £ (\$) per annum *(or as the case may be)*.

3. The said A.B. is not married and has no father or mother living, and your petitioner C.D. is the oldest brother or sister, and your petitioner E.F. is a sister of the said A.B. The names and description of the other persons who would be entitled to the estate of the said A.B. under the statutes for the distribution of the effects of intestates, in case he or she were dead intestate, are as follows. *(State them)*.

4. There is owing to your petitioner C.D. [*or to C.B.*] for the past maintenance of the said A.B. the sum of £ (\$).

Your petitioner[s] therefore humbly pray[s] as follows—

1. That the said A.B. may be declared to be mentally ill and incapable of managing his or her estate.

2. That a fit person may be appointed to be committee of the person [and estate] of the said A.B.

SCHEDULE 1 (continued)

3. That costs, charges, and expenses of this petition and consequent thereon may be ordered to be taxed and paid out of the estate of the said A.B.

(To be signed by the petitioner or petitioners.)

Form 462

NOTICE TO BE ENDORSED ON COPY OF PETITION SERVED ON
A MENTALLY ILL PERSON

To A.B.

Take notice that a petition, of which a copy is within written, was on the day of presented to the Supreme Court, and that in pursuance thereof a declaration may be made that you are mentally ill and incapable of managing your estate, and that in the event of such declaration being made, orders may be made by the Court for the purpose of rendering your property or the income thereof available for the maintenance or benefit of yourself [and your family], [*or* for carrying on your trade or business], and that if you intend to object to such declaration being made, notice of such objection must be signed by you, and attested by your solicitor, and filed at the office of the Supreme Court within [8] days from your receipt of this notice.

Dated *etc.*

(To be signed by the petitioner or the petitioner's solicitor.)

SCHEDULE 1 (continued)

Form 463

NOTICE OF OBJECTION BY A MENTALLY ILL PERSON

In the matter of A.B. alleged to be a mentally ill person.

I, the abovenamed A.B., having been served with a notice of the presentation of a petition praying for a declaration that I am mentally ill and incapable of managing my estate, do hereby give notice of my intention to object to such declaration being made.

Dated *etc.*

A.B.

[*or* X.Y., solicitor for the abovenamed A.B.]

Witness: G.H.

Form 464

NOTICE REQUESTING A JURY

In the matter of A.B. alleged to be a mentally ill person.

I, C.D. [*or* A.B.], the petition [*or* respondent] in [*or* to] the petition presented in this matter on the day of , request that the inquiry whether or not the said A.B. is [*or* I am] mentally ill and incapable of managing his, her [*or* my] estate be had before a jury.

Dated *etc.*

C.D. [*or* A.B.]

[*or* X.Y., solicitor for the abovenamed C.D. (*or* A.B.)]

Witness: G.H.

SCHEDULE 1 (continued)

**FORMS RELATING TO APPLICATIONS FOR
JUDICIAL REVIEW**

Form 465

APPLICATION FOR A STATUTORY ORDER OF REVIEW

IN THE SUPREME COURT OF QUEENSLAND
DISTRICT REGISTRY

No. of 19

BETWEEN

A. B.
Applicant

AND

C. D.
Respondent

APPLICATION FOR A STATUTORY ORDER OF REVIEW

Application to review the decision of (the respondent) *or* (the first respondent) that (*specify decision in space below*)

OR

Application to review the conduct of (the respondent) *or* (the first respondent) under which (*specify conduct in space below*)

OR

Application to review the failure of (the respondent) *or* (the first respondent) to decide that (*specify the decision that it is alleged ought to have been made in space below*)

SCHEDULE 1 (continued)

The applicant is aggrieved by the (decision) *or* (conduct) *or* (proposed conduct) *or* (failure) because—

- 1.
 - 2.
- etc.

The grounds of the application are—

- 1.
 - 2.
- etc.

Particulars of fraud or bad faith (*if alleged*).

The applicant claims—

1. (An order) *or* (A declaration) that (*specify relief sought in space below*).
 - 2.
- etc.

Date:

(*Signed*)
(applicant) *or* (applicant's solicitor)

To the respondent (*insert address in space below*).

A directions hearing in this application (and any claim by the applicant for an interlocutory order) will be heard by the Court at the time, date and place specified below.

If there is no attendance before the Court by you or by your counsel or solicitor, the application may be dealt with and judgment may be given or an order made in your absence.

Before any attendance at that time, you must file an appearance in the registry.

SCHEDULE 1 (continued)

APPOINTMENT FOR DIRECTIONS HEARING

Time _____ and
date: *(Time and date to be entered by registry unless fixed by Court).*

Place: *(Address of Court)*

(If the time for service has been abridged, add—)

The time by which this application is to be served has been abridged by the Court to *(specify time in space below).*

Date:

(Signed)
Registrar

The applicant's address for service is *(specify address for service in space below).*

SCHEDULE 1 (continued)

Form 466

APPLICATION FOR REVIEW

IN THE SUPREME COURT OF QUEENSLAND
DISTRICT REGISTRY

No. of 19

BETWEEN

E. F.
Applicant

AND

G. H.
Respondent

APPLICATION FOR REVIEW

The applicant claims (*specify details of claim in space below*).

- 1.
 - 2.
- etc.

The grounds of the claim are set out in the accompanying (affidavit) *or* (statement of claim).

The applicant also claims by way of interlocutory relief—

1. (An order) *or* (A declaration) that (*specify relief sought in space below*).
 - 2.
- etc.

Date:

(Signed)(applicant) *or* (applicant's solicitor)To the respondent (*insert address in space below*).

A directions hearing in this application (and any claim by the applicant for an interlocutory order) will be heard by the Court at the time, date and place specified below.

SCHEDULE 1 (continued)

If there is no attendance before the Court by you or by your counsel or solicitor, the application may be dealt with and judgment may be given or an order made in your absence.

Before any attendance at that time, you must file an appearance in the registry.

APPOINTMENT FOR DIRECTIONS HEARING

Time and date: (*Time and date to be entered by registry unless fixed by Court*).

Place: (*Address of Court*)

(*If the time for service has been abridged, add—*)

The time by which this application is to be served has been abridged by the Court to (*specify time in space below*).

Date:

(Signed)
Registrar

The applicant's address for service is (*specify address for service in space below*).

SCHEDULE 1 (continued)

Form 467

APPLICATION RELATING TO STATEMENT OF REASONS
 IN THE SUPREME COURT OF QUEENSLAND
 DISTRICT REGISTRY

No. of 19

BETWEEN

W. X.
 Applicant

AND

Y. Z.
 Respondent

APPLICATION RELATING TO STATEMENT OF REASONS

Application in relation to the decision of the respondent that (*specify decision in space below*)

The applicant is aggrieved by the decision because—

- 1.
 - 2.
- etc.

The applicant claims—

1. (An order) *or* (A declaration) that (*specify relief sought in space below*).
 - 2.
- etc.

The grounds of the claim are set out in the accompanying affidavit.

Date:

(*Signed*)
 (applicant) *or* (applicant's solicitor)

To the respondent (*insert address in space below*).

A directions hearing in this application (and any claim by the applicant for

SCHEDULE 1 (continued)

an interlocutory order) will be heard by the Court at the time, date and place specified below.

If there is no attendance before the Court by you or by your counsel or solicitor, the application may be dealt with and judgment may be given or an order made in your absence.

Before any attendance at that time, you must file an appearance in the registry.

APPOINTMENT FOR DIRECTIONS HEARING

Time and date: (*Time and date to be entered by registry unless fixed by Court*).

Place: (*Address of Court*)

(*If the time for service has been abridged, add—*)

The time by which this application is to be served has been abridged by the Court to (*specify time in space below*).

Date:

(Signed)
Registrar

The applicant's address for service is (*specify address for service in space below*).

SCHEDULE 1 (continued)

**PART 20—FORMS RELATING TO CERTIORARI,
MANDAMUS, PROHIBITION, QUO WARRANTO,
HABEAS CORPUS, AND WRITS OF ASSISTANCE****SECTION 5—HABEAS CORPUS**

Form 491

AFFIDAVIT FOR WRIT OF HABEAS CORPUS (O 82, r 1)

In the Supreme Court of Queensland.

*(Title of cause, if the order is made in a cause: If not made in a
cause, entitled the affidavit 'Ex parte A.B.')**(State necessary facts as in other cases.)*

SCHEDULE 1 (continued)

Form 493

WRIT OF HABEAS CORPUS AD SUBJICIENDUM (O 82, r 2)

In the Supreme Court of Queensland.

(Title of cause (if any))

ELIZABETH THE SECOND ETC.

To :

Greeting:

We command you that you have before Our Supreme Court of Queensland [*or* before the Honourable Justice C. *or* the Honourable the Chamber Judge], at the Supreme Court House, Brisbane [*or* Rockhampton, Townsville *or* Cairns], immediately after the receipt of this Our writ [*or* on day the day of , at o'clock in the noon], the body of A.B., being taken and detained under your custody, as is said, together with the day and cause of his or her being taken and detained, by whatsoever name he or she may be called therein, to undergo and receive all and singular such matters and things as Our said Court [*or* Judge] shall then and there consider of and concerning him or her in this behalf; and have you there then this writ.

Witness *etc.*This writ was issued by (*etc. as in the case of a writ of summons*)*(To be endorsed)*By Order of the Court [*or* of the Honourable Justice C.]

SCHEDULE 1 (continued)

Form 494

NOTICE TO BE SERVED WITH WRIT OF HABEAS CORPUS AD
SUBJICIENDUM (O 82, r 3)

In the Supreme Court of Queensland.

(Title as in writ (if any))

Whereas this Court [*or* the Honourable Justice C.] has granted a writ of habeas corpus directed to [and any other person having the custody of A.B.] commanding him or her to have the body of A.B. before the said Court [*or* before Justice C. (*or* the Honourable the Chamber Judge)] at the Supreme Court House, Brisbane, [*or* Rockhampton, Townsville *or* Cairns], immediately [*or* on day the day of at o'clock in the noon] to undergo (*etc. as in writ*).

Now take notice, that you are hereby required to have the body of the said A.B. before the said Court [*or* before the said Judge as aforesaid] on the day of , at the hour of in the noon, and to make a return to the said writ; or in default thereof, the said Court will then, or so soon after as counsel can be heard, be moved for an attachment against you for your contempt in not obeying the said writ.

Dated *etc.*

*(To be signed by the solicitor for the person
applying for the writ.)*

To (*the persons to whom the writ is directed, and any other person upon whom it may be deemed necessary to serve the writ.*)

SCHEDULE 1 (continued)

Form 495

AFFIDAVIT OF SERVICE OF WRIT OF HABEAS CORPUS AD
SUBJICIENDUM*(Title as in writ (if any))*I, G.H., of *etc.* make oath and say as follows—

1. I did on the day of at , in the State, serve C.D. with a writ of habeas corpus issued out of and under the seal of this Honourable Court, directed to the said C.D., by delivering such writ of habeas corpus to the said C.D. personally (*or as the case may be*).

2. The paper writing now produced and shown to me and marked “A”, is a true copy of the said writ.

3. I did at the same time serve the said C.D. with a notice, a copy whereof is now produced and shown to me and marked “B”, by *etc.*

Form 496

RETURN TO WRIT OF HABEAS CORPUS AD SUBJICIENDUM

(O 82, r 4)

Endorse the writ thus—

In obedience to the within writ I have the body of the within-named A.B. here in court to be further dealt with according to law.

SCHEDULE 1 (continued)

Form 497

AFFIDAVIT OF NO RETURN TO WRIT OF HABEAS CORPUS

(Title etc. as in form 491)

I, A.B., of *etc.* make oath and say as follows—

1. I did on the day of search in the registry of this Honourable Court for a return to a writ of habeas corpus, lately issued out of and under the seal of the Court, directed to commanding him or her to have the body of before this Court immediately to undergo (*etc. as the case may be*), but no return was then filed or made to the same.

2. The said has not in any manner obeyed the said writ, as I verily believe.

Form 498

PRAECIPE FOR WRIT OF HABEAS CORPUS

(Title as in writ)

Seal, in pursuance of order dated *etc.* a writ of habeas corpus directed to *etc.* to bring A.B. before the Supreme Court at Brisbane (*or as the case may be*) on *etc.*

Dated *etc.*

(To be signed by the party or the party's solicitor.)

SCHEDULE 1 (continued)

SECTION 6—WRIT OF ASSISTANCE

Form 499

WRIT OF ASSISTANCE

In the Supreme Court of Queensland.

ELIZABETH THE SECOND ETC.

To A.B., and to all police officers of Our State, and all other Our loyal subjects in the said State:

(See form in the Customs Act 1901 (Cwlth), schedule 3)

Form 500

PRAECIPE FOR WRIT OF ASSISTANCE

In the Supreme Court of Queensland.

Seal a writ of assistance for the aid of A.B., an officer of Customs (*or as the case may be*).Dated *etc.*Order dated *etc.**(To be signed by the solicitor for the applicant.)*

SCHEDULE 1 (continued)

**PART 21—FORMS RELATING TO PROCEEDINGS
UNDER THE ESCHEAT ACT 1891**

Form 501

WRIT OF INQUISITION

In the Supreme Court of Queensland.

ELIZABETH THE SECOND ETC.

To the Judge of the District Court holden at T. (*or as the case may be*):

Greeting:

Whereas it has been alleged to us in Our Supreme Court [at Rockhampton, Townsville *or* Cairns] that one A.B., late of _____, in Our said State, who died on *etc.* was at the time of his or her death seized of certain lands in Our said State, and that the said A.B. died intestate without leaving any next of kin (*or as the case may be*), whereby the said lands have escheated to Us.

Now therefore We, being minded to be informed of the truth concerning the premises, Command you that you proceed forthwith [with a jury of 4 persons] to make diligent inquiry concerning the matters aforesaid; and that you certify to Us, in Our said Supreme Court at Brisbane [or Rockhampton, Townsville *or* Cairns] under your hand and seal, forthwith after such inquiry, the facts which you shall ascertain touching the death of the said A.B., the lands whereof he or she was seized at the time of his or her death, the failure of his or her next of kin (*or as the case may be*), together with such other facts as shall be necessary to determine whether his or her said lands have escheated to Us or no.

And have you then there this writ.

Witness *etc.*

This writ was issued by (*etc. as in the case of a writ of summons*).

[*To be endorsed by a Crown Law Officer—Let this writ issue: A.B., Attorney-General;*

SCHEDULE 1 (continued)

If the writ is addressed to a District Court Judge without a direction for a jury, to be further endorsed—

By order of the Court [*or of the Honourable Justice C.*].

Dated *etc.*

Form 502

PRAECIPE FOR WRIT OF INQUISITION

In the Supreme Court of Queensland.

Seal a writ of inquisition directed to the Judge of the District Court holden at T. [with a jury] (*or as the case may be*) to inquire whether upon the death of A.B., late of *etc.* (*or as the case may be*), certain lands escheated to Her Majesty.

Dated *etc.*

(*To be signed by a Crown Law Officer.*)

If the writ is addressed to a District Court Judge without a direction for a jury, add—

By order of the Court [*or of the Honourable Justice C.*].

Dated *etc.*

SCHEDULE 1 (continued)

Form 503

CERTIFICATE OF RESULT OF INQUISITION (O 83, r 10)

The certificate and return of G.W.P. to the within [*or annexed*] writ of inquisition.

I, G.W.P., [Judge of District Courts] the person to whom the said writ is directed, do most humbly certify and return to Our Sovereign Lady the Queen that in obedience to the said writ I did on *etc.* at *etc.* [with a jury of 4 persons] make diligent inquiry touching the several matters in the said writ specified, and that upon such inquiry it appeared:

1. That A.B., late of *etc.* died at on *etc.* intestate.

2. That the said A.B. was at his or her death seized of certain land within the State, namely, (*describe it*).

3. That the said A.B. left no next of kin.

All which I hereby certify.

Given under my hand and seal at B., this day of 19 .

SCHEDULE 1 (continued)

Form 504

NOTICE OF OBJECTION TO CERTIFICATE

In the Supreme Court of Queensland.

In the matter of the lands of A.B. alleged to
have escheated to Her Majesty.

I, C.D., of *etc.* (*state residence and description*), hereby give notice that I object to the certificate filed on *etc.* in return to a writ of inquisition issued on *etc.* touching the lands of the abovenamed A.B., on the following grounds—

1. I deny that *etc.*
2. I deny that *etc.*

(*State the allegations of fact in the certificate which are denied.*)

- [*or* 1. That I was not allowed to be heard at the inquiry held under the said writ:
2. That due notice of the holding of the inquiry under the said writ was not given (*or as the case may be*)].

Dated *etc.*C.D. [*or* X.Y., solicitors for the said C.D.]

The address for service of the said C.D. is (*etc. as in the case of an entry of appearance to a writ of summons*).

SCHEDULE 1 (continued)

**PART 22—FORMS RELATING TO COMMITTAL
FOR CONTEMPT OF COURT**

Form 505

WARRANT TO ARREST TO ANSWER CHARGE OF CONTEMPT
(O 84, rr 1 and 5)

In the Supreme Court of Queensland.

19 . (*Here put the number*)

(*Title of cause or matter*)

To the sheriff of Queensland.

Whereas it is alleged that the abovenamed C.D. (*or as the case may be*) has been guilty of a contempt of this Court, and a motion for his or her committal for such contempt is to be made to this Court on *etc.*

And whereas it has been made to appear to me that the said C.D. is likely to abscond or otherwise withdraw himself or herself from the jurisdiction of the Court.

These are therefore to command you to arrest the said C.D., and safely keep him or her in your custody until he or she shall have given security to your satisfaction in the sum of £ (\$) to appear in person in this Court on the day aforesaid and answer the charge of contempt alleged to have been committed by him or her, and to submit to the judgment of the Court.

And all police officers in the State are required to aid and assist you the said sheriff in the premises.

And the sheriff or any such police officer may deliver the accused person to the superintendent of any prison and such superintendent shall receive the said accused person and the accused person safely keep in the said prison until such time as the Court or the sheriff shall direct.

And in what manner you, the said sheriff, shall have executed this warrant you are to report to the Court forthwith after the execution thereof.

SCHEDULE 1 (continued)

And for obedience to the directions herein contained this shall be sufficient warrant to you and any of you who shall obey the same.

Given under my hand at _____, this _____ day of _____.

P.A.C., J.

Form 506

RECOGNISANCE TO APPEAR TO ANSWER CHARGE OF
CONTEMPT

Be it remembered that on *etc.* C.D., E.F., and G.H. (*etc. insert name of party and his or her bail*) came before me, 1 of Her Majesty's justices of the peace for the State (*or as the case may be*), and acknowledged themselves to owe to Our Lady the Queen the several sums following, that is to say: the said C.D. the sum of £ (\$), and the said E.F. and G.H. the sum of £ (\$) each, of lawful money of Australia, to be levied upon their several goods, chattels and lands to the use of Our said Lady the Queen, Her heirs and successors upon condition that if the said C.D. shall appear in person in the Supreme Court, at Brisbane [*or Rockhampton, Townsville or Cairns*], on *etc.* and answer a charge of contempt alleged to have been committed against the said Court, and shall appear from day to day in the said Court, and not depart the said Court without leave, then this recognisance shall be void but otherwise shall remain in full force.

Taken *etc.*

SCHEDULE 1 (continued)

Form 508

WARRANT OF COMMITTAL (O 84, rr 5 and 9)

(Title of cause or matter)

Whereas by an order made by this Honourable Court [*or* by the Circuit Court at T.], it was ordered that [the abovenamed defendant] C.D. should stand committed to Her Majesty's prison at B. for his or her contempt in the said order mentioned.

These are therefore, in pursuance of the said order, to require and command you, the sheriff, forthwith, upon receipt hereof, to make diligent search for the said C.D., and wheresoever you shall find him or her to arrest him or her and safely convey him or her to Her Majesty's said prison at B.

And these are further to require and command you, the superintendent of the said prison, to receive the said C.D. and him or her safely to keep until he or she shall be discharged according to law.

And all police officers in the State are required to aid and assist you the said sheriff in the premises.

And in what manner you, the said sheriff, shall have executed this warrant you are to report to the Court forthwith after the execution thereof.

And for obedience to the direction herein contained this shall be sufficient warrant to you and any of you who shall obey the same.

Dated this day of , 19 .

By the Court,

(L.S.) Registrar.

[*or* Given under my hand at , this day of , 19 .

P.A.C., J.]

To the sheriff of Queensland and to the superintendent of Her Majesty's Prison at B.

SCHEDULE 1 (continued)

**PART 23—SERVICE OF FOREIGN LEGAL PROCESS
IN QUEENSLAND**

Form 509

CERTIFICATE OF SERVICE OF FOREIGN PROCESS (O 11, r 5)

I, _____, registrar of the Supreme Court, hereby certify that the documents annexed hereto are as follows—

- (1) the original letter of request for service of process received from the court or tribunal at _____, in the _____, of _____, in the matter of _____, *versus* _____; and
- (2) the process received with such letter of request; and
- (3) the evidence of service upon _____, the person named in such letter of request.

And I certify that such service so proved, and the proof thereof, are such as are required by the law and practice of the Supreme Court regulating the service of Queensland legal process in Queensland, and the proof thereof.

And I certify that the cost of effecting such service amounts to the sum of £ (\$).

Dated this _____ day of _____, 19 ____.

Registrar.

SCHEDULE 1 (continued)

PART 25—FORMS RELATING TO TAXATION OF COSTS

Form 512

APPOINTMENT FOR DIRECTIONS (O 91, r 40)

I appoint the day of 19 at o'clock in
the noon at the taxing office Supreme Court for directions
regarding the attached bill of costs.

Dated this day of 19 .

TAXING OFFICER**NOTE:**

- 1 If a person intends to object to any item in the bill of costs on the taxation, notice of the objection is required to be filed in the Supreme Court registry and served on the party delivering the bill of costs at least 2 clear days before the above date for directions. (O 91, r 41A).
- 2 A date and time for taxation of the bill of costs will be given by the taxing officer on the date appointed for directions. (O 91, r 41).
- 3 Failure to attend or be represented on the date appointed for directions or on the taxation may mean that the taxing officer may allow or disallow the amount of the costs in the bill of costs in whole or in part.

SCHEDULE 1 (continued)

Form 513

NOTE ABOUT TAXATION OF COSTS (O 91, r 121)

The plaintiff's (*or as the case may be*) costs ordered to be paid by the defendant (*or as the case may be*) have been taxed and allowed at \$ as appears by the taxing officer's certificate filed on the day of 19 .

Registrar

PART 26—FORMS FOR ADR PROCESSES

Form 514

(o 99 r 2)

APPLICATION FOR APPROVAL AS MEDIATOR

I, (*insert full name and address and contact phone number*), apply to be approved as a mediator for disputes arising in the Supreme Court of Queensland.

I believe I am a suitable person to be approved as a mediator. My qualifications and experience are—

(State qualifications and experience that make you suitable to be approved as a mediator.)

My fee for mediating disputes is (*insert fee and show whether hourly or daily and any minimum fee*)

(Date and sign the application)

SCHEDULE 1 (continued)

Form 515

(o 99 r 3)

APPLICATION FOR APPROVAL AS CASE APPRAISER

I, (*insert full name and address and contact phone number*), apply to be approved as a case appraiser for disputes arising in the Supreme Court of Queensland.

I believe I am a suitable person to be approved as a case appraiser. I am a (*barrister/solicitor*) of (*insert number*) years standing. My qualifications and experience are—

*(State qualifications and experience that make you
suitable to be approved as a case appraiser.)*

My fee for appraising disputes is (*insert fee and show whether hourly or daily and any minimum fee*)

(Date and sign the application)

Form 516

(o 99 r 5(1))

VENUE PROVIDER'S NOTICE

I, (*insert full name and address and contact phone number*), give notice to the registrar that I am the (*owner/lessee*) of a venue at (*insert address*) that is suitable for use for mediations and case appraisals.

The venue (*insert description of venue and available facilities eg telephones, fax machines, parking*)

My fee for making the venue available is (*insert fee and show whether hourly or daily and any minimum fee*)

(Date and sign the notice)

SCHEDULE 1 (continued)

Form 517

(o 99 r 5(3))

NOTICE OF FEE CHANGE

I, (*insert full name and address and contact phone number*), am an *approved mediator/an approved case appraiser/a venue provider* for disputes arising in the Supreme Court of Queensland.

I give notice that on and from (*insert date which must be at least 4 weeks after this form is filed with the registrar*) my fee for (*acting as a mediator/case appraiser/making the venue at (insert address) available*) will be (*insert fee and show whether hourly or daily and any minimum fee*)

(*Date and sign the notice*)

SCHEDULE 1 (continued)

Form 518

(o 99 r 6)

CONSENT ORDER

1. *(Insert names of parties)* agree to participate in, and act reasonably and genuinely in, a *(mediation/case appraisal)* to be conducted at *(insert time of commencement and address of venue)*.

2. The *(mediator/case appraiser)* is *(insert name or state that the mediator/case appraiser is to be selected by the parties)*.

3. Copies of the following documents are attached to this order to help the *(mediator/case appraiser)* to understand the dispute, the issues and the present stage of the proceeding—

(attach enough information about pleadings, statements of issue or other documents to inform the mediator/case appraiser of the dispute and the present stage of the proceeding)

4. The period of *(mediation/case appraisal)* is agreed at a maximum of *(insert number of hours or days)* and may extend beyond the period only with the authorisation of the parties.

—OR—

4. The estimated maximum period of the *(mediation/case appraisal)* is *(insert period)*.

5. The costs of the *(mediation/case appraisal)* are agreed at *(insert lump sum)*.

—OR—

5. The costs of the *(mediation/case appraisal)* are agreed at \$ *(per hour or day)* up to a maximum of *(insert number of hours or days)*.

—OR—

5. The parties agree to negotiate a fee with *(insert name of mediator/case appraiser)*.

SCHEDULE 1 (continued)

6. The parties agree to pay the following percentages of the costs—

(name of party) *(insert %)*

(name of party) *(insert %)*

7. The parties must pay *(their respective percentages of the costs/the fee negotiated by the parties with the mediator/case appraiser)* to the registrar by *(insert date not later than 7 days after the date of the order)*

8. The parties agree that no hearing date may be given to this matter until the *(mediator or appraiser's)* certificate is filed in the registry or until further order.

SCHEDULE 1 (continued)

Form 519 (o 99 rr 10(5) and 21(4))

REFERRING ORDER

1. (*Insert names of parties*) are directed to participate in, and act reasonably and genuinely in, a (*mediation/case appraisal*) to be conducted at (*insert time of commencement and address of venue*).

2. The (*mediator/case appraiser*) is (*insert name or state that the mediator/case appraiser is to be selected by the parties*).

3. Copies of the following documents are attached to this order to help the (*mediator/case appraiser*)—

(attach enough information about pleadings, statements of issue or other documents to inform the mediator/case appraiser of the dispute and the present stage of the proceeding)

4. The period of (*mediation/case appraisal*) is fixed at a maximum of (*insert number of hours or days*) and may extend beyond the period only with the authorisation of the parties.

—OR—

4. The estimated maximum period of the (*mediation/case appraisal*) is (*insert period*).

5. The costs of the (*mediation/case appraisal*) are fixed at (*insert lump sum*).

—OR—

5. The costs of the (*mediation/case appraisal*) are fixed at \$ (*per hour or day*) up to a maximum of (*insert number of hours or days*).

—OR—

5. The parties are to negotiate a fee with (*insert name of mediator/case appraiser*).

SCHEDULE 1 (continued)

6. The parties are to pay the following percentages of the costs—

(name of party) *(insert %)*

(name of party) *(insert %)*

7. The parties must pay *(their respective percentages of the costs/the fee negotiated by the parties with the mediator/case appraiser)* to the registrar by *(insert date not later than 7 days after the date of the order)*

8. No hearing date may be given to this matter until the *(mediator or appraiser's)* certificate is filed in the registry or until further order.

SCHEDULE 1 (continued)

Form 520

(o 99 r 18)

MEDIATOR'S CERTIFICATE

I, *(insert name of mediator)*, certify that—

1. *(Insert name of parties)* have participated in a mediation before me and the procedure has finished. The parties *have/have not* resolved *(their dispute/part of their dispute)*.

—OR—

1. *(Insert name of parties)* have participated in a mediation before me and I cannot usefully take the resolution of their dispute any further.¹

—OR—

1. *(Insert name of party or parties)* did not attend the mediation as ordered.

2. *(Insert if appropriate)* The terms of their agreement are enclosed in the attached sealed *(insert type of container)* marked 'Mediation agreement. Not to be opened without an order of the Supreme Court or a Judge. Court File No. . . . '.

—OR—

2. *(include any other relevant matter for report)*.

(Date and sign the certificate)

¹ No comment should be made about the extent to which a party participated or refused to participate in the mediation.

SCHEDULE 1 (continued)

Form 521

(o 99 r 29)

CASE APPRAISER'S CERTIFICATE

I, *(insert name of case appraiser)*, certify that—

1. *(Insert name of parties)* have participated in the reference to me of their dispute and the procedure has finished.

—OR—

1. *(Insert name of party or parties)* did not participate in the procedure.

—OR—

1. The procedure could not be finished because *(state reasons)*.

2. *(Insert if appropriate)* I have provisionally decided the proceeding and my decision is enclosed in the attached sealed *(insert type of container)* marked 'Appraiser's Decision. Not to be opened without an order of the Supreme Court or a Judge. Court File No. . . . '.

—OR—

2. *(include any other relevant matter for report)*.

(Date and sign the certificate)

SCHEDULE 1 (continued)

Form 522

(o.99 r.30)

NOTICE OF ELECTION TO GO TO TRIAL

I, *(insert full name)*, am a party to a dispute and attended at a case appraisal on *(insert date)* conducted by *(insert name of case appraiser)*.

I am dissatisfied with the case appraiser's decision and elect to go to trial.

(Date and sign the notice)

SCHEDULE 2**SCALE OF COSTS**

o 6 r 8, o 15 r 16,
o 47 r 16, o 91 r 30

\$

General care and conduct

1. In addition to an amount that is to be allowed under another item in this schedule, the amount that is to be allowed for a solicitor's care and conduct of a proceeding is the amount that the taxing officer considers reasonable having regard to the circumstances of the case including, for example—
 - (a) the complexity of the matter; and
 - (b) the difficulty and novelty of any question raised in the matter; and
 - (c) the importance of the matter to the party; and
 - (d) the amount involved; and
 - (e) the skill, labour, specialised knowledge and responsibility involved in the matter on the part of the solicitor; and
 - (f) the number and importance of the documents prepared or perused (without regard to length); and
 - (g) the time spent by the solicitor; and
 - (h) research and consideration of questions of law and fact.

Drawing

2. Drawing an originating process, interlocutory application, brief to counsel, or other document—each folio 5.10

SCHEDULE 2 (continued)

Engrossing or typing

- | | |
|--|------|
| 3. Engrossing an originating process, interlocutory application, brief to counsel or other necessary document—each folio | 1.50 |
| 4. Preparing an exhibit marking—each exhibit | 1.50 |

Copies

- | | |
|--|------|
| 5.(1) Each page of the total number of pages copied in a proceeding, including carbon or photographic copy, that the taxing officer considers necessary— | |
| (a) for pages 1 to 20 | 1.50 |
| (b) for pages 21 to 50 | 1.20 |
| (c) for pages 51 to 100 | 1.00 |
| (d) after page 100 | 0.80 |
| (2) In subitem (1)— | |
| “ proceeding ” means all of a proceeding in a court (whether or not between parties), including— | |
| (a) an incidental proceeding in the course of, or in connection with, a proceeding; and | |
| (b) an appeal or stated case. | |

Perusals

- | | |
|---|-------|
| 6. Perusal of a document when necessary—each folio | 1.50 |
| 7. If it is not necessary to peruse a document—for examining or comparing a document— | |
| (a) if by a solicitor—for each quarter hour | 32.50 |
| (b) if by a clerk—for each quarter hour | 9.60 |

Service

- | | |
|--|-------|
| 8. (1) Personal service, by a solicitor or an employee, of a document of which personal service is required | 28.00 |
| (2) If the taxing officer considers that another amount is reasonable (having regard, for example, to the distance travelled, the time involved, and the number of attendances necessary to effect service)—the amount that the taxing officer considers reasonable. | |

SCHEDULE 2 (continued)

	(3) If more than 1 document is served, only 1 fee for service is allowable.	
9.	(1) Service of a document at the office of the solicitor on the record, the address for service of a party or, by arrangement, through a document exchange	18.30
	(2) Service of a document by post	11.20
	(3) If more than 1 document is served, only 1 fee for service is allowable.	
Attendances		
10.	Attendance—	
	(a) to file or deliver a document, obtain an appointment, insert an advertisement, or settle a rule of court, order or judgment; or	
	(b) to search; or	
	(c) to do something of a similar nature; if capable of being performed by a clerk	18.30
11.	Attendance by telephone that does not involve the exercise of skill or legal knowledge	11.70
12.	Attendance in court, at a compulsory conference or before the registrar by a solicitor who appears without counsel—each quarter hour	32.50
13.	Attendance in court, at a compulsory conference or before the registrar by—	
	(a) a solicitor who appears with counsel—each quarter hour	32.50
	(b) a clerk who appears with counsel—each quarter hour	9.60
14.	(1) If a hearing or trial is not—	
	(a) in Brisbane, Cairns, Rockhampton or Townsville; or	
	(b) in the town where the solicitor resides or carries on business;	
	a solicitor is to be allowed, for each day (other than a Saturday or Sunday or a day of the hearing or trial) that the solicitor is necessarily absent from his or her place of business, for time employed in travelling (to and from the hearing or trial) and in waiting	661.00

SCHEDULE 2 (continued)

(2) If the period of absence is less than a full day, the amount is to be determined on a pro rata basis, but is not to be less than one half of the amount specified in subitem (1).	
(3) A solicitor to whom subitem (1) applies is also to be allowed reasonable expenses (beside actual reasonable fares or payments for transport) for each day of necessary absence including Saturdays and Sundays.	
(4) If the solicitor has to attend more than 1 hearing or trial at the same time and place, the allowances are to be rateably divided.	
(5) If a clerk attends instead of a solicitor, the amount allowed is to be the amount that the taxing officer considers reasonable.	
15. Attendance on call-over of matters to be heard at the sittings of the court	32.50
16. Other attendances—	
(a) if by a solicitor, involving skill or legal knowledge— for each quarter hour	32.50
(b) if by a clerk—for each quarter hour	9.60
Correspondence	
17. (1) Short letter of a formal nature, written or received, forwarding documents without comment or to the like effect	9.10
(2) An ordinary letter, written or received, including a letter between principal and agent	18.30
(3) A special letter	25.50
(4) If the taxing officer considers that a higher amount than that mentioned in subitem (3) is reasonable—the amount that the taxing officer considers reasonable.	
(5) In addition to the charges mentioned in this item, allowance is to be made for the necessary expense of postage, carriage and transmission of documents.	
(6) For facsimile transmissions, the allowance is—	
for the first page	5.60
for each additional page	1.50

SCHEDULE 2 (continued)

(7) The allowance for correspondence between offices of the same firm of solicitors is the allowance that would have been allowable if an agent had been engaged and the engagement was normal and reasonable in the circumstances.

Disbursements

- 18.** Court fees and other fees and payments, to the extent that they have been reasonably incurred and paid, are to be allowed.

General

- 19. (1)** In a case—
- (a) not otherwise provided for in this schedule; or
 - (b) if the taxing officer considers that the relevant fee is inappropriate in the circumstances;
- the taxing officer may allow the fees for attendances and instructions, drawing and copying documents (including cases for the opinion of counsel) and perusals that the taxing officer considers reasonable.
- (2)** If, in an item, a charge is determined on a per quarter hour basis, the taxing officer is to allow the charge for the first quarter hour and after that is to apportion the charge on a pro rata basis.

Witnesses

- 20. (1)** Subject to item 23, attendance by a medical practitioner, or another professional witness, to give evidence of a professional nature, if necessarily absent from his or her place of residence or practice—for each day's absence 151.00
- (2)** If the period of absence on any day is less than 7 hours, the amount to be paid is—
- (a) for the first 3 hours or part of 3 hours 56.00
 - (b) for more than 3 but not more than 4 hours 76.00
 - (c) for more than 4 but not more than 5 hours 94.00
 - (d) for more than 5 but not more than 6 hours 110.00

SCHEDULE 2 (continued)

	(e) for more than 6 but not more than 7 hours	130.00
	(3) If the witness is required to travel, actual travelling time is to be taken into account in determining the total period of absence.	
21.	(1) Subject to item 23, attendance by an interpreter to give skilled evidence or to act as an interpreter—for each day .	150.00
	(2) If the interpreter attends on any day for 8 hours or less, the interpreter is to be paid—	
	(a) for the first 2 hours or part of 2 hours	37.00
	(b) for each hour or part of an hour after the first 2 hours	18.30
22.	Subject to item 23, the amount that is to be paid to other witnesses is—	
	(a) if the witness is 16 or older—for each day or part of a day	48.00
	(b) if the witness is less than 16—for each day or part of a day	24.00
23.	(1) If the taxing officer considers that, in addition to an amount payable to a witness under item 20, 21 or 22, it is reasonable for a further amount to be paid to the witness because of special circumstances—that further amount.	
	(2) It is a special circumstance that a medical practitioner is a specialist under the <i>Medical Act 1939</i> .	
	(3) If a witness attends 2 or more causes, the witness is only entitled to a proportionate payment in each cause.	
	(4) Travelling expenses are to be allowed at a reasonable rate.	
Prescribed costs		
24.	Costs on issuing a writ of summons (order 6 rule 8) . . .	426.00
25.	Costs of obtaining judgment in default of appearance (order 6 rule 8)	195.00
26.	Costs of execution (order 47 rule 16)	182.00
27.	Costs of order for leave to proceed (order 15 rule 16) . . .	367.00

SCHEDULE 3**SCALE OF FEES**

o 94 r 2

Application

- A.** This schedule does not apply to or affect fees or percentages directed to be taken or paid by an Act for which no fee or percentage is specified in this schedule.
- B.** Part 1 applies to continuing actions or matters started before 1 October 1982.
- C.** Part 2 applies to all actions or matters started on or after 1 October 1982.
- D.** Items 6 to 22, 25 to 29 and 32 to 69 of part 2, also apply to continuing actions or matters started before 1 October 1982.
- E.** The sheriff or marshal is not required to pay a fee mentioned in this schedule.
- F.** The fee payable on application for admission as a barrister or solicitor, includes the filing of all certificates, affidavits and other documents that relate to the application, administering the oaths of allegiance and of office, and sealing the certificate of admission.

PART 1—REGISTRY FEES

\$

Sealing documents

- | | |
|--|-------|
| 1. Sealing a concurrent, renewed or amended writ of summons, third party notice or writ of subpoena | 24.00 |
| 2. Sealing a writ other than a writ of summons | 60.00 |

SCHEDULE 3 (continued)

3.	Sealing a summons (other than an originating summons)	12.70
4.	Sealing a commission authorised by the court or a judge under an Act or a rule of court, or exemplification of a proceeding in the court	39.50
5.	Sealing another document (other than a writ or other document for service on a party to a cause or matter) issued from the court	27.00
6.	(1) Sealing a grant of probate or letters of administration, with or without the will	85.00
	(2) Resealing probate or letters of administration under the <i>British Probates Act 1898</i>	85.00
	(3) Checking fee for each folio of 72 words	2.00
7.	The fees mentioned in items 1 to 6 include the filing of all copies, praecipes or other documents required to be filed on the sealing or resealing of the documents concerned.	

Appearances

8.	For each person empowered by law to sue or to be sued	12.70
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Filing documents

9.	Filing a special case	52.00
10.	Filing a notice of motion (other than a notice of motion originating a cause or matter or instituting an appeal) . . .	24.00
11.	Filing a supplementary request for probate or letters of administration, with or without the will	33.50
12.	Filing a renunciation, consent, authority or power of attorney	12.70
13.	Filing an affidavit verifying a renunciation, consent, authority or power of attorney	9.00
14.	Filing an affidavit (other than an originating affidavit) . . .	9.00
15.	Filing an exhibit mentioned in an affidavit or deposition, and required to be filed—	
	for each exhibit	2.00
	maximum fee	16.00
16.	Filing a submission to arbitration or an award	27.00
17.	Filing a writ of execution with return	12.70

SCHEDULE 3 (continued)

18. Filing an original will or copy of a will on an application to have the will proved, whether exhibited to an affidavit or not	12.70
19. Filing an answer to interrogatories	12.70
20. Filing an affidavit of scripts in a probate action	24.00
21. Preliminary act in an action for damages by collision ...	24.00
22. Depositing, in a cause or matter, any documents ordered to be deposited for safe custody or to be impounded—each document	12.70
23. Receipt for a document mentioned in item 22 when delivered out	12.70
24. Filing a caveat	27.00
25. Withdrawing a caveat	12.70
26. Filing an entry of appeal or entry of another matter for hearing before the Court of Appeal	12.70
27. (1) Filing an entry of trial including—	
(a) an admiralty action for trial before a judge with or without a jury, or assessors; or	
(b) an election petition for trial before a judge with or without a jury, or assessors; or	
(c) an inquiry before a special referee	12.70
(2) The fee is in addition to any fee payable under the <i>Jury Act 1995</i> .	
28. Filing a document (other than an originating document) for which no other fee is provided	12.70
Public searches and inspections	
29. Search for appearance	10.00
Settling lists	
30. Settling a list of shareholders entitled to a return, if there is an amount to be returned, or a list of contributories—for each person settled	4.00
31. Settling under any legislation relating to corporations, the list of creditors of a limited company that proposes to reduce its capital	136.00

SCHEDULE 3 (continued)

Hearing

- | | |
|--|--------|
| 32. Setting down a matter for hearing before the Court of Appeal | 110.00 |
| 33. (1) Entering an action, including— | |
| (a) an admiralty action for trial before a judge with or without a jury, or assessors; or | |
| (b) an election petition for trial before a judge with or without a jury, or assessors; or | |
| (c) an inquiry before a special referee | 79.00 |
| (2) The fee is in addition to any fee payable under the <i>Jury Act 1995</i> . | |
| 34. Setting down a motion (other than an originating motion) for hearing before a judge | 52.00 |

Filing decree, order or judgment

- | | |
|---|-------|
| 35. Filing any decree, order or judgment | 93.00 |
|---|-------|

Miscellaneous

- | | |
|---|-------|
| 36. Fiat of a judge or memorandum of the registrar | 12.70 |
| 37. Signing, settling or approving an advertisement or notice | 27.00 |
| 38. Examining a record of proceedings on appeal for the purpose of certifying the record—each page | 9.00 |

PART 2—REGISTRY FEES

\$

Initiating process

- | | |
|---|--------|
| 1. Filing— | |
| (a) a writ of summons beginning an action; or | |
| (b) an originating summons; or | |
| (c) a petition; or | |
| (d) an affidavit originating an application or matter; or | |
| (e) an originating notice of motion; or | |
| (f) an originating application | 156.00 |

SCHEDULE 3 (continued)

Administration

2. Filing—	
(a) a request for probate or letters of administration with or without the will	244.00
(b) an affidavit originating an application for resealing probate or letters of administration under the <i>British Probates Act 1898</i>	189.00
(c) a request for an order to administer under the <i>Public Trustee Act 1978</i>	166.00
(d) an election under the <i>Public Trustee Act 1978</i> or the <i>Trustee Companies Act 1968</i>	56.00

Hearing

3. (1) Entering an action, including—	
(a) an admiralty action for trial before a judge with or without a jury, or assessors; or	
(b) an election petition for trial before a judge with or without a jury, or assessors; or	
(c) an inquiry before a special referee	244.00
(2) The fee is in addition to any fee payable under the <i>Jury Act 1995</i> .	
(3) If the action is entered on a commercial causes list the fee is payable on the allocation of trial dates by the judge in charge of the list.	

Appeals etc.

4. Filing—	
(a) a notice of entry of demurrer, notice of entry of special case, notice of motion or other document instituting an appeal to the Court of Appeal	222.00
(b) a notice of entry of demurrer, notice of entry of special case or notice of motion or other document instituting an appeal to a judge	155.00

SCHEDULE 3 (continued)

Articles

- 5.** Filing—
- | | |
|----------------------------------|--------|
| (a) articles of clerkship | 155.00 |
| (b) assignment of articles | 44.00 |

Opening registry

- 6.** For opening the registry, or keeping the registry open after hours—
- | | |
|--|--------|
| (a) on a Saturday, Sunday, public holiday or court holiday | 222.00 |
| (b) on another day— | |
| (i) before 8 a.m. or after 6 p.m. | 222.00 |
| (ii) between 8 a.m. and 9 a.m. | 111.00 |
| (iii) between 4 p.m. and 6 p.m. | 111.00 |

Copies

- 7.** Office copy of a record of the court or a document or exhibit filed in the registry—
- | | |
|-------------------------|-------|
| (a) for each page | 2.50 |
| (b) maximum fee | 40.00 |
- 8.** (1) Sealing and certifying copy of a record of the court or a document or exhibit filed in the registry
- | | |
|---|-------|
| (2) This fee is in addition to the fee mentioned in item 7. | 37.00 |
|---|-------|
- 9.** Reasons for judgment—for each page of a copy issued out of the registry
- | | |
|--|------|
| | 1.60 |
|--|------|

Certificates

- 10.** Certificate of the registrar, including a certificate under the *Corporations (Queensland) Rules 1993*
- | | |
|--|-------|
| | 37.00 |
|--|-------|

Attendance

- 11.** (1) For an officer to attend with a record or document at a court or place out of the court building—for each day or part of a day the officer is necessarily absent from the registry
- | | |
|---|--------|
| (2) The reasonable travelling and other expenses of the officer are also payable. | 111.00 |
|---|--------|

SCHEDULE 3 (continued)

Public searches and inspections

- 12.** Searching in a register, index, file or calendar, and inspecting documents—
- (a) for each hour or part of an hour 10.00
 - (b) maximum fee for each day 40.00
- 13.** Inspecting a document or file so as to obtain a precedent—for each document or file 10.00

Examination of witnesses and judgment debtors

- 14.** For each witness or judgment debtor sworn and examined by an officer of the court in the officer's office—
- (a) first hour 56.00
 - (b) each subsequent hour or part of an hour 28.00
- 15. (1)** Examination of witness or judgment debtor by an officer of the court away from the officer's office 111.00
- (2)** The reasonable travelling and other expenses of the officer are also payable.

Other references, inquiries and accounts

- 16.** Taking an account before the registrar or the taxing officer—the amount that the registrar or taxing officer considers reasonable, but not more than the higher of the fees mentioned in paragraph (a) or (b).
- (a) for each \$300 or part of \$300 of the amount or value found to have been received without deducting any payment in the cause or matter 3.00
 - (b) for each hour or part of an hour 62.00
- 17. (1)** On taking an account of a receiver, guardian, consignee, bailee, manager, liquidator, sequestrator or execution creditor, the fees are, on payment, to be allowed in the account, unless the court or a judge otherwise directs.
- (2)** On taking an account of an accounting party other than an accounting party mentioned in subitem (1), the fees—

SCHEDULE 3 (continued)

- (a) are to be paid by the party having the conduct of the order under which the account is taken as part of that party's costs of the cause or matter (unless the court or a judge otherwise directs); and
- (b) if a certificate of the result of the account is required—are to be taken upon the certificate; and
- (c) if such a certificate is not required—are due and payable on the account, or part of the account, taken.
- 18. (1)** The officer who is to take the account may require a deposit on account of fees.
- (2)** The deposit required must not be more than the fees payable on the amount that, from the account, appears to have been received.
- (3)** The officer or the officer's clerk must make a memorandum of the deposit in the account.
- (4)** Fees are not payable twice on the same amount in the same cause or matter, but only upon amounts received or collected for the first time by the party accounting.
- 19. (1)** The amount of the fees payable for taking an account is to be fixed by the officer taking the account.
- (2)** The solicitor for the party liable to pay the fees must cause the fees to be paid.
- (3)** If the party is not represented by a solicitor, the party must pay the fees.

Taxation of costs

- 20.** Making an appointment for directions or for taxation of a bill of costs 27.50
- 20A.** Allowing a bill of costs, wholly or partly, under order 91, rule 41A(4) (for each hour or part of an hour) 62.00
- 21. (1)** Taxing a bill of costs—for each \$100 or part of \$100 allowed 8.00
- (2)** Subject to subitem (3), the fee mentioned in subitem (1) is—
- (a) to be taken on signing the certificate or on the allowance of the bill of costs as taxed; and

SCHEDULE 3 (continued)

(b) if no certificate is required, due and payable on the amount of the bill as taxed, or on the amount of such part of the bill as may be taxed; and	
(c) to be fixed by the taxing officer; and	
(d) to be paid by the solicitor or party suing in person.	
(3) The taxing officer may require a deposit on account of fees before taxation.	
(4) The deposit must not be more than the fees payable on the full amount of the costs as submitted for taxation.	
(5) The taxing officer must make a memorandum of the deposit on the bill of costs.	
22. Certificate of taxing officer	37.00
Mediators and case appraisers	
22A. Application fee for approval as mediator or case appraiser	330.00
Miscellaneous	
23. Enrolling a deed poll	49.00
24. Entering a solicitor's name and other appropriate details in the register of solicitors' addresses	12.70
25. Settling and executing a deed of transfer	83.00
26. Postal dealing fee	10.00
27. (1) Postal dealing fee for documents lodged for filing under order 87A—each document	16.00
(2) Only 1 fee is payable under subitem (1) if several documents in the same cause or matter are lodged for filing at the same time.	
28. Obtaining a copy of a call-over list	10.00
29. Preparation and photocopying of documents for inclusion in an appeal record book—	
(a) first copy—each page	1.50
(b) additional copies to same party—each page	0.50
(c) binding of appeal record books—each book	6.60

SCHEDULE 3 (continued)

- | | | |
|-----|---|-------|
| 30. | Issuing a writ of execution founded on judgment registered under the <i>Service and Execution of Process Act 1992</i> (Cwlth), the <i>Crimes Act 1914</i> (Cwlth) and the <i>Foreign Judgments Act 1991</i> (Cwlth) | 77.00 |
| 31. | (1) Filing a document not connected with a matter already on record and not otherwise provided for in this part
(2) If a fee is paid under subitem (1) in relation to a document, a further fee is not payable under the subitem for filing any subsequent document related to the first document. | 25.50 |

Sheriff's and marshal's fees**Application**

32. (1) The sheriff or marshal may require a deposit on account of fees applicable to a proceeding—
 (a) before the proceeding is commenced; or
 (b) at any time during the course of the proceeding.
 (2) The person taking the deposit is to make a memorandum of the amount deposited and deliver the memorandum to the party making the deposit.

Fees payable in the sheriff's office

- | | | |
|-----|--|---------------|
| 33. | Taking a defendant under a writ of <i>capias ad respondendum</i> | 52.00 |
| 34. | Lodging or assignment of bail bond | 27.00 |
| 35. | Receiving and entering any writ of execution | 27.50 |
| 36. | Search or inspection of a document—in each action | 10.00 |
| 37. | Drawing an advertisement | 52.00 |
| 38. | Receiving and entering a writ of citation, order summons, summons or other document issued outside the jurisdiction of the court but for service within the jurisdiction | 24.00 |
| 39. | Office copy of a writ or other document—
(a) for each page
(b) maximum fee for each office copy | 2.50
40.00 |

SCHEDULE 3 (continued)

40.	Executing writ of attachment or <i>capias ad satisfaciendum</i>	52.00
41.	Attending a view not more than 8 km from the sheriff's office	67.00
42.	Attending a view more than 8 km from the sheriff's office	135.00
43.	The actual and necessary payments made by the sheriff for hire of transport in attending a view are also payable.	
44.	Each copy of a jury panel	nil
45.	Settling and executing a deed of transfer	83.00
46.	Opening the office, or keeping the office open after hours—	
	(a) on a Saturday, Sunday, public holiday or court holiday	222.00
	(b) on another day—	
	(i) before 8 a.m. or after 6 p.m.	222.00
	(ii) between 8 a.m. and 9 a.m.	111.00
	(iii) between 4 p.m. and 6 p.m.	111.00
47.	*(1) Executing or attempting to execute a warrant—for each person executing or attempting to execute the warrant	58.00
	(2) The fee is additional to any travelling fees.	
48.	*(1) Travelling fees on service of a warrant, process or document for each km or part of a km after the first 12 km necessarily travelled from the court house to the place of service 1 way	2.00
	(2) Only 1 travelling fee may be charged if—	
	(a) 2 or more processes lodged at the same time against the same person are served at the same time; or	
	(b) 2 or more persons are served with the same process at the same time and at the same address.	
49.	(1) For each person left in possession, the amount actually paid, but not more than—for each day	58.00
	*(2) If board and lodging is not supplied—the expenses that the sheriff considers were actually and reasonably incurred.	

SCHEDULE 3 (continued)

***(3)** Other actual and necessary payments made by the sheriff to secure the safe custody of property under seizure are also payable.

(4) No fee is payable to the sheriff or the sheriff's bailiff for the custody and possession of property under seizure if the property is not kept in the actual possession of the sheriff or the sheriff's bailiff.

***(5)** In relation to matters arising out of the execution of a warrant, for—

- (a) travelling expenses incurred for each person; or
- (b) necessary clerical assistance at sales; or
- (c) advertising; or
- (d) if livestock is levied upon, cost of food or removal to place of safekeeping; or
- (e) necessary assistance to or expense incurred by an officer including the hire of transport, warehouses, yards and out-of-pocket expenses;

the amount that the sheriff considers was actually and reasonably incurred.

50.	Poundage on executing each writ of <i>fi. fa.</i> or other process under, or because of, which an amount is received by the sheriff or by the execution creditor—5% on the first \$200 and 2.5% on the remainder, but not less than	83.00
51.	Poundage on executing writ of possession—the same rate of fee as under item 50 determined on annual rent or value, but not less than	83.00
52.	(1) Conveying a person to gaol from the place of arrest— for each km	2.00
	(2) Other unavoidable expenses involved in conveying a person to gaol.	
53.	*(1) Service or attempted service of a summons, subpoena or other process— (a) for each person served	27.00

SCHEDULE 3 (continued)

(b) for each additional process served if—	
(i) 2 or more processes lodged at the same time against the same person are served at the same time; or	
(ii) 2 or more persons are served with the same process at the same time and at the same address	9.60
(2) Subitem (1) does not apply to a service to which item 54 applies.	
54. *Service or attempted service of an application and accompanying documents in a matrimonial proceeding—	
(a) for each person served	28.50
(b) for each additional person served, if—	
(i) 2 or more processes lodged at the same time against the same person are served at the same time; or	
(ii) 2 or more persons are served with the same process at the same time and at the same address	10.20
55. *(1) Precept to bailiff in replevin	9.10
*(2) Travelling fees to place of re-delivery, for each km .	2.00
56. *(1) For time necessarily spent after the first hour on—	
(a) service of a plaint, summons, subpoena or other process or execution of a warrant; or	
(b) arranging or conducting an auction;	
each hour or part of an hour	12.70
(2) If the bailiff is a full-time officer of the public service and performs a duty during ordinary working hours the allowance is to be paid to the court.	
57. In case of dispute as to a fee (other than a fixed fee), the bill of costs is to be taxed by the taxing officer without fee.	
*Payable to the bailiff.	
Fees payable in the marshal's office	
58. ‡Execution of a warrant (other than a warrant of attachment)	40.00
59. ‡Execution of a warrant of attachment, for every person attached	52.00

SCHEDULE 3 (continued)

60.	Release of any ship, goods or person from arrest	27.00
61.	Receiving and entering a writ of summons, warrant, release, decree, order, commission or other instrument under the seal of the court	66.00
62.	(1) Execution of a commission of appraisement or sale, or appraisement and sale	83.00
	(2) This fee is in addition to any fee paid to the appraiser or auctioneer.	
63.	Execution of a decree, order or another commission or instrument under order 89, rule 5	83.00
64.	Delivering up a ship or goods to the purchaser in accordance with an inventory	52.00
65.	(1) Attending the discharge of cargo, or sale or removal of a ship or goods, each day	107.00
	(2) If the amount actually and necessarily spent is higher than the fee mentioned in subitem (1)—that amount.	
66.	‡(1) Retaining possession of a ship, with or without cargo, or of a ship's cargo without a ship—for each day .	9.10
	(2) In addition to the fee mentioned in subitem (1), the reasonable expenses incurred for a ship keeper in retaining possession of a ship are also payable.	
	(3) No fee is payable for the custody and possession of property under arrest—	
	(a) if it consists of an amount in a bank, or goods stored in a bonded warehouse; or	
	(b) if it is in the custody of a custom house officer or other authorised person.	
67.	Sale of a ship or goods sold under a judgment or order of the court—5% on first \$200 and 2.5% on the remainder, but not less than	265.00
68.	‡(1) Allowance for time necessarily spent after the first hour on execution of warrant—each hour or part of an hour	12.70
	(2) If the marshal's officer is a full-time public service officer and performs the execution during ordinary working hours, the allowance is to be paid to the court.	

SCHEDULE 3 (continued)

- 69.** If the marshal or marshal's officer is required to go more than 8 km from that person's office to perform a duty, that person is entitled to reasonable expenses for travelling, board and maintenance, in addition to the above fees.

‡Payable to the marshal's officer.

ENDNOTES**1 Index to endnotes**

	Page
2 Date of which amendments incorporated	864
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4 Table of earlier reprints	865
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6 List of legislation	866
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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 5 February 1999. Future amendments of the Rules of the Supreme Court may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 133 of 1995	29 May 1995
1A	to SL No. 137 of 1996	2 August 1996
1B	to SL No. 292 of 1996	28 November 1996
1C	to SL No. 269 of 1997	21 November 1997

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Comparative legislation	1
Corrected minor errors	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Rules of the Supreme Court

made by the Governor in Council on 10 October 1900

pubd gaz 17 October 1900 pp 949–1105

commenced 1 January 1901

exp 1 July 1999 (see SIA ss 54 and 61)

as amended by—

legislation published gazette—(pre SL Series)

3 November 1900 p 1260

commenced on date of publication

6 April 1901 p 1228

commenced on date of publication

8 June 1901 pp 300–1

commenced on date of publication

2 November 1901 p 526

commenced 1 January 1902

29 March 1902 p 1035

commenced on date of publication

3 October 1903 pp 638–9

commenced on date of publication

26 March 1904 p 1166

commenced on date of publication

22 June 1907 p 1652

commenced on date of publication

10 August 1907 p 320

commenced on date of publication

7 December 1907 p 1403
commenced on date of publication

16 December 1911 pp 1594–5
commenced on date of publication

21 December 1912 p 1944
commenced on date of publication

18 October 1913 pp 1017–8
commenced on date of publication

5 May 1917 p 1380
commenced on date of publication

12 October 1918 pp 971–2
commenced on date of publication

30 August 1919 p 702
commenced on date of publication

22 May 1920 p 2090
commenced on date of publication

18 December 1920 p 2225
commenced on date of publication

27 June 1922 pp 1815–9
commenced 1 July 1922

1 March 1924 p 785
commenced on date of publication

26 April 1924 p 1233
commenced on date of publication

10 May 1924 pp 1334–6
commenced 1 October 1924

20 June 1925 p 2386
commenced on date of publication

30 January 1926 p 333
commenced on date of publication

14 May 1927 p 1691
commenced 1 June 1927

28 May 1927 p 1815
commenced on date of publication

27 October 1928 p 1434
commenced on date of publication

Jury Act 1929 20 Geo 5 No. 19 s 4 sch 1

date of assent 17 December 1929

commenced 1 July 1930 (proc pubd gaz 21 June 1930 p 2124)

25 January 1930 p 260
commenced on date of publication

12 November 1932 p 1554
commenced on date of publication

25 November 1933 p 1208
commenced on date of publication

25 August 1934 p 513
commenced on date of publication

22 December 1934 p 1862
commenced on date of publication

24 September 1938 p 954
commenced on date of publication

10 December 1938 p 2530
commenced on date of publication

4 March 1939 pp 899–900
commenced on date of publication

21 June 1941 p 2300
commenced on date of publication

30 August 1941 p 808
commenced on date of publication

9 January 1943 p 27
commenced on date of publication

7 August 1943 p 384
commenced on date of publication

9 October 1943 pp 1248–9
commenced on date of publication

10 March 1945 p 589
commenced on date of publication

1 September 1945 p 413
commenced on date of publication

1 December 1945 p 1270
commenced on date of publication

18 May 1946 p 1342
commenced on date of publication

21 December 1946 p 2105
commenced on date of publication

16 August 1947 p 495
commenced on date of publication

11 October 1947 p 977
commenced on date of publication

29 May 1948 p 2168
commenced on date of publication

18 September 1948 p 1886
commenced on date of publication

28 October 1950 p 1827
commenced on date of publication

24 February 1951 p 758
commenced on date of publication

22 December 1951 pp 1809–10
commenced on date of publication

3 May 1952 pp 21–2
commenced 12 May 1952

5 July 1952 p 1304
commenced 28 July 1952

20 December 1952 p 1880
commenced on date of publication

27 June 1953 p 1087
commenced on date of publication

22 August 1953 p 2184
commenced on date of publication

24 October 1953 p 821
commenced on date of publication

13 March 1954 p 977
commenced on date of publication

24 July 1954 pp 1199–200
commenced on date of publication

16 July 1955 p 1242
commenced on date of publication

12 October 1957 pp 624–5
commenced on date of publication

21 December 1957 p 2025
commenced on date of publication

29 March 1958 p 1422
commenced on date of publication

25 October 1958 p 701–2
commenced on date of publication

9 August 1958 p 2537
commenced on date of publication

20 December 1958 pp 2122–7
commenced 1 January 1959

11 April 1959 p 2019
commenced on date of publication

2 May 1959 p 35–8
commenced on date of publication

27 June 1959 pp 1533–6
commenced on date of publication

12 December 1959 p 2146
commenced on date of publication

1 October 1960 p 692
commenced on date of publication

24 June 1961 p 761
commenced on date of publication

30 September 1961 p 359
commenced on date of publication

17 March 1962 p 822
commenced on date of publication

7 July 1962 p 1398
commenced on date of publication

19 October 1963 p 575
commenced on date of publication

4 April 1964 p 1228
commenced on date of publication

11 July 1964 p 1251
commenced on date of publication

14 December 1965 pp 1431–649
commenced 12 February 1966

15 January 1966 p 525
commenced on date of publication

29 January 1966 pp 812–13
commenced 12 February 1966

11 February 1967 pp 453–60
commenced on date of publication

25 February 1967 p 745
commenced on date of publication

- 1 July 1967 p 1063
commenced 1 July 1967
- 9 March 1968 p 979
commenced on date of publication
- 31 August 1968 p 1806
commenced on date of publication
- 14 September 1968 p 124
commenced 1 October 1968
- 20 December 1969 p 1722
commenced on date of publication
- 28 February 1970 p 713
commenced 1 March 1970
- 27 March 1971 p 1237
commenced on date of publication
- 12 June 1971 pp 899–906
commenced on date of publication
- 23 December 1972 p 1959
commenced on date of publication
- 2 March 1974 p 838
commenced 4 March 1974
- 23 March 1974 pp 1147–54
commenced on date of publication
- 31 August 1974 p 2328
commenced on date of publication
- 12 April 1975 pp 1603–10
commenced on date of publication
- 26 July 1975 pp 1492–3
commenced 4 August 1975
- 23 August 1975 p 1853
commenced on date of publication
- 6 September 1975 p 21
commenced on date of publication
- 27 September 1975 p 291
commenced on date of publication
- 27 September 1975 pp 291–2
commenced 1 October 1975
- 28 February 1976 pp 739–46
commenced on date of publication

27 March 1976 p 1197
commenced on date of publication

17 April 1976 p 1526
commenced on date of publication

27 November 1976 pp 1376–7
commenced 1 December 1976

11 December 1976 pp 1511–18
commenced 1 January 1977

4 June 1977 pp 797–805
commenced 14 June 1977

11 February 1978 pp 492–4
commenced on date of publication

13 May 1978 pp 324–7
commenced 22 May 1978

29 July 1978 pp 1463–70
commenced 1 August 1978

9 September 1978 p 88
commenced on date of publication

4 November 1978 p 789
commenced 13 November 1978

16 December 1978 p 1793
commenced 1 January 1979

3 March 1979 p 781
commenced on date of publication

12 May 1979 p 275
commenced on date of publication

25 August 1979 pp 2101–8
commenced 1 September 1979

22 September 1979 pp 325–32
commenced 1 October 1979

29 September 1979 p 482
commenced on date of publication

20 October 1979 p 747
commenced 1 November 1979

7 June 1980 p 928
commenced on date of publication

6 September 1980 pp 1–16
commenced on date of publication

- 20 September 1980 pp 211–17
commenced 1 October 1980
- 27 September 1980 pp 405–12
commenced 1 October 1980
- 8 November 1980 pp 1095–6
commenced 6 November 1980
- 7 March 1981 p 771
commenced on date of publication
- 6 June 1981 p 1216
commenced on date of publication
- 19 September 1981 pp 187–94
commenced 1 October 1981
- 26 September 1981 pp 283–90
commenced 1 October 1981
- 13 March 1982 p 1047
commenced on date of publication
- 27 March 1982 p 1265
commenced 1 April 1982
- 22 May 1982 pp 746–7
commenced on date of publication
- 29 September 1982 pp 435–8
commenced 1 October 1982
- 23 October 1982 p 911
commenced on date of publication
- 4 June 1983 pp 963–4
commenced on date of publication
- 2 July 1983 p 1464
commenced on date of publication
- 17 September 1983 p 261
commenced on date of publication
- 5 November 1983 pp 893–901
commenced 1 December 1983
- 19 November 1983 p 1215
commenced on date of publication
- 17 December 1983 p 1686
commenced on date of publication
- 28 January 1984 pp 197
commenced 26 January 1984

7 April 1984 pp 1455–6
commenced on date of publication

22 September 1984 pp 259–67
commenced 1 October 1984

13 October 1984 pp 700–1
commenced on date of publication

20 October 1984 p 786
commenced 29 October 1984

19 January 1985 p 145
commenced on date of publication

13 April 1985 p 1988
commenced 13 May 1985

1 June 1985 pp 1012–13
commenced on date of publication

1 June 1985 pp 1013–14
commenced on date of publication

18 June 1985 pp 1262–70
commenced 1 July 1985

21 December 1985 pp 2121–9
commenced 1 January 1986

25 January 1986 pp 239–40
commenced on date of publication

21 June 1986 pp 1386–94
commenced 1 July 1986

13 December 1986 p 2157
commenced on date of publication

20 December 1986 pp 2395–6
commenced on date of publication

24 January 1987 p 387
commenced on date of publication

30 June 1987 pp 2370–8
commenced 1 July 1987

29 August 1987 pp 3515–24
commenced 1 September 1987

26 December 1987 pp 1909–10
commenced on date of publication

13 February 1988 p 780
commenced on date of publication

9 April 1988 pp 2077–83
commenced on date of publication

18 June 1988 p 1454
commenced on date of publication

25 June 1988 pp 2364–72
commenced 1 July 1988

2 July 1988 pp 2649–51
commenced on date of publication

20 August 1988 pp 3444–52
commenced 1 September 1988

3 December 1988 pp 1587–90
commenced on date of publication

10 December 1988 p 1663
commenced on date of publication

28 January 1989 p 637
commenced on date of publication

23 September 1989 pp 706–15
commenced 1 October 1989

21 October 1989 pp 1317–20
commenced 1 November 1989

30 June 1990 pp 1201–5
commenced 1 July 1990

30 June 1990 pp 1206–18
commenced 1 July 1990

7 April 1990 p 1746
commenced on date of publication

14 July 1990 p 1642
commenced on date of publication

Supreme Court (Amendment) Rules 1991

pubd gaz 23 March 1991 pp 1738–9
commenced on date of publication

Supreme Court (Amendment) Rules 1991 (No. 2)

pubd gaz 20 April 1991 p 2539
commenced on date of publication

Supreme Court (Amendment) Rules 1991 (No. 3) SL No. 45

pubd gaz 17 August 1991 pp 2011–16
commenced 1 September 1991 (see s 2)

Supreme Court (Amendment) Rules 1991 (No. 4) SL No. 46

pubd gaz 17 August 1991 pp 2017–33
commenced 1 September 1991 (see s 2)

Judicial Review Act 1991 No. 100 ss 1–2, 58 schs 4–5

date of assent 17 December 1991

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1992 (1992 SL No. 110)

Rules of the Supreme Court

pubd gaz 18 January 1992 pp 174–5

commenced 28 January 1992

Rules of the Supreme Court

pubd gaz 29 February 1992 p 1235

commenced 9 March 1992

Supreme Court Rules Amendment Order (No. 1) 1992 SL No. 444

notfd gaz 18 December 1992 pp 1988–96

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 1993 (see s 2)

Supreme Court Rules Amendment Order (No. 1) 1993 SL No. 44

notfd gaz 26 February 1993 pp 770–2

commenced on date of notification

Supreme Court Rules Amendment Order (No. 2) 1993 SL No. 82

notfd gaz 26 March 1993 pp 1580–3

commenced on date of notification

Supreme Court Rules Amendment Order (No. 3) 1993 SL No. 132

notfd gaz 30 April 1993 pp 2041–3

commenced on date of notification

Supreme Court Rules Amendment Order (No. 4) 1993 SL No. 150

notfd gaz 21 May 1993 pp 541–4

commenced on date of notification

Supreme Court Rules Amendment Order (No. 5) 1993 SL No. 307

notfd gaz 13 August 1993 pp 1777–9

commenced on date of notification

Supreme Court Rules Amendment Order (No. 6) 1993 SL No. 327

notfd gaz 27 August 1993 pp 1974–7

commenced on date of notification

Supreme Court Amendment Rule (No. 1) 1993

pubd gaz 15 October 1993 pp 573–82

commenced on date of publication

Supreme Court Rules Amendment Order (No. 7) 1993 SL No. 497

notfd gaz 17 December 1993 pp 1812–21

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 1994 (see s 2)

Supreme Court Rules Amendment Order (No. 1) 1994 SL No. 26

notfd gaz 4 February 1994 pp 334–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 May 1994 (see s 2)

Supreme Court Rules Amendment Order (No. 2) 1994 SL No. 27

notfd gaz 4 February 1994 pp 334–7
commenced on date of notification

Supreme Court Rules Amendment Regulation (No. 1) 1995 SL No. 75

notfd gaz 31 March 1995 pp 1462–5
ss 1–2 commenced on date of notification
remaining provisions commenced 1 April 1995 (see s 2)

Supreme Court Amendment Rule (No. 1) 1995 SL No. 133

notfd gaz 19 May 1995 pp 809–11
ss 1–2 commenced on date of notification
remaining provisions commenced 29 May 1995 (see s 2 and 1995 SL No. 131)

Supreme Court Amendment Rule (No. 2) 1995 SL No. 213

notfd gaz 20 June 1995 pp 1273–6
commenced on date of notification

Supreme Court Amendment Rule (No. 1) 1996 SL No. 97

notfd gaz 17 May 1996 pp 628–9
commenced on date of notification

Supreme Court Amendment Rule (No. 2) 1996 SL No. 98

notfd gaz 17 May 1996 pp 628–9
commenced on date of notification

Supreme Court Amendment Rule (No. 3) 1996 SL No. 137

notfd gaz 21 June 1996 pp 1067–8
commenced on date of notification

Supreme Court Amendment Rule (No. 4) 1996 SL No. 292

notfd gaz 25 October 1996 pp 764–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 November 1996 (see s 2)

Court Rules Amendment Rule (No. 1) 1997 SL No. 266 pts 1, 5

notfd gaz 29 August 1997 pp 1987–9
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 1997 (see s 2)

Supreme Court Amendment Rule (No. 1) 1997 SL No. 269

notfd gaz 29 August 1997 pp 1987–9
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 1997 (see s 2)

Supreme Court Amendment Rule (No. 1) 1998 SL No. 338

notfd gaz 18 December 1998 pp 1551–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1999 (see s 2)

7 List of annotations

- Note—1.** Roman numerals have been replaced by Arabic numerals in all orders, rules, forms and elsewhere by o in c pubd gaz 14 December 1965 pp 1431–649.
- 2.** All references to the word ‘Colony’ have been replaced by the word ‘State’ by rule pubd gaz 29 March 1902 p 1035.

Preamble

amd o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 1—INTERPRETATION

Interpretation of terms

- r 1** amd o in c pubd gaz 29 January 1966 pp 812–13; 8 November 1980 pp 1095–6
- def **“Action”** om o in c pubd gaz 14 December 1965 pp 1431–649
- def **“bankruptcy”** ins o in c pubd gaz 14 December 1965 pp 1431–649
- def **“books”** ins 1993 SL No. 44 s 3
- def **“Central Court”** ins 1997 SL No. 266 s 12(1)
- def **“central district”** ins 1997 SL No. 266 s 12(1)
- def **“central registry”** ins o in c pubd gaz 27 June 1922 pp 1815–19
amd 1997 SL No. 266 s 12(3)
- def **“Defendant”** om o in c pubd gaz 14 December 1965 pp 1431–649
- def **“district registry”** ins o in c pubd gaz 27 June 1922 pp 1815–19
sub 1997 SL No. 266 s 12(2)
- def **“Far Northern Court”** ins 1997 SL No. 266 s 12(1)
- def **“far northern district”** ins 1997 SL No. 266 s 12(1)
- def **“Master”** ins o in c pubd gaz 8 November 1980 pp 1095–6
- def **“Matrimonial Action”** om o in c pubd gaz 14 December 1965 pp 1431–649
- def **“mentally ill person”** ins o in c pubd gaz 14 December 1965 pp 1431–649
- def **“Northern Court”** ins 1997 SL No. 266 s 12(1)
- def **“northern district”** ins 1997 SL No. 266 s 12(1)
- def **“Plaintiff”** om o in c pubd gaz 14 December 1965 pp 1431–649
- def **“printing”** ins o in c pubd gaz 14 December 1965 pp 1431–649
- def **“registrar”** amd o in c pubd gaz 27 June 1922 pp 1815–19
amd 1997 SL No. 266 s 12(3)
- def **“registry”** om o in c pubd gaz 27 June 1922 pp 1815–19
- def **“taxing officer”** sub 1996 SL No. 98 s 3
amd 1997 SL No. 266 s 12(4)
- def **“surety”** amd o in c pubd gaz 29 January 1966 pp 812–13
- def **“writing”** ins o in c pubd gaz 14 December 1965 pp 1431–649

Currency

- r 1A** ins o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 2—COMMENCEMENT OF CIVIL PROCEEDINGS**Causes and Matters to be Assigned in Rotation**

- r 2** amd o in c pubd gaz 27 June 1922 pp 1815–19
 om o in c pubd gaz 14 December 1965 pp 1431–649

Writs Issued in Country

- r 3** om o in c pubd gaz 14 December 1965 pp 1431–649

Exceptions when Subsequent Matter is Connected with Former

- r 4** om o in c pubd gaz 14 December 1965 pp 1431–649

Several Matrimonial Actions

- r 5** om o in c pubd gaz 14 December 1965 pp 1431–649

Rotation not to be Affected

- r 6** om o in c pubd gaz 14 December 1965 pp 1431–649

Titles of proceedings

- r 7** amd o in c pubd gaz 27 June 1922 pp 1815–19; 1997 SL No. 266 s 13

Writs how tested and dated

- r 8** amd o in c pubd gaz 29 January 1966 pp 812–13

Address of suitor and of suitor's solicitor to be endorsed on originating proceeding—address for service—document exchange address—name of principal and agent

- r 9** amd o in c pubd gaz 16 July 1955 p 1242; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4
 sub o in c pubd gaz 7 March 1981 p 771

Party suing in person to endorse address for service

- r 10** amd o in c pubd gaz 16 July 1955 p 1242; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4

ORDER 3—PARTIES TO ACTIONS**Admiralty actions for wages**

- r 2** amd rule pubd gaz 8 June 1901 pp 300–1

Joinder of parties by leave

- r 5A** ins o in c pubd gaz 14 December 1965 pp 1431–649

Actions by and against infants and married women

- r 14** amd rule pubd gaz 6 April 1901 p 1228

Mentally ill persons

- r 15** sub o in c pubd gaz 14 December 1965 pp 1431–649
 amd o in c pubd gaz 29 January 1966 pp 812–13

Mentally ill persons without committees

- r 16** sub o in c pubd gaz 14 December 1965 pp 1431–649

Next friend

- r 17** amd o in c pubd gaz 25 January 1930 p 260; 14 December 1965
 pp 1431–649

Adoption of actions commenced without next friend

r 17A ins o in c pubd gaz 14 December 1965 pp 1431–649

Consent of persons under disability to procedure

r 19 amd rule pubd gaz 6 April 1901 p 1228; o in c pubd gaz 14 December 1965 pp 1431–649

Conduct of action

r 27 amd rule pubd gaz 8 June 1901 pp 300–1

Form of notice of judgment

r 30 prov hdg amd rule pubd gaz 29 March 1902 p 1035

Service of notice of judgment on infants etc.

r 32 amd o in c pubd gaz 14 December 1965 pp 1431–649

Heir-at-law not necessary party in suit to execute trusts

r 33 amd o in c pubd gaz 14 December 1965 pp 1431–649

5. MATRIMONIAL ACTIONS ON THE GROUND OF ADULTERY

hdg prec r 38 sub o in c pubd gaz 1 December 1945 p 1270

om o in c pubd gaz 14 December 1965 pp 1431–649

Adulterers to be joined as Co-defendants

r 38 amd o in c pubd gaz 1 December 1945 p 1270

om o in c pubd gaz 14 December 1965 pp 1431–649

When adulterer unknown

prov hdg amd rule pubd gaz 8 June 1901 pp 300–1

r 39 amd o in c pubd gaz 1 December 1945 p 1270

om o in c pubd gaz 14 December 1965 pp 1431–649

Adulterer Dead

r 40 amd o in c pubd gaz 1 December 1945 p 1270

om o in c pubd gaz 14 December 1965 pp 1431–649

Time of Application

r 41 om o in c pubd gaz 14 December 1965 pp 1431–649

Amendment on Discovery of Name

r 42 amd o in c pubd gaz 1 December 1945 p 1270

om o in c pubd gaz 14 December 1965 pp 1431–649

Leave to add Co-defendant

r 43 om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 4—JOINDER OF CAUSES OF ACTION—PARTIAL RELIEF**Recovery of land**

r 2 om o in c pubd gaz 14 December 1965 pp 1431–649

Claims by trustee

r 3 amd o in c pubd gaz 14 December 1965 pp 1431–649

Executors and administrators

r 5 sub o in c pubd gaz 14 December 1965 pp 1431–649

Matrimonial Actions

r 8 om o in c pubd gaz 14 December 1965 pp 1431–649

Declaratory judgments and orders

r 11 amd o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 5—WRITS OF SUMMONS**Form of notice of writ to be given out of the jurisdiction**

r 8 prov hdg amd rule pubd gaz 29 March 1902 p 1035

Time for appearance to be limited by writ

r 9 amd rule pubd gaz 6 April 1901 p 1228; 29 March 1902 p 1035;
18 December 1920 p 2225; o in c pubd gaz 18 September 1948 p 1886;
14 December 1965 pp 1431–649; 11 February 1978 pp 492–4; 1993
SL No. 327 s 3

Causes removed from inferior courts or district registries

r 10 sub o in c pubd gaz 27 June 1922 pp 1815–19

ORDER 6—ENDORSEMENTS ON WRIT OF SUMMONS**Matrimonial Actions**

r 4 om o in c pubd gaz 14 December 1965 pp 1431–649

Special endorsement of certain claims

r 7 amd rule pubd gaz 3 October 1903 pp 638–9; o in c pubd gaz 27 June
1922 pp 1815–19
sub o in c pubd gaz 14 December 1965 pp 1431–649
amd o in c pubd gaz 4 June 1983 pp 963–4

Further endorsement in case of certain claims

r 8 sub o in c pubd gaz 3 May 1952 pp 21–2
amd o in c pubd gaz 7 July 1962 p 1398
sub o in c pubd gaz 14 December 1965 pp 1431–649
amd o in c pubd gaz 27 March 1976 p 1197; 4 June 1977 pp 797–805;
4 June 1983 pp 963–4

Ordinary account

r 9 amd o in c pubd gaz 14 December 1965 pp 1431–649

Special endorsement of limited special relief

r 10 amd o in c pubd gaz 14 December 1965 pp 1431–649

Possession after foreclosure

r 11A ins o in c pubd gaz 14 December 1965 pp 1431–649

Judgment in default

r 11B ins o in c pubd gaz 14 December 1965 pp 1431–649

Form of special endorsement

r 12 amd o in c pubd gaz 14 December 1965 pp 1431–649

Notice to be Indorsed on Writ in Matrimonial Actions

- r 13** amd rule pubd gaz 29 March 1902 p 1035
om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 7—ISSUE OF WRITS OF SUMMONS—WARRANTS IN ADMIRALTY ACTIONS**Issue**

- r 2** amd o in c pubd gaz 9 October 1943 pp 1248–9; 1997 SL No. 266 s 14

Copy to be left

- r 3** amd rule pubd gaz 6 April 1901 p 1228

Petition to be Filed before Issue of Writ in Matrimonial Actions

- r 7** amd o in c pubd gaz 9 October 1943 pp 1248–9
om o in c pubd gaz 14 December 1965 pp 1431–649

Petition to be Verified by Affidavit

- r 8** amd o in c pubd gaz 9 October 1943 pp 1248–9
om o in c pubd gaz 14 December 1965 pp 1431–649

Collusion to be Denied

- r 9** om o in c pubd gaz 14 December 1965 pp 1431–649

In case of Restitution of Conjugal Rights demand to be sworn to

- r 10** om o in c pubd gaz 14 December 1965 pp 1431–649

- r 10A** ins o in c pubd gaz 9 October 1943 pp 1248–9
om o in c pubd gaz 14 December 1965 pp 1431–649

- r 10B** ins o in c pubd gaz 9 October 1943 pp 1248–9
om o in c pubd gaz 14 December 1965 pp 1431–649

- r 10C** ins o in c pubd gaz 9 October 1943 pp 1248–9
om o in c pubd gaz 14 December 1965 pp 1431–649

- r 10D** ins o in c pubd gaz 9 October 1943 pp 1248–9
om o in c pubd gaz 14 December 1965 pp 1431–649

Arrest in admiralty actions by warrant after affidavit

- r 11** amd rule pubd gaz 8 June 1901 pp 300–1

ORDER 9—RENEWAL OF WRITS—LOST WRITS**Original writ in force for 12 months, but may be renewed**

- r 1** amd o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 10—SERVICE OF ORIGINATING PROCEEDINGS**Personal service**

- r 1** amd o in c pubd gaz 14 December 1965 pp 1431–649

Mentally ill persons**prov hdg** amd o in c pubd gaz 14 December 1965 pp 1431–649**r 5** amd o in c pubd gaz 14 December 1965 pp 1431–649**Service on corporations etc.****r 6** amd o in c pubd gaz 14 December 1965 pp 1431–649**Service of writ on agent of oversea principal****r 8** sub o in c pubd gaz 14 December 1965 pp 1431–649**Service of writ in pursuance of contract****r 9** sub o in c pubd gaz 14 December 1965 pp 1431–649**Service on Attorney-General****r 10** om o in c pubd gaz 14 December 1965 pp 1431–649**Substituted service may be allowed****r 16** amd o in c pubd gaz 27 June 1922 pp 1815–19**Evidence****r 17** amd o in c pubd gaz 27 June 1922 pp 1815–19**ORDER 11—SERVICE OUT OF THE JURISDICTION****Service outside Australia****r 1** amd o in c pubd gaz 27 June 1922 pp 1815–19; 28 May 1927 p 1815;
14 December 1965 pp 1431–649
sub 1993 SL No. 327 s 4(1)**Service out of Jurisdiction in Certain Actions of Contract****r 1A** ins o in c pubd gaz 14 December 1965 pp 1431–649
om 1993 SL No. 327 s 4(2)**Service of notice of originating proceeding****r 2** sub o in c pubd gaz 14 December 1965 pp 1431–649**Mode of service****r 3** sub o in c pubd gaz 14 December 1965 pp 1431–649**Liberty to proceed****r 4** sub o in c pubd gaz 14 December 1965 pp 1431–649**Service of summons, notices and orders in pending proceedings****r 4A** ins o in c pubd gaz 14 December 1965 pp 1431–649**Application for, and grant of, leave to serve process out of the jurisdiction****r 4B** ins o in c pubd gaz 14 December 1965 pp 1431–649**Service of foreign legal process in Queensland****hdg prec r 5** ins rule pubd gaz 18 October 1913 pp 1017–18**Letter of request from foreign tribunal—procedure****prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 5** ins rule pubd gaz 18 October 1913 pp 1017–18
amd o in c pubd gaz 1 March 1924 p 785; 12 November 1932 p 1554;
14 December 1965 pp 1431–649

Orders for substituted service etc.

- prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649
r 6 ins rule pubd gaz 18 October 1913 pp 1017–18

Noncompliance with rules

- prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649
r 7 ins o in c pubd gaz 27 June 1922 pp 1815–19

Request from consul or consular or diplomatic agent

- prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649
r 8 ins o in c pubd gaz 20 June 1925 p 2386
sub o in c pubd gaz 25 August 1934 p 513
r 9 ins o in c pubd gaz 27 October 1928 p 1434
om o in c pubd gaz 25 August 1934 p 513

ORDER 12—APPEARANCE**Appearance to writ of summons**

- r 1** amd o in c pubd gaz 27 June 1922 pp 1815–19; 1997 SL No. 266 s 15

Filing memorandum of appearance

- r 2** sub 1996 SL No. 137 s 3

Notice of appearance

- r 3** amd o in c pubd gaz 14 December 1965 pp 1431–649
sub 1996 SL No. 137 s 3

Defendant's address for service—document exchange address

- r 4** amd o in c pubd gaz 16 July 1955 p 1242; 14 December 1965
pp 1431–649; 11 February 1978 pp 492–4
sub o in c pubd gaz 7 March 1981 p 771

Defendant appearing in person

- r 5** amd o in c pubd gaz 16 July 1955 p 1242; 14 December 1965
pp 1431–649; 11 February 1978 pp 492–4

Landlord appearing

- r 13** amd rule pubd gaz 8 June 1901 pp 300–1

Appearance by Attorney-General in Matrimonial Action

- r 18** om o in c pubd gaz 14 December 1965 pp 1431–649

By other Interveners on Leave

- r 19** om o in c pubd gaz 14 December 1965 pp 1431–649

Appearance to be Entered

- r 20** om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 13—PROCEEDINGS BY AND AGAINST PAUPERS**Suing or defending as pauper**

- r 1** amd o in c pubd gaz 14 December 1965 pp 1431–649

Matrimonial Actions

r 4 om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 14—DISCLOSURE BY SOLICITORS—CHANGE OF SOLICITORS**Removal of solicitor**

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 3A ins o in c pubd gaz 4 March 1939 pp 899–900

Withdrawal of solicitor

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 3B ins o in c pubd gaz 4 March 1939 pp 899–900

Register of town solicitors' addresses

r 4 amd o in c pubd gaz 16 July 1955 p 1242; 14 December 1965
pp 1431–649; 11 February 1978 pp 492–4

ORDER 15—DEFAULT OF APPEARANCE**Default of appearance by infant or mentally ill person—notice of application**

prov hdg amd o in c pubd gaz 14 December 1965 pp 1431–649

r 1 amd o in c pubd gaz 14 December 1965 pp 1431–649

Entry of judgment by post

r 2A ins 1996 SL No. 137 s 4

Liquidated demand endorsed

r 3 amd o in c pubd gaz 4 June 1983 pp 963–4

Interlocutory judgment for damages

r 5 amd rule pubd gaz 3 October 1903 pp 638–9

sub o in c pubd gaz 14 December 1965 pp 1431–649; 12 May 1979 p 275

Detention of goods—interlocutory judgment for return, assessment of value and damages

r 6 sub o in c pubd gaz 14 December 1965 pp 1431–649

Detention of goods, damages and liquidated demand

r 7 amd rule pubd gaz 3 October 1903 pp 638–9

sub o in c pubd gaz 14 December 1965 pp 1431–649

amd 1993 SL No. 44 s 4(1)–(3)

Recovery of land

r 8 amd o in c pubd gaz 14 December 1965 pp 1431–649

Recovery of land and other claims

r 9 sub o in c pubd gaz 14 December 1965 pp 1431–649

Cases where unnecessary to proceed

r 9A ins o in c pubd gaz 14 December 1965 pp 1431–649

Default in Appearance in Matrimonial Actions

r 11 amd o in c pubd gaz 21 June 1941 p 2300

om o in c pubd gaz 14 December 1965 pp 1431–649

No Step after Default without Leave

- r 12** amd o in c pubd gaz 11 October 1947 p 977; 29 March 1958 p 1422
om o in c pubd gaz 14 December 1965 pp 1431–649

Default of appearance in actions not otherwise specially provided for

- r 13** amd o in c pubd gaz 14 December 1965 pp 1431–649
- r 15** ins o in c pubd gaz 4 June 1983 pp 963–4
amd 1993 SL No. 44 s 4(1), (4)
- r 16** ins o in c pubd gaz 17 December 1983 p 1686
- r 17** ins o in c pubd gaz 17 December 1983 p 1686

ORDER 16—CHANGE OF PARTIES**Action not abated where cause of action continues**

- r 1** amd o in c pubd gaz 29 January 1966 pp 812–13

In case of marriage etc. or devolution of estate, Court may order successor to be made a party or served with notice

- r 2** amd o in c pubd gaz 29 January 1966 pp 812–13

Order to carry on proceedings

- r 4** amd o in c pubd gaz 29 January 1966 pp 812–13

Death of sole plaintiff or defendant

- r 8** amd rule pubd gaz 6 April 1901 p 1228

ORDER 17—THIRD PARTY AND SIMILAR PROCEEDINGS

- hdg** sub o in c pubd gaz 24 July 1954 pp 1199–200; 14 December 1965
pp 1431–649

Third party notice

- r 1** sub o in c pubd gaz 24 July 1954 pp 1199–200; 14 December 1965
pp 1431–649

Application for leave to issue third party notice

- r 2** sub o in c pubd gaz 24 July 1954 pp 1199–200; 14 December 1965
pp 1431–649

Issue and service of, and entry of appearance to, third party notice

- r 3** sub o in c pubd gaz 24 July 1954 pp 1199–200; 14 December 1965
pp 1431–649

Pleadings and third party directions

- r 4** sub o in c pubd gaz 24 July 1954 pp 1199–200; 14 December 1965
pp 1431–649

Copies of pleadings

- r 5** sub o in c pubd gaz 24 July 1954 pp 1199–200; 14 December 1965
pp 1431–649

Default of third party etc.

r 6 sub o in c pubd gaz 24 July 1954 pp 1199–200; 14 December 1965
pp 1431–649

Setting aside third party proceedings

r 7 sub o in c pubd gaz 24 July 1954 pp 1199–200; 14 December 1965
pp 1431–649

Judgment between defendant and third party

r 8 ins o in c pubd gaz 24 July 1954 pp 1199–200
sub o in c pubd gaz 14 December 1965 pp 1431–649

Claims and issues between a defendant and some other party

r 9 ins o in c pubd gaz 24 July 1954 pp 1199–200
sub o in c pubd gaz 14 December 1965 pp 1431–649

Claims by third and subsequent parties

r 10 ins o in c pubd gaz 24 July 1954 pp 1199–200
sub o in c pubd gaz 14 December 1965 pp 1431–649

Offer of contribution

r 11 ins o in c pubd gaz 14 December 1965 pp 1431–649

Counterclaim by defendant

r 12 ins o in c pubd gaz 14 December 1965 pp 1431–649

Consolidation

r 13 ins o in c pubd gaz 14 December 1965 pp 1431–649

Costs

r 14 ins o in c pubd gaz 14 December 1965 pp 1431–649

**ORDER 18—SUMMARY JUDGMENT IN ACTIONS WITHIN ORDER 6,
RULE 7**

hdg sub o in c pubd gaz 14 December 1965 pp 1431–649

Application for summary judgment

r 1 amd o in c pubd gaz 14 December 1965 pp 1431–649

Manner in which application to be made

r 2 sub o in c pubd gaz 14 December 1965 pp 1431–649

Defendant may show cause

r 3 amd o in c pubd gaz 14 December 1965 pp 1431–649

Where 1 defendant has good defence, but other not

r 5 amd o in c pubd gaz 14 December 1965 pp 1431–649

Costs

r 9 sub o in c pubd gaz 14 December 1965 pp 1431–649

Relief from forfeiture

r 10 ins rule pubd gaz 3 October 1903 pp 638–9

Judgment for delivery up of chattel

r 10A ins o in c pubd gaz 14 December 1965 pp 1431–649

Setting aside judgment

r 10B ins o in c pubd gaz 14 December 1965 pp 1431–649

If writ issues from district registry

prov hdg sub 1997 SL No. 266 s 16(1)

r 11 ins o in c pubd gaz 27 June 1922 pp 1815–19
amd 1997 SL No. 266 s 16

ORDER 18A—SUMMARY JUDGMENT IN ACTIONS FOR SPECIFIC PERFORMANCE ETC.

hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

Application by plaintiff for summary judgment

r 1 ins o in c pubd gaz 14 December 1965 pp 1431–649

Manner in which application must be made

r 2 ins o in c pubd gaz 14 December 1965 pp 1431–649

Judgment for plaintiff

r 3 ins o in c pubd gaz 14 December 1965 pp 1431–649

Leave to defend

r 4 ins o in c pubd gaz 14 December 1965 pp 1431–649

Directions

r 5 ins o in c pubd gaz 14 December 1965 pp 1431–649

Costs

r 6 ins o in c pubd gaz 14 December 1965 pp 1431–649

Setting aside judgment

r 7 ins o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 19—SUMMARY JUDGMENT**Judgment without pleadings**

r 4 amd rule pubd gaz 6 April 1901 p 1228

ORDER 20—SUMMONS FOR DIRECTIONS

hdg sub o in c pubd gaz 14 December 1965 pp 1431–649

Summons for directions

r 1 sub o in c pubd gaz 27 June 1922 pp 1815–19
amd o in c pubd gaz 18 May 1946 p 1342
sub o in c pubd gaz 14 December 1965 pp 1431–649

Interlocutory proceedings

- r 2 amd o in c pubd gaz 27 June 1922 pp 1815–19
 sub o in c pubd gaz 14 December 1965 pp 1431–649
 amd o in c pubd gaz 15 January 1966 p 525

No affidavit to be used without leave

- r 3 sub o in c pubd gaz 14 December 1965 pp 1431–649

Parties to apply for directions

- r 4 sub o in c pubd gaz 14 December 1965 pp 1431–649

Subsequent applications

- r 5 sub o in c pubd gaz 14 December 1965 pp 1431–649

Cost of subsequent application

- r 6 amd o in c pubd gaz 27 June 1922 pp 1815–19
 sub o in c pubd gaz 14 December 1965 pp 1431–649

Applications for judgment

- r 7 sub o in c pubd gaz 14 December 1965 pp 1431–649

Adjournment

- r 8 sub o in c pubd gaz 14 December 1965 pp 1431–649

Default in apply for directions

- r 9 ins o in c pubd gaz 27 June 1922 pp 1815–19
 om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 21—TRIAL WITHOUT PLEADINGS

- hdg om o in c pubd gaz 27 June 1922 pp 1815–19

Indorsement

- r 1 om o in c pubd gaz 27 June 1922 pp 1815–19

Notice of Trial

- r 2 om o in c pubd gaz 27 June 1922 pp 1815–19

Defendant may Apply for Statement of Claim

- r 3 om o in c pubd gaz 27 June 1922 pp 1815–19

Particulars

- r 4 om o in c pubd gaz 27 June 1922 pp 1815–19

Special Defences

- r 5 om o in c pubd gaz 27 June 1922 pp 1815–19

ORDER 22—PLEADING GENERALLY**Pleading to state material facts and not evidence—costs of prolix pleadings**

- r 1 amd o in c pubd gaz 27 June 1922 pp 1815–19

Delivery of pleadings

- r 2 sub o in c pubd gaz 27 June 1922 pp 1815–19

Forms of pleading

r 5 om o in c pubd gaz 14 December 1965 pp 1431–649

Particulars to be given in certain cases

r 6 amd o in c pubd gaz 29 January 1966 pp 812–13

Pleadings how delivered—delivery by filing—service at document exchange

prov hdg amd rule pubd gaz 29 March 1902 p 1035

r 8 sub o in c pubd gaz 7 March 1981 p 771

Marking pleadings

r 9 amd o in c pubd gaz 14 December 1965 pp 1431–649

Pleadings settled by counsel

r 9A ins o in c pubd gaz 14 December 1965 pp 1431–649

Specific denial

r 11 amd o in c pubd gaz 14 December 1965 pp 1431–649

Particulars of failure to perform a contract to be specified by party alleging failure

r 12A ins 1993 SL No. 44 s 5

Pleadings to raise all grounds of defence or reply

r 14 amd rule pubd gaz 8 June 1901 pp 300–1

Effect of denial of contract

r 20 amd rule pubd gaz 8 June 1901 pp 300–1

Dismissal of action

r 28 amd rule pubd gaz 6 April 1901 p 1228

Pleading in Matrimonial Actions

r 34 om o in c pubd gaz 14 December 1965 pp 1431–649

No Counter Claim

r 35 om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 23—PARTICULARS**Affidavit of scripts in probate actions**

r 3 amd o in c pubd gaz 14 December 1965 pp 1431–649

Actions for damage by collision—preliminary acts to be filed

r 4 amd rule pubd gaz 6 April 1901 p 1228

ORDER 24—STATEMENT OF CLAIM**Claim must Show Proposed Place of Trial**

r 2 om o in c pubd gaz 14 December 1965 pp 1431–649

Statement of claim

- r 5** amd rule pubd gaz 2 November 1901 p 526; o in c pubd gaz 27 June 1922 pp 1815–19
sub o in c pubd gaz 14 December 1965 pp 1431–649
amd o in c pubd gaz 29 January 1966 pp 812–13

Actions in which an insurer must be served

- r 8** ins o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 25—DEFENCE AND COUNTERCLAIM**Time for delivery of defence**

- r 6** sub o in c pubd gaz 14 December 1965 pp 1431–649

Delivery of defence to a specially endorsed writ

- r 7** prev r 7 om o in c pubd gaz 14 December 1965 pp 1431–649
pres r 7 (prev r 7A) ins o in c pubd gaz 27 June 1922 pp 1815–19
amd o in c pubd gaz 14 December 1965 pp 1431–649
renum o in c pubd gaz 14 December 1965 pp 1431–649

Delivery of defence to a specially endorsed writ

- r 7A** renum as r 7 o in c pubd gaz 14 December 1965 pp 1431–649

Where leave to defend given

- r 8** amd o in c pubd gaz 14 December 1965 pp 1431–649

Defence of tender

- r 9A** ins o in c pubd gaz 29 January 1966 pp 812–13
amd o in c pubd gaz 9 April 1988 pp 2077–83

Answer to counterclaim

- r 14** amd o in c pubd gaz 14 December 1965 pp 1431–649

Actions for recovery of land

- r 21** sub o in c pubd gaz 14 December 1965 pp 1431–649

MATRIMONIAL ACTIONS

- hdg prec r 22** om o in c pubd gaz 14 December 1965 pp 1431–649

Time for Defence in Matrimonial Actions

- r 22** om o in c pubd gaz 14 December 1965 pp 1431–649

Certain Matters to be Verified

- r 23** om o in c pubd gaz 14 December 1965 pp 1431–649

Defence by Interveners

- prov hdg** amd rule pubd gaz 8 June 1901 pp 300–1
r 24 om o in c pubd gaz 14 December 1965 pp 1431–649

Subsequent Proceedings on Intervention

- r 25** om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 26—OFFER TO SETTLE

hdg sub o in c pubd gaz 25 October 1958 pp 701–2; 14 December 1965
pp 1431–649; 9 April 1988 pp 2077–83

Interpretation

r 1 amd rule pubd gaz 6 April 1901 p 1228; 2 November 1901 p 526
sub o in c pubd gaz 25 October 1958 pp 701–2; 14 December 1965
pp 1431–649; 9 April 1988 pp 2077–83

Where offer to settle available

r 2 sub o in c pubd gaz 25 October 1958 pp 701–2; 14 December 1965
pp 1431–649; 9 April 1988 pp 2077–83

Time for making offer

r 3 sub o in c pubd gaz 25 October 1958 pp 701–2; 14 December 1965
pp 1431–649; 9 April 1988 pp 2077–83

Withdrawal or expiry of offer

r 4 sub o in c pubd gaz 25 October 1958 pp 701–2; 14 December 1965
pp 1431–649; 9 April 1988 pp 2077–83

Effect of offer

r 5 sub o in c pubd gaz 27 June 1922 pp 1815–9; 25 October 1958 pp 701–2;
14 December 1965 pp 1431–649; 9 April 1988 pp 2077–83

Disclosure of offer

r 6 sub o in c pubd gaz 25 October 1958 pp 701–2; 14 December 1965
pp 1431–649; 9 April 1988 pp 2077–83

Acceptance of offer

r 7 sub o in c pubd gaz 25 October 1958 pp 701–2; 14 December 1965
pp 1431–649; 9 April 1988 pp 2077–83

Legal disability

r 8 om o in c pubd gaz 25 October 1958 pp 701–2
ins o in c pubd gaz 14 December 1965 pp 1431–649
sub o in c pubd gaz 9 April 1988 pp 2077–83

Costs

r 9 ins o in c pubd gaz 14 December 1965 pp 1431–649
sub o in c pubd gaz 9 April 1988 pp 2077–83

Multiple defendants

r 10 ins o in c pubd gaz 14 December 1965 pp 1431–649
sub o in c pubd gaz 9 April 1988 pp 2077–83

Offer to contribute

r 11 ins o in c pubd gaz 14 December 1965 pp 1431–649
sub o in c pubd gaz 9 April 1988 pp 2077–83

Failure to comply with offer

r 12 ins o in c pubd gaz 14 December 1965 pp 1431–649
sub o in c pubd gaz 9 April 1988 pp 2077–83

ORDER 27—REPLY, ANSWER, AND SUBSEQUENT PLEADINGS**Reply**

- r 1 sub o in c pubd gaz 27 June 1922 pp 1815–19; 14 December 1965
pp 1431–649

Pleading by leave after reply

- r 2 prev r 2 om o in c pubd gaz 27 June 1922 pp 1815–19
pres r 2 (prev r 4) renum o in c pubd gaz 27 June 1922 pp 1815–19

Reply to be Filed in Matrimonial Actions

- r 3 om o in c pubd gaz 27 June 1922 pp 1815–19

Pleading by leave after reply

- r 4 renum as r 2 o in c pubd gaz 27 June 1922 pp 1815–19

Pleadings Subsequent to Reply

- r 5 om o in c pubd gaz 27 June 1922 pp 1815–19

Answer to Counter-claim to Follow rules as to Defence

- r 6 om o in c pubd gaz 27 June 1922 pp 1815–19

Effect of Joinder of Issue

- r 7 om o in c pubd gaz 27 June 1922 pp 1815–19

New Assignment

- r 8 om o in c pubd gaz 27 June 1922 pp 1815–19

ORDER 28—MATTERS ARISING PENDING THE ACTION**Further defence or answer**

- r 2 amd rule pubd gaz 3 November 1900 p 1260

Action for Restitution of Conjugal Rights

- r 4 om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 29—DEMURRER**Demurrer**

- r 1 amd rule pubd gaz 6 April 1901 p 1228

When demurrer required to be heard before Court of Appeal

prov hdg amd rule pubd gaz 15 October 1993 pp 573–82

- r 14 amd rule pubd gaz 15 October 1993 pp 573–82

Matrimonial Actions

- r 15 om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 30—DISCONTINUANCE ETC.**Not otherwise except by leave**

- r 2 amd rule pubd gaz 6 April 1901 p 1228

Court may allow a defendant to discontinue his or her defence

- r 3 amd rule pubd gaz 6 April 1901 p 1228

ORDER 31—DEFAULT OF PLEADING**Entry of judgment by post**

r 1A ins 1996 SL No. 137 s 5

Liquidated demand

r 2 amd o in c pubd gaz 4 June 1983 pp 963–4; 17 December 1983 p 1686

Interlocutory judgment for damages

r 4 amd rule pubd gaz 3 November 1900 p 1260; 3 October 1903 pp 638–9
sub o in c pubd gaz 14 December 1965 pp 1431–649

Detention of goods—interlocutory judgment for return, assessment of value and damages

r 5 sub o in c pubd gaz 14 December 1965 pp 1431–649

Detention of goods, damages and liquidated demand

r 6 amd rule pubd gaz 3 October 1903 pp 638–9
sub o in c pubd gaz 14 December 1965 pp 1431–649
amd 1993 SL No. 44 s 6

r 6A ins o in c pubd gaz 4 June 1983 pp 963–4

Recovery of land

r 7 sub o in c pubd gaz 14 December 1965 pp 1431–649

Recovery of land and other claims

r 8 sub o in c pubd gaz 14 December 1965 pp 1431–649

Defence to part of claim only

r 9 amd rule pubd gaz 3 October 1903 pp 638–9

When statements of fact put in issue

r 13 sub o in c pubd gaz 27 June 1922 pp 1815–19; 14 December 1965
pp 1431–649

Matrimonial Actions

r 18 om o in c pubd gaz 14 December 1965 pp 1431–649

Plaintiff's Default

r 19 om o in c pubd gaz 14 December 1965 pp 1431–649

Defendant's Default

r 20 amd rule pubd gaz 8 June 1901 pp 300–1; o in c pubd gaz 21 June 1941
p 2300
om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 32—AMENDMENT**Amendment in general**

r 1 amd o in c pubd gaz 14 December 1965 pp 1431–649; 27 September 1975
p 291

Amendment of statement of claim by plaintiff without leave

r 3 sub o in c pubd gaz 27 June 1922 pp 1815–19

Amendment of counterclaim or set-off by defendant without leave**r 4** sub o in c pubd gaz 27 June 1922 pp 1815–19**IN MATRIMONIAL ACTIONS****hdg prec r 15** om o in c pubd gaz 14 December 1965 pp 1431–649**Leave to be Obtained****r 15** om o in c pubd gaz 14 December 1965 pp 1431–649**Consequent Amendment****r 16** om o in c pubd gaz 14 December 1965 pp 1431–649**Verification****r 17** om o in c pubd gaz 14 December 1965 pp 1431–649**ORDER 33—SECURITY****Affidavits of justification****r 7** amd rule pubd gaz 8 June 1901 pp 300–1; o in c pubd gaz 14 December 1965 pp 1431–649**Payment into court in lieu of security****r 13** amd rule pubd gaz 8 June 1901 pp 300–1**Amount of security****r 17** amd o in c pubd gaz 14 December 1965 pp 1431–649**Time for Application****r 19** om o in c pubd gaz 27 June 1922 pp 1815–19**Registrar to certify at conclusion of cause****r 22** amd rule pubd gaz 8 June 1901 pp 300–1**ORDER 35****hdg** sub 1994 SL No. 26 s 4**1. Disclosure and inspection****hdg prec r 1** sub 1994 SL No. 26 s 4**Interpretation****r 1** amd o in c pubd gaz 27 June 1922 pp 1815–19; 14 December 1965 pp 1431–649
sub 1994 SL No. 26 s 4**Application****r 2** sub 1994 SL No. 26 s 4**Nature of disclosure****r 3** sub 1994 SL No. 26 s 4**Duty to disclose documents****r 4** sub o in c pubd gaz 14 December 1965 pp 1431–649; 1994 SL No. 26 s 4

Documents to which disclosure does not apply**r 5** sub 1994 SL No. 26 s 4**Privilege claim****r 6** sub 1994 SL No. 26 s 4**Disclosure by delivery of copies of documents****r 7** sub 1994 SL No. 26 s 4**Requirement to produce documents****r 8** sub 1994 SL No. 26 s 4**Disclosure by inspection of documents****r 9** sub 1994 SL No. 26 s 4**Procedure for disclosure****r 10** sub o in c pubd gaz 14 December 1965 pp 1431–649; 1994 SL No. 26 s 4**Costs****r 11** sub o in c pubd gaz 14 December 1965 pp 1431–649; 1994 SL No. 26 s 4**Deferral of disclosure****r 12** sub o in c pubd gaz 14 December 1965 pp 1431–649; 1994 SL No. 26 s 4**Defendant entitled to copy of co-defendant's list****r 12A** ins o in c pubd gaz 14 December 1965 pp 1431–649
om 1994 SL No. 26 s 4**Inspection of documents mentioned in pleadings or affidavits****r 13** amd o in c pubd gaz 14 December 1965 pp 1431–649
sub 1994 SL No. 26 s 4**Court orders relating to disclosure****r 14** amd o in c pubd gaz 14 December 1965 pp 1431–649
sub 1994 SL No. 26 s 4**Relief from duty to disclose****r 15** amd o in c pubd gaz 14 December 1965 pp 1431–649
sub 1994 SL No. 26 s 4**Consequences of non-disclosure****prov hdg** amd o in c pubd gaz 9 September 1978 p 88**r 16** amd o in c pubd gaz 14 December 1965 pp 1431–649; 9 September 1978
p 88
sub 1994 SL No. 26 s 4**Certificate by solicitor****r 17** amd rule pubd gaz 6 April 1901 p 1228
sub 1994 SL No. 26 s 4**Production of documents at trial****r 18** amd rule pubd gaz 6 April 1901 p 1228
sub 1994 SL No. 26 s 4**2. Interrogatories****hdg prec r 19** ins 1994 SL No. 26 s 4

Entitlement to deliver interrogatories

r 19 amd o in c pubd gaz 9 September 1978 p 88
sub 1994 SL No. 26 s 4

Delivery of interrogatories

r 20 sub 1994 SL No. 26 s 4

Granting of leave to deliver interrogatories

r 21 sub 1994 SL No. 26 s 4

Answering interrogatories

r 22 sub o in c pubd gaz 14 December 1965 pp 1431–649; 1994 SL No. 26 s 4

Statement in answer to interrogatories

r 23 sub 1994 SL No. 26 s 4

Grounds for objection to answering interrogatories

r 24 sub 1994 SL No. 26 s 4

Unnecessary interrogatories

r 25 sub 1994 SL No. 26 s 4

Identity of individual by whom verifying affidavit to be made

r 26 sub 1994 SL No. 26 s 4

Failure to answer interrogatory

r 27 sub 1994 SL No. 26 s 4

Failure to comply with Court order

r 28 prev r 28 sub o in c pubd gaz 14 December 1965 pp 1431–649
om 1993 SL No. 150 s 3
pres r 28 ins 1994 SL No. 26 s 4

Tendering answers

r 29 ins 1994 SL No. 26 s 4

3. General

hdg prec r 30 ins 1994 SL No. 26 s 4

Public interest considerations

r 30 ins 1994 SL No. 26 s 4

Service on solicitors of disclosure orders

r 31 ins 1994 SL No. 26 s 4

Attachment of solicitor

r 32 ins 1994 SL No. 26 s 4

Costs

r 33 ins 1994 SL No. 26 s 4

Right to disclosure

r 34 ins 1994 SL No. 26 s 4

4. Transitional

hdg prec r 35 ins 1994 SL No. 26 s 4

Proceedings already commenced

r 35 ins 1994 SL No. 26 s 4

ORDER 36—ADMISSIONS—NOTICES TO PRODUCE**Notice under the Evidence Act 1977, s 63**

r 4 prov hdg sub o in c pubd gaz 9 September 1978 p 88

Judgment or order upon admissions of facts

r 5 amd o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 37—ISSUES, INQUIRIES AND ACCOUNTS**Issues in Matrimonial Actions**

r 2 om o in c pubd gaz 14 December 1965 pp 1431–649

Plaintiff's Default

r 3 om o in c pubd gaz 14 December 1965 pp 1431–649

Copies to be Filed and Delivered

r 4 amd rule pubd gaz 8 June 1901 pp 300–1
om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 38—QUESTIONS OF LAW AND ISSUES WITHOUT PLEADINGS**Leave to set down where infant, or mentally ill person is a party**

prov hdg amd o in c pubd gaz 14 December 1965 pp 1431–649

r 4 amd o in c pubd gaz 14 December 1965 pp 1431–649

Form of entry for argument

r 6 amd o in c pubd gaz 14 December 1965 pp 1431–649

Matrimonial Actions

r 8 om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 39—TRIAL**Place of trial**

r 1 sub rule pubd gaz 30 August 1919 p 702
amd o in c pubd gaz 27 June 1922 pp 1815–19; 1997 SL No. 266 s 17

In Matrimonial Actions

r 2 om o in c pubd gaz 14 December 1965 pp 1431–649

Directions to be Obtained

r 3 om o in c pubd gaz 14 December 1965 pp 1431–649

Trial by jury

r 4 amd rule pubd gaz 3 November 1900 p 1260; o in c pubd gaz 22 August
1953 p 2184
sub o in c pubd gaz 14 December 1965 pp 1431–649

Causes not formerly triable without jury may be tried by Judge and assessors, or referee**r 7** amd o in c pubd gaz 14 December 1965 pp 1431–649**Jury of 4 unless otherwise stated****r 11** amd o in c pubd gaz 14 December 1965 pp 1431–649**Trying of questions in different ways and at different times****r 12** amd rule pubd gaz 8 June 1901 pp 300–1
sub 1994 SL No. 27 s 3**Notice of trial by plaintiff****r 14** sub o in c pubd gaz 27 June 1922 pp 1815–19
amd o in c pubd gaz 25 October 1958 pp 701–2**Form of notice of trial****r 16** amd o in c pubd gaz 14 December 1965 pp 1431–649**Length of notice****r 17** amd o in c pubd gaz 11 February 1978 pp 492–4; 1997 SL No. 266 s 18**Entry of cause for trial****r 18** amd o in c pubd gaz 25 October 1958 pp 701–2; 14 December 1965
pp 1431–649**Notice of trial at Brisbane, Rockhampton, Townsville or Cairns****prov hdg** amd rule pubd gaz 29 March 1902 p 1035; 1997 SL No. 266 s 19(1)**r 20** amd 1997 SL No. 266 s 19(2)**Notice of trial in the country****r 21** amd 1997 SL No. 266 s 20**Trial****r 24** sub o in c pubd gaz 14 December 1965 pp 1431–649**Power to certify for speedy trial****r 24A** ins o in c pubd gaz 27 June 1922 pp 1815–19
amd o in c pubd gaz 14 December 1965 pp 1431–649**Matrimonial Action when Default of Appearance or Defence****r 25** amd rule pubd gaz 8 June 1901 pp 300–1; o in c pubd gaz 21 June 1941
p 2300

om o in c pubd gaz 14 December 1965 pp 1431–649

r 25A ins o in c pubd gaz 9 August 1958 p 2537
om o in c pubd gaz 14 December 1965 pp 1431–649**3A. Personal injury and death****hdg prec r 29A** ins o in c pubd gaz 3 December 1988 pp 1587–90**Application****r 29A** ins o in c pubd gaz 3 December 1988 pp 1587–90**Setting down for trial****r 29B** ins o in c pubd gaz 3 December 1988 pp 1587–90

Plaintiff's statement of loss and damage

r 29C ins o in c pubd gaz 3 December 1988 pp 1587–90

Defendant's expert and economic evidence

r 29D ins o in c pubd gaz 3 December 1988 pp 1587–90

Insurers

r 29E ins o in c pubd gaz 3 December 1988 pp 1587–90

Legal advice

r 29F ins o in c pubd gaz 3 December 1988 pp 1587–90

Pleadings

r 29G ins o in c pubd gaz 3 December 1988 pp 1587–90

Costs

r 29H ins o in c pubd gaz 3 December 1988 pp 1587–90

Interpretation

r 29I ins o in c pubd gaz 3 December 1988 pp 1587–90

Copies of pleadings etc. to be delivered

r 30 amd o in c pubd gaz 14 December 1965 pp 1431–649

4A. Setting actions down for trial

hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

Lists and date of trial—readiness for trial

r 30A ins o in c pubd gaz 14 December 1965 pp 1431–649

Judgment by default may be set aside on terms

r 33 amd 1997 SL No. 266 s 21

Disallowance of vexatious questions on cross-examination

r 34A ins o in c pubd gaz 27 June 1922 pp 1815–19

Judgment—further consideration

r 37 amd o in c pubd gaz 14 December 1965 pp 1431–649

Endorsement for entry of judgment

r 39 sub o in c pubd gaz 7 June 1980 p 928

Adjournment of matters not heard

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 39A ins o in c pubd gaz 21 December 1946 p 2105

Abolition of writ of inquiry

r 51 amd o in c pubd gaz 27 June 1922 pp 1815–19

sub o in c pubd gaz 2 May 1959 pp 35–8; 14 December 1965 pp 1431–649

Assessment of damages by a Master, District Court Judge or registrar

prov hdg amd o in c pubd gaz 8 November 1980 pp 1095–6

r 52 sub o in c pubd gaz 14 December 1965 pp 1431–649

amd o in c pubd gaz 8 November 1980 pp 1095–6

Certificate of amount of damages

r 53 sub o in c pubd gaz 14 December 1965 pp 1431–649

Judgment in default against 1 of 2 or more defendants

r 53A ins o in c pubd gaz 14 December 1965 pp 1431–649

Court or Judge may order assessment before Judge, officer of the Court etc.

r 53B ins o in c pubd gaz 14 December 1965 pp 1431–649

Assessment of value

r 53C ins o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 40**Witnesses to be examined viva voce, unless otherwise agreed or ordered**

r 1 amd o in c pubd gaz 29 January 1966 pp 812–13

Evidence by telephone, video link or another form of communication

r 1A prev r 1A ins rule pubd gaz 21 December 1912 p 1944
om o in c pubd gaz 14 December 1965 pp 1431–649
pres r 1A ins 1995 SL No. 213 s 3

Evidence etc. to be taken down in shorthand

r 2 amd o in c pubd gaz 11 October 1947 p 977
sub o in c pubd gaz 14 December 1965 pp 1431–649

Form of commission

r 9 sub 1993 SL No. 307 s 3

Depositions to be taken down in writing, read over to and signed by witness, or, if the witness refuses, by the examiner—questions objected to

r 16 amd o in c pubd gaz 14 December 1965 pp 1431–649

Depositions to be transmitted to registry

r 20 prov hdg amd rule pubd gaz 29 March 1902 p 1035

Number of persons in a Subpoena duces tecum

r 34 om o in c pubd gaz 27 June 1922 pp 1815–19

3A. Non-party discovery

hdg prec r 38A ins 1993 SL No. 150 s 4

Writ of non-party discovery

r 38A ins 1993 SL No. 150 s 4

Form and service of writ

r 38B ins 1993 SL No. 150 s 4

Application to set aside or vary writ

r 38C ins 1993 SL No. 150 s 4

Privilege or objection to discovery

r 38D ins 1993 SL No. 150 s 4

Production and copying of documents

r 38E ins 1993 SL No. 150 s 4

Costs

r 38F ins 1993 SL No. 150 s 4

5. Obtaining evidence for foreign tribunals**hdg prec r 43** ins rule pubd gaz 16 December 1911 pp 1594–5**Evidence for foreign tribunals****prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 43** ins rule pubd gaz 16 December 1911 pp 1594–5**Form of order****prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 44** ins rule pubd gaz 16 December 1911 pp 1594–5
amd o in c pubd gaz 14 December 1965 pp 1431–649**Before what persons examination conducted****prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 45** ins rule pubd gaz 16 December 1911 pp 1594–5**How depositions to be forwarded****prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 46** ins rule pubd gaz 16 December 1911 pp 1594–5
amd o in c pubd gaz 14 December 1965 pp 1431–649**Transmission of depositions direct to foreign tribunals****prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 47** ins rule pubd gaz 16 December 1911 pp 1594–5**Manner of examination****prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 48** ins rule pubd gaz 16 December 1911 pp 1594–5**Application by Crown Solicitor****prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 49** ins rule pubd gaz 16 December 1911 pp 1594–5**6. Obtaining evidence under conventions respecting legal proceedings in civil and commercial matters****hdg prec r 50** ins o in c pubd gaz 20 June 1925 p 2386
sub o in c pubd gaz 14 December 1965 pp 1431–649**Request from consul etc. of country party to convention****prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 50** ins o in c pubd gaz 20 June 1925 p 2386
amd o in c pubd gaz 25 August 1934 p 513; 14 December 1965
pp 1431–649**Application of forms****prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 51** ins o in c pubd gaz 20 June 1925 p 2386
amd o in c pubd gaz 14 December 1965 pp 1431–649**Language****prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 52** ins o in c pubd gaz 20 June 1925 p 2386
amd o in c pubd gaz 25 August 1934 p 513

Consul etc. to be informed of date and place of proceedings**prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 53** ins o in c pubd gaz 20 June 1925 p 2386

amd o in c pubd gaz 25 August 1934 p 513

No fees payable**prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 54** ins o in c pubd gaz 20 June 1925 p 2386

amd o in c pubd gaz 25 August 1934 p 513

Power of examiner**prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 55** ins o in c pubd gaz 20 June 1925 p 2386**7. Dispensing with rules of evidence****hdg prec r 56** prev hdg ins o in c pubd gaz 27 October 1928 p 1434

om o in c pubd gaz 25 August 1934 p 513

pres hdg ins 1996 SL No. 97 s 3

Court may dispense with rules of evidence**r 56** prev r 56 ins o in c pubd gaz 27 October 1928 p 1434

om o in c pubd gaz 25 August 1934 p 513

pres r 56 ins 1996 SL No. 97 s 3

r 57 ins o in c pubd gaz 27 October 1928 p 1434

om o in c pubd gaz 25 August 1934 p 513

r 58 ins o in c pubd gaz 27 October 1928 p 1434

om o in c pubd gaz 25 August 1934 p 513

r 59 ins o in c pubd gaz 27 October 1928 p 1434

om o in c pubd gaz 25 August 1934 p 513

r 60 ins o in c pubd gaz 27 October 1928 p 1434

om o in c pubd gaz 25 August 1934 p 513

r 61 ins o in c pubd gaz 27 October 1928 p 1434

om o in c pubd gaz 25 August 1934 p 513

ORDER 41—AFFIDAVITS**Description of abode or true place of business or employment of deponent to be stated****r 5** sub o in c pubd gaz 2 July 1983 p 1464**Jurat several sheets****r 6** amd o in c pubd gaz 14 December 1965 pp 1431–649**Exhibits****r 15** sub o in c pubd gaz 14 December 1965 pp 1431–649**Certificate on exhibit****prov hdg** amd rule pubd gaz 29 March 1902 p 1035**r 16** sub o in c pubd gaz 14 December 1965 pp 1431–649

Use of figures

r 16A ins o in c pubd gaz 14 December 1965 pp 1431–649

Affidavit sworn before the party

r 19 amd o in c pubd gaz 14 December 1965 pp 1431–649
sub o in c pubd gaz 31 August 1974 p 2328

Notice of trial

r 29 amd 1997 SL No. 266 s 22

ORDER 42—MOTION FOR JUDGMENT**Motion for judgment on default or on admissions**

r 7 ins rule pubd gaz 6 April 1901 p 1228
amd rule pubd gaz 29 March 1902 p 1035

ORDER 43—JUDGMENT ABSOLUTE IN ACTIONS FOR DISSOLUTION OF MARRIAGE

hdg om o in c pubd gaz 14 December 1965 pp 1431–649

Service of Judgment Nisi on Attorney-General

r 1 om o in c pubd gaz 14 December 1965 pp 1431–649

Party showing Cause against Judgment Nisi to Appear and Deliver Defence

r 2 om o in c pubd gaz 14 December 1965 pp 1431–649

Pleadings

r 3 om o in c pubd gaz 14 December 1965 pp 1431–649

Trial

r 4 om o in c pubd gaz 14 December 1965 pp 1431–649

Judgment absolute

r 5 sub o in c pubd gaz 10 March 1945 p 589
amd o in c pubd gaz 11 October 1947 p 977
om o in c pubd gaz 14 December 1965 pp 1431–649

Evidence

r 6 sub o in c pubd gaz 10 March 1945 p 589
om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 44—ENTRY OF JUDGMENTS**Time to be stated for doing any act ordered to be done—memorandum to be endorsed**

r 4 amd o in c pubd gaz 26 April 1924 p 1233; 14 December 1965 pp 1431–649

ORDER 45—RELIEF AGAINST JUDGMENTS AND ORDERS**Petitions for Reversal of Judgment of Judicial Separation**

r 4 om o in c pubd gaz 14 December 1965 pp 1431–649

Appearance to be Entered in Action

r 5 om o in c pubd gaz 14 December 1965 pp 1431–649

Subsequent Proceedings

r 6 om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 46—MONEYS IN COURT

hdg amd o in c pubd gaz 9 April 1988 pp 2077–83

Payment or deposit of money in court

r 1 sub o in c pubd 9 April 1988 pp 2077–83
amd o in c pubd gaz 28 January 1989 p 637 (repealed by o in c pubd gaz
20 April 1991 p 2539); 20 April 1991 p 2539

Defamation

prov hdg amd o in c pubd gaz 14 December 1965 pp 1431–649

r 2 amd o in c pubd gaz 14 December 1965 pp 1431–649
sub o in c pubd gaz 9 April 1988 pp 2077–83

Disposal of money in court

r 3 sub o in c pubd gaz 9 April 1988 pp 2077–83

Affidavits upon Petitions under Statute Directing Purchase-money to be paid into Court

r 4 om o in c pubd gaz 9 April 1988 pp 2077–83

Payment or Non-payment of Duty to be Stated

r 5 om o in c pubd gaz 9 April 1988 pp 2077–83

Dormant Funds

r 6 om o in c pubd gaz 9 April 1988 pp 2077–83

ORDER 47—EXECUTION**For payment of alimony or maintenance or costs**

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 6A ins o in c pubd gaz 26 April 1924 p 1233

Date and form of writ

r 13 amd o in c pubd gaz 14 December 1965 pp 1431–649

Affidavit of debt in certain cases

r 14 amd o in c pubd gaz 14 December 1965 pp 1431–649

Costs of execution

r 16 sub o in c pubd gaz 14 December 1965 pp 1431–649

amd o in c pubd gaz 4 June 1977 pp 797–805

Amount of money and interest to be recovered to be endorsed

- r 17 amd o in c pubd gaz 14 December 1965 pp 1431–649
 sub o in c pubd gaz 7 April 1984 pp 1455–6

Leave to issue execution in certain cases

- r 24 amd o in c pubd gaz 14 December 1965 pp 1431–649

Examination of judgment debtor as to debts owing to him or her

- r 33 amd o in c pubd gaz 14 December 1965 pp 1431–649; 17 September 1983
 p 261

When receiver may be appointed

- r 36 amd rule pubd gaz 3 November 1900 p 1260

ORDER 48—WRITS OF FIERI FACIAS, ELEGIT, AND SEQUESTRATION**Advertisements**

- r 12 amd o in c pubd gaz 30 January 1926 p 333; 11 February 1978 pp 492–4

ORDER 49—ATTACHMENT OF DEBTS**Order for attachment of debts**

- r 1 amd rule pubd gaz 3 October 1903 pp 638–9; o in c pubd gaz 27 June
 1922 pp 1815–19

Effect of order

- r 2 amd o in c pubd gaz 27 June 1922 pp 1815–19

Execution against garnishee

- r 3 amd rule pubd gaz 3 October 1903 pp 638–9

Trial of claim of third person and order thereon or on non-appearance

- r 6 amd rule pubd gaz 3 November 1900 p 1260; 3 October 1903 pp 638–9

Costs of proceedings

- r 8 amd rule pubd gaz 3 October 1903 pp 638–9

ORDER 53—ATTACHMENT AND COMMITTAL**Effect of writ of attachment**

- r 1 amd o in c pubd gaz 11 July 1964 p 1251

**ORDER 54—ACTIONS BY AND AGAINST FIRMS AND PERSONS
CARRYING ON BUSINESS IN NAMES OTHER THAN THEIR OWN****Notice in what capacity served**

- r 6 amd rule pubd gaz 6 April 1901 p 1228

ORDER 55—ACTIONS ON PENAL BONDS**Ascertainment of damages on further breaches**

- r 2 amd o in c pubd gaz 29 January 1966 pp 812–13

ORDER 57—ACTIONS FOR MANDAMUS AND INJUNCTION**Trial of action**

r 2 amd o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 58—INSPECTION OF PROPERTY—INTERIM PRESERVATION, CUSTODY, AND MANAGEMENT OF PROPERTY—RECEIVERS—STOP ORDERS**Receivers—security by and allowance to—form of security**

r 13 amd rule pubd gaz 3 November 1900 p 1260

Fixing days for receivers to leave and pass their accounts and pay in balances—neglect of receivers

r 15 amd o in c pubd gaz 14 December 1965 pp 1431–649

Leaving account in registry

r 17 **prov hdg** amd rule pubd gaz 29 March 1902 p 1035

Order to prevent transfer or payment without notice to applicant

r 22 amd rule pubd gaz 6 April 1901 p 1228

ORDER 59—INTERPLEADER**Matters to be proved by applicant**

r 4 amd o in c pubd gaz 27 June 1922 pp 1815–19

Stay of action

r 7 amd o in c pubd gaz 27 June 1922 pp 1815–19

ORDER 60A—PREVENTION OF VEXATIOUS PROCEEDINGS

hdg ins o in c pubd gaz 9 October 1943 pp 1248–9
om o in c pubd gaz 2 July 1983 p 1464

Order that no proceedings be brought by vexatious litigant without leave

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 1 ins o in c pubd gaz 9 October 1943 pp 1248–9
om o in c pubd gaz 2 July 1983 p 1464

Copy of order to be published in Gazette

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 2 ins o in c pubd gaz 9 October 1943 pp 1248–9
om o in c pubd gaz 2 July 1983 p 1464

ORDER 61—TRANSFERS AND CONSOLIDATION**Power of one Judge to hear Cause or Matter for Another**

r 2 om o in c pubd gaz 14 December 1965 pp 1431–649

Transfer of action where order for winding-up or administration made

r 3 amd o in c pubd gaz 14 December 1965 pp 1431–649

When Cause or Matter has ben Tried

r 4 om o in c pubd gaz 14 December 1965 pp 1431–649

Consolidation of causes or matters

r 5 amd o in c pubd gaz 14 December 1965 pp 1431–649

In case of absence etc. of central, northern or far northern judge

prov hdg amd 1997 SL No. 266 s 23(1)

r 6 amd 1997 SL No. 266 s 23(2)–(5)

Notice, how given

r 7 amd 1997 SL No. 266 s 24

Order to be communicated in writing

prov hdg amd 1997 SL No. 266 s 25(1)

r 8 amd rule pubd gaz 3 November 1900 p 1260; 1997 SL No. 266 s 25(2)–(3)

Transfers in other cases

r 9 amd 1997 SL No. 266 s 26

ORDER 62—MOTIONS**To be moved by counsel in order of seniority**

r 5 amd o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 63—PETITIONS**Time for hearing**

r 5 amd o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 64—ORIGINATING SUMMONSES**Power to make declaration on summons**

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 1A ins o in c pubd gaz 12 December 1959 p 2146
amd o in c pubd gaz 14 December 1965 pp 1431–649

Construction of statute

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 1B ins o in c pubd gaz 12 December 1959 p 2146

Questions of law

r 1BB ins o in c pubd gaz 14 December 1965 pp 1431–649

Service

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 1C ins o in c pubd gaz 12 December 1959 p 2146

Evidence

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 1D ins o in c pubd gaz 12 December 1959 p 2146

Discretion of Court

- r 1E** ins o in c pubd gaz 12 December 1959 p 2146
sub o in c pubd gaz 14 December 1965 pp 1431–649

Form of summons

- r 2** amd rule pubd gaz 3 November 1900 p 1260

Solicitors

- hdg prec r 7** ins rule pubd gaz 2 November 1901 p 526

Account by solicitor

- r 7** ins rule pubd gaz 2 November 1901 p 526

ORDER 65—CHAMBERS**General jurisdiction**

- r 1** amd o in c pubd gaz 14 December 1965 pp 1431–649

Powers of registrar

- prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649

- r 1A** ins o in c pubd gaz 27 June 1922 pp 1815–19
amd o in c pubd gaz 25 November 1933 p 1208; 22 December 1934
p 1862; 11 April 1959 p 2019; 14 December 1965 pp 1431–649;
13 March 1982 p 1047; 1997 SL No. 266 s 27

- r 1B** ins o in c pubd gaz 21 June 1941 p 2300
om o in c pubd gaz 14 December 1965 pp 1431–649

Ex parte applications in general

- r 4** amd rule pubd gaz 6 April 1901 p 1228

By what Judge Heard

- r 9** om o in c pubd gaz 14 December 1965 pp 1431–649

Right of audience in chambers

- r 11** amd o in c pubd gaz 16 August 1947 p 495; 19 October 1963 p 575;
20 December 1969 p 1722; 3 March 1979 p 781
sub 1993 SL No. 132 s 3

Proceedings when any party fails to attend

- prov hdg** amd rule pubd gaz 6 April 1901 p 1228

- r 12** amd rule pubd gaz 6 April 1901 p 1228

Reconsideration of proceeding—costs

- prov hdg** amd rule pubd gaz 6 April 1901 p 1228

- r 13** amd rule pubd gaz 6 April 1901 p 1228

Costs thrown away by non-attendance of any party

- r 14** amd rule pubd gaz 6 April 1901 p 1228

What matters to be included in the same summons

- r 15 prov hdg** amd rule pubd gaz 29 March 1902 p 1035

ORDER 65A—LISTING APPLICATIONS FOR HEARING**hdg** ins 1993 SL No. 44 s 7**Application****r 1** ins 1993 SL No. 44 s 7**List of applications****r 2** ins 1993 SL No. 44 s 7**Estimate of hearing time****r 3** ins 1993 SL No. 44 s 7**Adjournments****r 4** ins 1993 SL No. 44 s 7**Sequence of listing****r 5** ins 1993 SL No. 44 s 7**Sequence of hearing****r 6** ins 1993 SL No. 44 s 7**ORDER 66—ORDERS****When orders need not be drawn up****r 5** amd rule pubd gaz 6 April 1901 p 1228
sub o in c pubd gaz 20 December 1986 pp 2395–6
amd o in c pubd gaz 24 January 1987 p 387**Orders for jury****r 6** amd o in c pubd gaz 14 December 1965 pp 1431–649**Consent orders****r 7** amd o in c pubd gaz 19 January 1985 p 145**Matrimonial Actions****r 8** om o in c pubd gaz 14 December 1965 pp 1431–649**ORDER 67—PROCEEDINGS UNDER JUDGMENTS AND ORDERS****Copy of Judgment or Order****r 1** om o in c pubd gaz 27 June 1922 pp 1815–19**Registrar's Note when Order not Drawn Up****r 2** om o in c pubd gaz 20 December 1986 pp 2395–6**Names of Solicitors****r 3** om o in c pubd gaz 27 June 1922 pp 1815–19**Copies of certificates of entry of memoranda of service****r 4** amd rule pubd gaz 29 March 1902 p 1035
om o in c pubd gaz 27 June 1922 pp 1815–19**Time for Bringing in Judgment: Directing Accounts and Inquiries****r 5** om o in c pubd gaz 14 December 1965 pp 1431–649

Summons to proceed with accounts and inquiries directed—directions**r 6** amd o in c pubd gaz 14 December 1965 pp 1431–649**Stay of proceedings where all necessary parties have not been served with notice of judgment or order****r 10** amd o in c pubd gaz 14 December 1965 pp 1431–649**Accounts etc. to be taken by registrar****r 15** amd o in c pubd gaz 8 November 1980 pp 1095–6**Powers of registrar****r 16** amd o in c pubd gaz 14 December 1965 pp 1431–649**Mode of vouching accounts****r 21** amd rule pubd gaz 3 November 1900 p 1260; o in c pubd gaz 14 December 1965 pp 1431–649**Report by registrar****r 67** amd rule pubd gaz 2 November 1901 p 526**ORDER 68—SALES BY THE COURT****Abstract of title to be laid before conveyancing counsel****r 2** amd rule pubd gaz 3 November 1900 p 1260**Prints of particulars and conditions of sale****r 9 prov hdg** amd rule pubd gaz 29 March 1902 p 1035**ORDER 69—SPECIAL PROVISIONS AS TO MATRIMONIAL ACTIONS****hdg** om o in c pubd gaz 14 December 1965 pp 1431–649**1. INCIDENTAL QUESTIONS****hdg prec r 1** om o in c pubd gaz 14 December 1965 pp 1431–649**Collateral Relief may be Applied for by Motion or Summons****r 1** om o in c pubd gaz 14 December 1965 pp 1431–649**2. ALIMONY****hdg prec r 2** om o in c pubd gaz 14 December 1965 pp 1431–649**Application for Alimony****r 2** om o in c pubd gaz 14 December 1965 pp 1431–649**In Wife's Action****r 3** om o in c pubd gaz 14 December 1965 pp 1431–649**Notice to file affidavit in answer****prov hdg** amd rule pubd gaz 29 March 1902 p 1035**r 4** om o in c pubd gaz 14 December 1965 pp 1431–649**Service of Petition with Writ****r 5** om o in c pubd gaz 14 December 1965 pp 1431–649

Service on Husband in Default

r 6 om o in c pubd gaz 14 December 1965 pp 1431–649

Time for Answer when Served with Writ

r 7 amd rule pubd gaz 29 March 1902 p 1035
om o in c pubd gaz 14 December 1965 pp 1431–649

Time for Answer by Defendant who has Appeared

r 8 om o in c pubd gaz 14 December 1965 pp 1431–649

Time in Other Cases

r 9 amd rule pubd gaz 8 June 1901 pp 300–1
om o in c pubd gaz 14 December 1965 pp 1431–649

Husband's Action

r 10 om o in c pubd gaz 14 December 1965 pp 1431–649

Answer of Husband

r 11 om o in c pubd gaz 14 December 1965 pp 1431–649

Service of Answer

r 12 om o in c pubd gaz 14 December 1965 pp 1431–649

Further Answer

r 13 om o in c pubd gaz 14 December 1965 pp 1431–649

Motion for Allowance of Alimony—Evidence

r 14 om o in c pubd gaz 14 December 1965 pp 1431–649

Permanent Alimony

prov hdg amd rule pubd gaz 6 April 1901 p 1228
r 15 amd rule pubd gaz 6 April 1901 p 1228
om o in c pubd gaz 14 December 1965 pp 1431–649

When no Alimony Previously Granted

r 16 amd rule pubd gaz 6 April 1901 p 1228
om o in c pubd gaz 14 December 1965 pp 1431–649

Variation of Amount

r 17 om o in c pubd gaz 14 December 1965 pp 1431–649

Procedure

r 18 om o in c pubd gaz 14 December 1965 pp 1431–649

Commencement of Permanent Alimony

r 19 om o in c pubd gaz 14 December 1965 pp 1431–649

To Whom to be Paid

r 20 om o in c pubd gaz 14 December 1965 pp 1431–649

3. CUSTODY AND ACCESS TO CHILDREN

hdg prec r 21 om o in c pubd gaz 14 December 1965 pp 1431–649

Order for Custody, Maintenance, Education, or Access

r 21 om o in c pubd gaz 14 December 1965 pp 1431–649

Defendant may be Heard without Filing Defence**prov hdg** amd rule pubd gaz 8 June 1901 pp 300–1**r 22** amd rule pubd gaz 8 June 1901 pp 300–1
om o in c pubd gaz 14 December 1965 pp 1431–649**4. GUARDIANS TO MINORS****hdg prec r 23** om o in c pubd gaz 14 December 1965 pp 1431–649**Election of Guardians by Minors****r 23** om o in c pubd gaz 14 December 1965 pp 1431–649**Election to be Filed****r 24** om o in c pubd gaz 14 December 1965 pp 1431–649**Appointment of Guardian by Judge****r 25** om o in c pubd gaz 14 December 1965 pp 1431–649**No Guardian Necessary for Co-defendant Minor****r 26** om o in c pubd gaz 14 December 1965 pp 1431–649**5. ORDERS AS TO MAINTENANCE AND SETTLEMENTS****hdg prec r 27** om o in c pubd gaz 14 December 1965 pp 1431–649**Petition with Respect to Settlements—Time****r 27** om o in c pubd gaz 14 December 1965 pp 1431–649**Time of Application for Maintenance****r 28** om o in c pubd gaz 14 December 1965 pp 1431–649**Service****r 29** om o in c pubd gaz 14 December 1965 pp 1431–649**Answer****r 30** om o in c pubd gaz 14 December 1965 pp 1431–649**Appearance of Parties not Parties to Action****r 31** om o in c pubd gaz 14 December 1965 pp 1431–649**Further Proceedings****r 32** amd rule pubd gaz 8 June 1901 pp 300–1

om o in c pubd gaz 14 December 1965 pp 1431–649

Costs**r 33** om o in c pubd gaz 14 December 1965 pp 1431–649**ORDER 70—APPEALS AND NEW TRIALS****Appeals to be by way of rehearing****r 1** amd rule pubd gaz 15 October 1993 pp 573–82**Mode of instituting appeals****r 2** amd rule pubd gaz 6 April 1901 p 1228; o in c pubd gaz 14 December
1965 pp 1431–649; rule pubd gaz 15 October 1993 pp 573–82**To whom notice to be given****r 3** amd rule pubd gaz 15 October 1993 pp 573–82

Serving of notice of appeal

- r 4** amd rule pubd gaz 6 April 1901 p 1228; o in c pubd gaz 14 December 1965 pp 1431–649
sub rule pubd gaz 15 October 1993 pp 573–82

Payment of security or deposit

- r 5** amd o in c pubd gaz 29 March 1958 p 1422; 14 December 1965 pp 1431–649
sub o in c pubd gaz 23 October 1982 p 911
amd o in c pubd gaz 19 January 1985 p 145
sub rule pubd gaz 15 October 1993 pp 573–82

Appeals from refusal of ex parte applications

- r 6** sub rule pubd gaz 15 October 1993 pp 573–82
amd 1997 SL No. 266 s 28

Length of Notice

- r 7** om rule pubd gaz 15 October 1993 pp 573–82

Time for Setting Down

- r 8** om rule pubd gaz 15 October 1993 pp 573–82

In Central and Northern Appeals Copy of Notice of Appeal to be Filed in Brisbane

- r 9** om o in c pubd gaz 14 December 1965 pp 1431–649

Cross appeals

- r 13** amd o in c pubd gaz 14 December 1965 pp 1431–649; rule pubd gaz 15 October 1993 pp 573–82

Time for giving of notice and filing of copy of notice

- r 14** sub rule pubd gaz 15 October 1993 pp 573–82

Notice to registrar

- r 14A** ins o in c pubd gaz 14 December 1965 pp 1431–649

Documents to be forwarded

- r 15** sub rule pubd gaz 15 October 1993 pp 573–82
- r 16** amd rule pubd gaz 6 April 1901 p 1228
sub o in c pubd gaz 14 December 1965 pp 1431–649
amd o in c pubd gaz 11 February 1978 pp 492–4
sub rule pubd gaz 18 January 1992 pp 174–5
amd rule pubd gaz 15 October 1993 pp 573–82
- r 16A** ins rule pubd gaz 18 January 1992 pp 174–5
amd rule pubd gaz 15 October 1993 pp 573–82

Evidence on Appeals

- r 17** om o in c pubd gaz 14 December 1965 pp 1431–649

Interlocutory orders not appealed from not to bar relief

- r 18** amd rule pubd gaz 15 October 1993 pp 573–82

Rule nisi on appeal from Central, Northern or Far Northern Court**prov hdg** amd 1997 SL No. 266 s 29(1)**r 19** amd rule pubd gaz 15 October 1993 pp 573–82; 1997 SL No. 266 s 29(2)–(3)**Applications for new trials of causes heard before a Judge****r 20** amd rule pubd gaz 15 October 1993 pp 573–82**Applications for new trials of cases tried by jury to be by notice of appeal****r 21** sub rule pubd gaz 15 October 1993 pp 573–82**Amendment of notice of appeal****r 22** sub rule pubd gaz 15 October 1993 pp 573–82**Time****r 23** amd rule pubd gaz 15 October 1993 pp 573–82**Power of Court****r 26** amd rule pubd gaz 15 October 1993 pp 573–82**Notes of ruling or direction****r 27** amd rule pubd gaz 6 April 1901 p 1228; o in c pubd gaz 14 December 1965 pp 1431–649; rule pubd gaz 15 October 1993 pp 573–82**Appeal for a new trial not to be stay of proceedings****prov hdg** amd rule pubd gaz 15 October 1993 pp 573–82**r 28** amd rule pubd gaz 15 October 1993 pp 573–82**Return of documents to court below****r 29** sub rule pubd gaz 15 October 1993 pp 573–82**Costs to be taxed in Brisbane****r 30** amd rule pubd gaz 15 October 1993 pp 573–82**Return of Papers in Central and Northern Appeals****r 31** om rule pubd gaz 15 October 1993 pp 573–82**4. Appeals under statutes****hdg prec r 32** ins o in c pubd gaz 27 June 1922 pp 1815–19

sub o in c pubd gaz 14 December 1965 pp 1431–649

para prec r 32 ins o in c pubd gaz 27 June 1922 pp 1815–19

om o in c pubd gaz 14 December 1965 pp 1431–649

5. APPEALS FROM MAGISTRATES COURTS**hdg prec r 32** ins o in c pubd gaz 27 June 1922 pp 1815–19

om o in c pubd gaz 14 December 1965 pp 1431–649

Application of order to appeals**r 32** sub o in c pubd gaz 27 June 1922 pp 1815–19; 14 December 1965 pp 1431–649

amd rule pubd gaz 15 October 1993 pp 573–82

5. Appeals from registrars

hdg prec r 33 ins o in c pubd gaz 27 June 1922 pp 1815–19
 amd o in c pubd gaz 14 December 1965 pp 1431–649

r 33 ins o in c pubd gaz 27 June 1922 pp 1815–19

6. Appeals from District Courts

hdg prec r 34 ins o in c pubd gaz 2 May 1959 pp 35–8
 amd o in c pubd gaz 14 December 1965 pp 1431–649

Appeals from District Courts

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649
 om o in c pubd gaz 13 October 1984 pp 700–1

r 34 ins o in c pubd gaz 2 May 1959 pp 35–8
 sub o in c pubd gaz 13 October 1984 pp 700–1

r 35 ins o in c pubd gaz 13 October 1984 pp 700–1
 amd rule pubd gaz 15 October 1993 pp 573–82

Return of records

r 36 ins o in c pubd gaz 13 October 1984 pp 700–1
 sub rule pubd gaz 15 October 1993 pp 573–82

7. Exercise of appellate jurisdiction and powers

hdg prec r 37 ins rule pubd gaz 29 February 1992 p 1235

r 37 ins rule pubd gaz 29 February 1992 p 1235

Miscellaneous

r 38 ins rule pubd gaz 15 October 1993 pp 573–82

ORDER 71—PROBATE AND ADMINISTRATION—COMMON FORM BUSINESS**Applications to be made by request**

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 1 sub o in c pubd gaz 20 December 1958 pp 2122–7
 amd o in c pubd gaz 11 February 1978 pp 492–4; 6 September 1980
 pp 1–16

Affidavits

r 2 amd o in c pubd gaz 20 December 1958 pp 2122–7

Advertisements

r 3 sub rule pubd gaz 2 November 1901 p 526; o in c pubd gaz 14 December
 1965 pp 1431–649
 amd o in c pubd gaz 11 February 1978 pp 492–4; 1997 SL No. 266 s 30

Notice to claimants

r 3A ins o in c pubd gaz 14 December 1965 pp 1431–649
 amd o in c pubd gaz 11 February 1978 pp 492–4

Notice to Public Trustee or Local Deputy Public Trustee in certain cases**prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 4** sub o in c pubd gaz 20 December 1958 pp 2122–7

amd o in c pubd gaz 23 August 1975 p 1853

Grant not to be made within Thirty Days of Death**r 8** om o in c pubd gaz 6 September 1980 pp 1–16**Accounting for Delay****r 10** om o in c pubd gaz 11 February 1978 pp 492–4**Affidavit with will, date of death—certificate of death****prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649

amd o in c pubd gaz 6 September 1980 pp 1–16

r 11 sub o in c pubd gaz 20 December 1958 pp 2122–7

amd o in c pubd gaz 14 December 1965 pp 1431–649; 6 September 1980 pp 1–16

Married Women**r 24** amd o in c pubd gaz 20 December 1958 pp 2122–7

om o in c pubd gaz 11 February 1978 pp 492–4

Copy will and codicils—engrossments**prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 25** amd o in c pubd gaz 9 October 1943 pp 1248–9

sub o in c pubd gaz 29 May 1948 p 2168

amd o in c pubd gaz 14 December 1965 pp 1431–649; 6 September 1980 pp 1–16

Marginal note**r 26** sub o in c pubd gaz 6 September 1980 pp 1–16**Affidavit in case of intestacy****prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649**r 27** sub o in c pubd gaz 20 December 1958 pp 2122–7

amd o in c pubd gaz 13 March 1982 p 1047

Next of kin to be named**r 28** sub rule pubd gaz 10 August 1907 p 320**Marginal Note of Value****r 35** om o in c pubd gaz 13 March 1982 p 1047**Grant where intestacy not to be made within 30 days of death****r 40** prev r 40 om o in c pubd gaz 11 February 1978 pp 492–4

pres r 40 ins o in c pubd gaz 13 March 1982 p 1047

Administration of estates of persons without next of kin**r 41** amd o in c pubd gaz 16 December 1978 p 1793**Summons to persons interested****r 42** amd o in c pubd gaz 20 December 1958 pp 2122–7

Sureties to be Given by Administrator

- r 48** amd rule pubd gaz 2 November 1901 p 526; 3 October 1903 pp 638–9; 22 June 1907 p 1652; 5 May 1917 p 1380; o in c pubd gaz 22 December 1934 p 1862; 28 October 1950 p 1827; 14 December 1965 pp 1431–649
om o in c pubd gaz 13 March 1982 p 1047

Justification

- r 49** om o in c pubd gaz 13 March 1982 p 1047

Security when grant to an authorised company

- r 50** amd o in c pubd gaz 14 December 1965 pp 1431–649

Notice to caveator

- r 54** amd o in c pubd gaz 20 December 1958 pp 2122–7

To be given by registrar—form

- r 55** amd o in c pubd gaz 20 December 1958 pp 2122–7

Caveator to enter appearance

- r 56** amd o in c pubd gaz 20 December 1958 pp 2122–7

Default of appearance

- r 57** amd o in c pubd gaz 20 December 1958 pp 2122–7

Action to be brought—service

- r 58** amd o in c pubd gaz 20 December 1958 pp 2122–7

Limited caveat

- r 64** amd o in c pubd gaz 20 December 1958 pp 2122–7

Application to be made to registrar

- r 65** amd o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649

Notice

- r 66** sub o in c pubd gaz 14 December 1965 pp 1431–649
amd o in c pubd gaz 6 September 1980 pp 1–16

Affidavit by applicant

- r 67** amd o in c pubd gaz 14 December 1965 pp 1431–649

Administrator to Give Bond

- r 68** amd o in c pubd gaz 14 December 1965 pp 1431–649
om o in c pubd gaz 13 March 1982 p 1047

Caveat of creditor or beneficiary or next of kin requiring security

- r 69** amd rule pubd gaz 3 November 1900 p 1260

Delay of 3 years

- r 75** om o in c pubd gaz 14 December 1965 pp 1431–649

Revocation of grants without action—limited grants

- r 84** amd o in c pubd gaz 20 December 1958 pp 2122–7

Witnesses

- r 88** amd o in c pubd gaz 20 December 1958 pp 2122–7

ORDER 72—PROCEEDINGS UNDER THE INTESTACY ACT 1877

hdg amd o in c pubd gaz 21 December 1957 p 2025; 20 December 1958 pp 2122–7

Title of proceedings

r 1 amd o in c pubd gaz 20 December 1958 pp 2122–7

Applications as to administration

r 2 prev r 2 om o in c pubd gaz 20 December 1958 pp 2122–7
pres r 2 (prev r 8) renum o in c pubd gaz 20 December 1958 pp 2122–7

Removal of creditor administrator

r 3 prev r 3 om o in c pubd gaz 20 December 1958 pp 2122–7
pres r 3 (prev r 9) amd o in c pubd gaz 20 December 1958 pp 2122–7
renum o in c pubd gaz 20 December 1958 pp 2122–7

Order to Administer

r 4 om o in c pubd gaz 20 December 1958 pp 2122–7

Appearance by Objector

r 5 om o in c pubd gaz 20 December 1958 pp 2122–7

Notice of Hearing

r 6 om o in c pubd gaz 20 December 1958 pp 2122–7

Application to be made at Chambers

r 7 om o in c pubd gaz 20 December 1958 pp 2122–7

Applications as to administration

r 8 renum as r 2 o in c pubd gaz 20 December 1958 pp 2122–7

Removal of creditor administrator

r 9 renum as r 3 o in c pubd gaz 20 December 1958 pp 2122–7

Revocation of Orders to Administer

r 10 ins o in c pubd gaz 21 December 1957 p 2025
om o in c pubd gaz 20 December 1958 pp 2122–7

ORDER 72A—PROCEEDINGS UNDER THE PUBLIC TRUSTEE ACT 1978

hdg ins o in c pubd gaz 20 December 1958 pp 2122–7

Applications to be made by request

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 1 ins o in c pubd gaz 20 December 1958 pp 2122–7

Revocation of order

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 2 ins o in c pubd gaz 20 December 1958 pp 2122–7

ORDER 73—EXECUTORS' ADMINISTRATORS' AND TRUSTEES' ACCOUNTS

hdg sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649

Filing and passing account on application of person interested

- r 1** amd o in c pubd gaz 5 July 1952 p 1304
 sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4

Order requiring account

- r 2** amd rule pubd gaz 3 November 1900 p 1260; o in c pubd gaz 5 July 1952
 p 1304
 sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4

Account

- r 3** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4

Notice

- r 4** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4

Appearance of person interested

- r 5** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4

Service

- r 6** amd rule pubd gaz 2 November 1901 p 526
 sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4

Examination of account

- r 7** amd o in c pubd gaz 16 July 1955 p 1242
 sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4

Examination of account, appearances—proceeding ex parte—vouching

- r 8** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4

Certificate

- r 9** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4

Application to Judge

- r 10** amd rule pubd gaz 3 November 1900 p 1260
 sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4

Power of Judge

- r 11** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4

Costs

- r 12** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649; 11 February 1978 pp 492–4

Amended or further account

- r 13** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649; 11 February 1978 pp 492–4

Renewal of objection in subsequent action

- r 14** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649; 11 February 1978 pp 492–4

Evidence in subsequent action

- r 15** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649; 11 February 1978 pp 492–4

General practice to apply

- r 16** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649; 11 February 1978 pp 492–4

Combined executors' and trustees' account

- r 17** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649; 11 February 1978 pp 492–4

Allowance of commission in action

- r 18** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649; 11 February 1978 pp 492–4

Powers of taxing officer

- r 19** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649; 11 February 1978 pp 492–4

Renewal of objection in subsequent action

- r 20** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649
om o in c pubd gaz 11 February 1978 pp 492–4

Evidence in subsequent action

- r 21** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649
om o in c pubd gaz 11 February 1978 pp 492–4

Default by executor or administrator

- r 22** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649
om o in c pubd gaz 11 February 1978 pp 492–4

Combined default to be treated as contempt

- prov hdg** amd rule pubd gaz 29 March 1902 p 1035
r 23 sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649
om o in c pubd gaz 11 February 1978 pp 492–4

Dispensing with accounts by Court

- r 24** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965 pp 1431–649
om o in c pubd gaz 11 February 1978 pp 492–4

General practice to apply

- r 25** ins o in c pubd gaz 20 December 1958 pp 2122–7
 sub o in c pubd gaz 14 December 1965 pp 1431–649
 om o in c pubd gaz 11 February 1978 pp 492–4

Combined executors' and trustees' accounts

- r 26** ins o in c pubd gaz 20 December 1958 pp 2122–7
 sub o in c pubd gaz 14 December 1965 pp 1431–649
 om o in c pubd gaz 11 February 1978 pp 492–4

Allowance of commission in action

- r 27** ins o in c pubd gaz 20 December 1958 pp 2122–7
 sub o in c pubd gaz 14 December 1965 pp 1431–649
 om o in c pubd gaz 11 February 1978 pp 492–4

Powers of Taxing Officer

- r 28** ins o in c pubd gaz 20 December 1958 pp 2122–7
 sub o in c pubd gaz 14 December 1965 pp 1431–649
 om o in c pubd gaz 11 February 1978 pp 492–4
- r 29** ins o in c pubd gaz 20 December 1958 pp 2122–7
 om o in c pubd gaz 14 December 1965 pp 1431–649

**ORDER 74—SUMMARY RELIEF AGAINST EXECUTORS,
ADMINISTRATORS AND TRUSTEES**

- hdg** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649

Relief in case of neglect or refusal by executor, administrator or trustee

- r 1** sub o in c pubd gaz 20 December 1958 pp 2122–7; 14 December 1965
 pp 1431–649
- r 2** amd rule pubd gaz 2 November 1901 p 526
 sub o in c pubd gaz 20 December 1958 pp 2122–7
 om o in c pubd gaz 14 December 1965 pp 1431–649
- r 3** amd o in c pubd gaz 16 July 1955 p 1242
 sub o in c pubd gaz 20 December 1958 pp 2122–7
 om o in c pubd gaz 14 December 1965 pp 1431–649
- r 4** sub o in c pubd gaz 20 December 1958 pp 2122–7
 om o in c pubd gaz 14 December 1965 pp 1431–649
- r 5** sub o in c pubd gaz 20 December 1958 pp 2122–7
 om o in c pubd gaz 14 December 1965 pp 1431–649
- prov hdg** amd rule pubd gaz 29 March 1902 p 1035
 om o in c pubd gaz 20 December 1958 pp 2122–7
- r 6** amd rule pubd gaz 3 November 1900 p 1260; 29 March 1902 p 1035
 sub o in c pubd gaz 20 December 1958 pp 2122–7
 om o in c pubd gaz 14 December 1965 pp 1431–649

- r 7** sub o in c pubd gaz 20 December 1958 pp 2122–7
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 8** sub o in c pubd gaz 20 December 1958 pp 2122–7
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 9** sub o in c pubd gaz 20 December 1958 pp 2122–7
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 10** sub o in c pubd gaz 20 December 1958 pp 2122–7
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 11** sub o in c pubd gaz 20 December 1958 pp 2122–7
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 12** sub o in c pubd gaz 20 December 1958 pp 2122–7
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 13** sub o in c pubd gaz 20 December 1958 pp 2122–7
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 14** sub o in c pubd gaz 20 December 1958 pp 2122–7
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 15** sub o in c pubd gaz 20 December 1958 pp 2122–7
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 16** sub o in c pubd gaz 20 December 1958 pp 2122–7
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 17** ins rule pubd gaz 26 March 1904 p 1166
sub o in c pubd gaz 20 December 1958 pp 2122–7
om o in c pubd gaz 14 December 1965 pp 1431–649

**ORDER 75—PROCEEDINGS UNDER THE TRUSTEES AND EXECUTORS
ACT 1897**

Notice of applications

- r 8** amd rule pubd gaz 6 April 1901 p 1228

**ORDER 75A—PROVISIONS AS TO ACTIONS IN TORT BETWEEN
HUSBAND AND WIFE**

hdg ins o in c pubd gaz 31 August 1968 p 1806

- r 1** ins o in c pubd gaz 31 August 1968 p 1806

ORDER 78—ARREST OF ABSCONDING DEFENDANTS

Writ to be executed within 2 months

- r 4** amd o in c pubd gaz 4 April 1964 p 1228

Bail bond

- r 6** amd rule pubd gaz 3 November 1900 p 1260

Deposit to be paid into court

r 7 amd o in c pubd gaz 14 December 1965 pp 1431–649

Endorsement of execution

r 8 amd rule pubd gaz 3 November 1900 p 1260

Number of sureties

r 15 amd o in c pubd gaz 14 December 1965 pp 1431–649

Liability of sureties

r 24 amd o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 80—PROCEEDINGS RELATING TO MENTALLY ILL PERSONS

hdg sub o in c pubd gaz 14 December 1965 pp 1431–649

1. INTRODUCTORY

hdg prec r 1 om o in c pubd gaz 14 December 1965 pp 1431–649

Title of proceedings

r 1 sub o in c pubd gaz 14 December 1965 pp 1431–649

Proceedings in chambers

r 2 sub o in c pubd gaz 14 December 1965 pp 1431–649

Original proceedings for declaration that a person is mentally ill

r 3 sub o in c pubd gaz 14 December 1965 pp 1431–649

2. PROCEEDINGS FOR DECLARATION OF INSANITY

hdg prec r 4 om o in c pubd gaz 14 December 1965 pp 1431–649

Service

r 4 sub o in c pubd gaz 14 December 1965 pp 1431–649

Request for jury

r 5 sub o in c pubd gaz 14 December 1965 pp 1431–649

Discharge of persons alleged to be mentally ill

r 6 sub o in c pubd gaz 14 December 1965 pp 1431–649

Party becoming mentally ill

r 7 sub o in c pubd gaz 14 December 1965 pp 1431–649

Discharge of Alleged Lunatics

r 8 om o in c pubd gaz 14 December 1965 pp 1431–649

3. THE CURATOR IN INSANITY

hdg prec r 9 om o in c pubd gaz 14 December 1965 pp 1431–649

Proceedings before Curator

r 9 om o in c pubd gaz 14 December 1965 pp 1431–649

Recommendations

r 10 om o in c pubd gaz 14 December 1965 pp 1431–649

Inquiries upon Declaration of Insanity

r 11 om o in c pubd gaz 14 December 1965 pp 1431–649

Interim Certificate

r 12 om o in c pubd gaz 14 December 1965 pp 1431–649

Other Inquiries by Curator

r 13 om o in c pubd gaz 14 December 1965 pp 1431–649

Proposals and Compromises

r 14 om o in c pubd gaz 14 December 1965 pp 1431–649

Result of Inquiries

r 15 om o in c pubd gaz 14 December 1965 pp 1431–649

Parties to Attend

r 16 om o in c pubd gaz 14 December 1965 pp 1431–649

Notice in case of Persons not Declared Insane

r 17 om o in c pubd gaz 14 December 1965 pp 1431–649

Notice to Commit Lunatics

r 18 om o in c pubd gaz 14 December 1965 pp 1431–649

Evidence

r 19 om o in c pubd gaz 14 December 1965 pp 1431–649

References to Registrar

r 20 om o in c pubd gaz 14 December 1965 pp 1431–649

4. COMMITTEES AND RECEIVERS

hdg prec r 21 om o in c pubd gaz 14 December 1965 pp 1431–649

Practice as to Committees

r 21 om o in c pubd gaz 14 December 1965 pp 1431–649

Special Inquiries as to Committees

r 22 om o in c pubd gaz 14 December 1965 pp 1431–649

Discharge of Committee on Recovery of Lunatic

r 23 om o in c pubd gaz 14 December 1965 pp 1431–649

Death of Lunatic

r 24 om o in c pubd gaz 14 December 1965 pp 1431–649

5. GENERAL

hdg prec r 25 om o in c pubd gaz 14 December 1965 pp 1431–649

Recovery of Estate of Lunatic or Damages

r 25 om o in c pubd gaz 14 December 1965 pp 1431–649

Application for Advice

r 26 om o in c pubd gaz 14 December 1965 pp 1431–649

By Whom Application to be Made

r 27 om o in c pubd gaz 14 December 1965 pp 1431–649

Orders for Maintenance

r 28 om o in c pubd gaz 14 December 1965 pp 1431–649

Proceeds for Sales of Property

r 29 om o in c pubd gaz 14 December 1965 pp 1431–649

Returns to Inspector

r 30 om o in c pubd gaz 14 December 1965 pp 1431–649

Notices to Custodians of Lunatics

r 31 om o in c pubd gaz 14 December 1965 pp 1431–649

Powers of Curator as to Time

r 32 om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 81—RULES OF COURT RELATING TO APPLICATIONS FOR JUDICIAL REVIEW²

hdg prev hdg om 1991 No. 100 s 58(2)
pres hdg ins 1991 No. 100 s 58(4) sch 4

1. GENERAL

hdg prec r 1 om 1991 No. 100 s 58(2)

Interpretation

r 1 prev r 1 om 1991 No. 100 s 58(2)
pres r 1 ins 1991 No. 100 s 58(4) sch 4

Form of application for statutory order of review

r 2 prev r 2 om 1991 No. 100 s 58(2)
pres r 2 ins 1991 No. 100 s 58(4) sch 4

Form of application for review

r 3 prev r 3 om 1991 No. 100 s 58(2)
pres r 3 ins 1991 No. 100 s 58(4) sch 4

Application for statutory order of review and for review

r 4 amd rule pubd gaz 6 April 1901 p 1228
prev r 4 om 1991 No. 100 s 58(2)
pres r 4 ins 1991 No. 100 s 58(4) sch 4

Relief based on application for review if application made for statutory order of review

r 5 prev r 5 om 1991 No. 100 s 58(2)
pres r 5 ins 1991 No. 100 s 58(4) sch 4

Related damages claim

r 6 prev r 6 om 1991 No. 100 s 58(2)
pres r 6 ins 1991 No. 100 s 58(4) sch 4

2. CERTIORARI

hdg prec r 7 om 1991 No. 100 s 58(2)

² See endnote 9.

Filing documents

- r 7** amd o in c pubd gaz 27 June 1922 pp 1815–19; 2 May 1959 pp 35–8;
14 December 1965 pp 1431–649
prev r 7 om 1991 No. 100 s 58(2)
pres r 7 ins 1991 No. 100 s 58(4) sch 4

Fixing of directions hearing

- r 8** prev r 8 om 1991 No. 100 s 58(2)
pres r 8 ins 1991 No. 100 s 58(4) sch 4

Service on other parties

- r 9** prev r 9 om 1991 No. 100 s 58(2)
pres r 9 ins 1991 No. 100 s 58(4) sch 4

Orders and directions at directions hearing

- r 10** amd o in c pubd gaz 14 December 1965 pp 1431–649
prev r 10 om 1991 No. 100 s 58(2)
pres r 10 ins 1991 No. 100 s 58(4) sch 4

Hearing and determination of application at directions hearing if parties agree

- r 11** prev r 11 om 1991 No. 100 s 58(2)
pres r 11 ins 1991 No. 100 s 58(4) sch 4

Non-appearance of parties at directions hearing

- r 12** prev r 12 om 1991 No. 100 s 58(2)
pres r 12 ins 1991 No. 100 s 58(4) sch 4

3. MANDAMUS

- hdg prec r 13** om 1991 No. 100 s 58(2)

Motion for dismissal or stay at directions hearing

- r 13** amd rule pubd gaz 6 April 1901 p 1228
prev r 13 om 1991 No. 100 s 58(2)
pres r 13 ins 1991 No. 100 s 58(4) sch 4

Motion for dismissal to be made promptly

- r 14** prev r 14 om 1991 No. 100 s 58(2)
pres r 14 ins 1991 No. 100 s 58(4) sch 4

Motion for costs order at directions hearing

- r 15** prev r 15 om 1991 No. 100 s 58(2)
pres r 15 ins 1991 No. 100 s 58(4) sch 4

Interlocutory orders or directions to be sought at directions hearing

- r 16** prev r 16 om 1991 No. 100 s 58(2)
pres r 16 ins 1991 No. 100 s 58(4) sch 4

Motion for interlocutory order or direction otherwise than at directions hearing

- r 17** prev r 17 om 1991 No. 100 s 58(2)
pres r 17 ins 1991 No. 100 s 58(4) sch 4

Noncompliance with interlocutory order

- r 18** amd rule pubd gaz 6 April 1901 p 1228
 prev r 18 om 1991 No. 100 s 58(2)
 pres r 18 ins 1991 No. 100 s 58(4) sch 4

Additional requirements for order of certiorari

- r 19** prev r 19 om 1991 No. 100 s 58(2)
 pres r 19 ins 1991 No. 100 s 58(4) sch 4

No action in relation to things done under mandamus order

- r 20** prev r 20 om 1991 No. 100 s 58(2)
 pres r 20 ins 1991 No. 100 s 58(4) sch 4

Consolidation of actions for prerogative injunctions

- r 21** prev r 21 om 1991 No. 100 s 58(2)
 pres r 21 ins 1991 No. 100 s 58(4) sch 4

Proceedings in relation to statements of reasons

- r 22** prev r 22 om 1991 No. 100 s 58(2)
 pres r 22 ins 1991 No. 100 s 58(4) sch 4

Use of affidavits

- r 23** prev r 23 om 1991 No. 100 s 58(2)
 pres r 23 ins 1991 No. 100 s 58(4) sch 4

Application by unincorporated body

- r 24** prev r 24 om 1991 No. 100 s 58(2)
 pres r 24 ins 1991 No. 100 s 58(4) sch 4

Joining of action for declaration or injunction

- r 25** prev r 25 om 1991 No. 100 s 58(2)
 pres r 25 ins 1991 No. 100 s 58(4) sch 4

Time

- r 26** om 1991 No. 100 s 58(2)

Mandamus by Order

- r 27** om 1991 No. 100 s 58(2)

4. PROHIBITION

- hdg prec r 28** om 1991 No. 100 s 58(2)

Pleadings in Prohibition

- r 28** om 1991 No. 100 s 58(2)

Proceeding on Judgment

- r 29** om 1991 No. 100 s 58(2)

Writ of Procedendo

- r 30** om 1991 No. 100 s 58(2)

5. QUO WARRANTO

- hdg prec r 31** om 1991 No. 100 s 58(2)

Relator to be Named

- r 31** om 1991 No. 100 s 58(2)

Objections to be Stated in Order Nisi

r 32 amd rule pubd gaz 3 November 1900 p 1260
om 1991 No. 100 s 58(2)

Security for Costs

r 33 amd o in c pubd gaz 14 December 1965 pp 1431–649
om 1991 No. 100 s 58(2)

Form of Information

r 34 om 1991 No. 100 s 58(2)

Signature and Service of Information

r 35 amd rule pubd gaz 6 April 1901 p 1228
om 1991 No. 100 s 58(2)

Defence and Subsequent Proceedings

r 36 om 1991 No. 100 s 58(2)

Judgment

prov hdg amd rule pubd gaz 29 March 1902 p 1035
r 37 om 1991 No. 100 s 58(2)

Disclaimer

r 38 om 1991 No. 100 s 58(2)

Consolidation

r 39 om 1991 No. 100 s 58(2)

6. WRIT OF ASSISTANCE

hdg prec r 40 om 1991 No. 100 s 58(2)

To Issue by Order of Judge

r 40 om 1991 No. 100 s 58(2)

ORDER 82—HABEAS CORPUS**How applied for**

r 1 amd rule pubd gaz 3 November 1900 p 1260

Proceedings on return

r 6 amd rule pubd gaz 6 April 1901 p 1228

ORDER 84—COMMITTAL FOR CONTEMPT OF COURT**Warrant**

r 5 amd o in c pubd gaz 27 June 1953 p 1087; 12 October 1957 pp 624–5

Punishment

prov hdg amd rule pubd gaz 29 March 1902 p 1035
r 8 amd rule pubd gaz 3 November 1900 p 1260
sub o in c pubd gaz 4 June 1983 pp 963–4

ORDER 85—APPEALS FROM LAND APPEAL COURT**1. APPEALS BY WAY OF REHEARING****hdg prec r 1** om o in c pubd gaz 14 December 1965 pp 1431–649**Notice of Appeal****r 1** om o in c pubd gaz 14 December 1965 pp 1431–649**Transfer****r 2** om o in c pubd gaz 14 December 1965 pp 1431–649**Time for Application for Hearing****r 3** om o in c pubd gaz 14 December 1965 pp 1431–649**Hearing to be Fixed****r 4** om o in c pubd gaz 14 December 1965 pp 1431–649**Assessors****r 5** om o in c pubd gaz 14 December 1965 pp 1431–649**Hearing without Assessors****r 6** om o in c pubd gaz 14 December 1965 pp 1431–649**Judgment on Appeal****r 7** om o in c pubd gaz 14 December 1965 pp 1431–649**Appeal to Full Court****r 8** om o in c pubd gaz 14 December 1965 pp 1431–649**Notice of appeal****r 9** amd o in c pubd gaz 14 December 1965 pp 1431–649**3. Proceedings in relation to arbitration****hdg prec r 13** ins 1993 SL No. 82 s 3**Definition****r 13** ins 1993 SL No. 82 s 3**Application****r 14** ins 1993 SL No. 82 s 3**Jurisdiction****r 15** ins 1993 SL No. 82 s 3**Procedure****r 16** ins 1993 SL No. 82 s 3**Time****r 17** ins 1993 SL No. 82 s 3**Offers to settle****r 18** ins 1993 SL No. 82 s 3**ORDER 85A—APPEALS FROM ASSESSMENT BY THE LAND TAX COMMISSIONER UNDER “THE LAND TAX ACT OF 1915”****hdg** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Time for appeal

- r 1** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Court of appeal

- r 2** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Transfer of appeal

- r 3** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Notice of appeal

- r 4** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Grounds of appeal

- r 5** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Setting down appeal

- r 6** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Papers for Registry

- r 7** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Papers for Judges

- r 8** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

- r 9** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Procedure on hearing

- r 10** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Admission and production

- r 11** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Evidence

- r 12** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Evidence by affidavit

- r 13** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Costs

- r 14** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Appeal to Full Court

- r 15** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Special case to Full Court

- r 16** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Power of Court to enlarge or abridge time

- r 17** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

Commencement and application of Rules

- r 18** ins rule pubd gaz 12 October 1918 pp 971–2
om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 85A

- hdg** ins o in c pubd gaz 13 March 1954 p 977
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 1** ins o in c pubd gaz 13 March 1954 p 977
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 2** ins o in c pubd gaz 13 March 1954 p 977
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 3** ins o in c pubd gaz 13 March 1954 p 977
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 4** ins o in c pubd gaz 13 March 1954 p 977
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 5** ins o in c pubd gaz 13 March 1954 p 977
om o in c pubd gaz 14 December 1965 pp 1431–649
- r 6** ins o in c pubd gaz 13 March 1954 p 977
om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 86—JURISDICTION OF THE MASTERS

- hdg** prev hdg om o in c pubd gaz 14 December 1965 pp 1431–649
ins o in c pubd gaz 8 November 1980 pp 1095–6
pres hdg sub o in c pubd gaz 22 May 1982 pp 746–7

Jurisdiction

- r 1** prev r 1 om o in c pubd gaz 14 December 1965 pp 1431–649
ins o in c pubd gaz 8 November 1980 pp 1095–6
amd o in c pubd gaz 6 June 1981 p 1216
pres r 1 sub o in c pubd gaz 22 May 1982 pp 746–7
amd o in c pubd gaz 13 April 1985 p 1988; 13 December 1986 p 2157;
20 December 1986 pp 2395–6; 2 July 1988 pp 2649–51

Effect of decisions

- r 2** amd rule pubd gaz 3 November 1900 p 1260
 prev r 2 om o in c pubd gaz 14 December 1965 pp 1431–649
 ins o in c pubd gaz 8 November 1980 pp 1095–6
 pres r 2 sub o in c pubd gaz 22 May 1982 pp 746–7

References

- r 3** prev r 3 om o in c pubd gaz 14 December 1965 pp 1431–649
 ins o in c pubd gaz 8 November 1980 pp 1095–6
 pres r 3 sub o in c pubd gaz 22 May 1982 pp 746–7

When matters allotted to Masters may be brought before Judge

- r 4** prev r 4 om o in c pubd gaz 14 December 1965 pp 1431–649
 ins o in c pubd gaz 8 November 1980 pp 1095–6
 pres r 4 sub o in c pubd gaz 22 May 1982 pp 746–7

Master acting for another Master

- r 5** prev r 5 om o in c pubd gaz 14 December 1965 pp 1431–649
 ins o in c pubd gaz 8 November 1980 pp 1095–6
 pres r 5 sub o in c pubd gaz 22 May 1982 pp 746–7

Reference and removal

- r 6** prev r 6 om o in c pubd gaz 14 December 1965 pp 1431–649
 ins o in c pubd gaz 8 November 1980 pp 1095–6
 pres r 6 sub o in c pubd gaz 22 May 1982 pp 746–7

Appeal to Court of Appeal

- r 7** prev r 7 om o in c pubd gaz 14 December 1965 pp 1431–649
 ins o in c pubd gaz 8 November 1980 pp 1095–6
 pres r 7 sub o in c pubd gaz 22 May 1982 pp 746–7

Appeal to Judge in chambers

- r 8** prev r 8 om o in c pubd gaz 14 December 1965 pp 1431–649
 ins o in c pubd gaz 8 November 1980 pp 1095–6
 pres r 8 sub o in c pubd gaz 22 May 1982 pp 746–7

General powers

- r 9** prev r 9 om o in c pubd gaz 14 December 1965 pp 1431–649
 ins o in c pubd gaz 8 November 1980 pp 1095–6
 pres r 9 sub o in c pubd gaz 22 May 1982 pp 746–7

Default in compliance

- r 10** prev r 10 om o in c pubd gaz 14 December 1965 pp 1431–649
 ins o in c pubd gaz 8 November 1980 pp 1095–6
 pres r 10 sub o in c pubd gaz 22 May 1982 pp 746–7

Distribution of business

- r 11** prev r 11 om o in c pubd gaz 14 December 1965 pp 1431–649
 ins o in c pubd gaz 8 November 1980 pp 1095–6
 pres r 11 sub o in c pubd gaz 22 May 1982 pp 746–7
- r 12** prev r 12 om o in c pubd gaz 14 December 1965 pp 1431–649
 pres r 12 ins o in c pubd gaz 22 May 1982 pp 746–7

Copies of Papers

r 13 om o in c pubd gaz 14 December 1965 pp 1431–649

Copies of Specification and Balance-Sheet to be Filed

r 14 om o in c pubd gaz 14 December 1965 pp 1431–649

Copies of Papers for Judges

r 15 om o in c pubd gaz 14 December 1965 pp 1431–649

Costs of Expert Evidence

r 16 om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 87—THE REGISTRY**Great seal of the Court**

r 1 amd rule pubd gaz 3 November 1900 p 1260

Seal in Central, Northern and Far Northern Court

prov hdg amd 1997 SL No. 266 s 31(1)

r 2 amd rule pubd gaz 3 November 1900 p 1260; 1997 SL No. 266
s 31(2)–(3)

To what documents affixed

r 3 amd rule pubd gaz 3 November 1900 p 1260; o in c pubd gaz 29 January
1966 pp 812–3

Office Seals

r 4 amd 1997 SL No. 266 s 32

Registrars in Bankruptcy—Seal

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 4A ins o in c pubd gaz 12 October 1957 pp 624–5
amd o in c pubd gaz 14 December 1965 pp 1431–649; 9 March 1968
p 979
om o in c pubd gaz 14 July 1990 p 1642

Registrars in Bankruptcy—Custody of Records

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 6A ins o in c pubd gaz 12 October 1957 pp 624–5
amd o in c pubd gaz 14 December 1965 pp 1431–649; 9 March 1968
p 979
om o in c pubd gaz 14 July 1990 p 1642

Sealing writs etc.

r 10 amd o in c pubd gaz 9 October 1943 pp 1248–9; 1997 SL No. 266 s 33

Date upon document filed

r 14 sub o in c pubd gaz 14 December 1965 pp 1431–649

Indexes to files to be kept

r 15 sub o in c pubd gaz 14 December 1965 pp 1431–649

Register of documents filed and proceedings taken

r 16 sub o in c pubd gaz 14 December 1965 pp 1431–649

Restrictions on removal of documents from registry**prov hdg** amd rule pubd gaz 29 March 1902 p 1035**r 21** amd 1996 SL No. 98 s 4**Delivery of impounded documents****r 24** amd rule pubd gaz 3 November 1900 p 1260**Attendance of registrar in court****r 26** amd o in c pubd gaz 14 December 1965 pp 1431–649**Setting down matters****r 27** sub o in c pubd gaz 14 December 1965 pp 1431–649

om 1993 SL No. 44 s 8

Minutes on Filing Documents**r 30** om o in c pubd gaz 27 June 1922 pp 1815–19**CENTRAL AND NORTHERN COURTS****hdg prec s 35** om o in c pubd gaz 14 December 1965 pp 1431–649**Returns to Brisbane****r 35** amd o in c pubd gaz 27 June 1922 pp 1815–19

om o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 87A—FILING**hdg** ins o in c pubd gaz 23 March 1991 pp 1738–9

sub 1996 SL No. 137 s 6

Filing**r 1** ins o in c pubd gaz 23 March 1991 pp 1738–9

sub 1996 SL No. 137 s 6

Filing by post**r 2** ins o in c pubd gaz 23 March 1991 pp 1738–9

sub 1996 SL No. 137 s 6

Risk**r 3** ins o in c pubd gaz 23 March 1991 pp 1738–9

sub 1996 SL No. 137 s 6

Postal dealing fee**r 4** ins o in c pubd gaz 23 March 1991 pp 1738–9

sub 1996 SL No. 137 s 6

ORDER 88—DRAWING UP JUDGMENTS AND ORDERS**Entry not required****r 2 prov hdg** amd rule pubd gaz 29 March 1902 p 1035**Time for bespeaking judgment or order****r 6** amd rule pubd gaz 29 March 1902 p 1035**Default in attending appointment with documents****r 13** amd o in c pubd gaz 24 October 1953 p 821

Settling and passing judgment or order without any appointment

r 15 amd o in c pubd gaz 14 December 1965 pp 1431–649

Judgments and orders to be drawn up within 14 days

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649

r 15A ins o in c pubd gaz 24 October 1953 p 821
amd o in c pubd gaz 24 January 1987 p 387

ORDER 89—THE SHERIFF AND OTHER OFFICERS CHARGED WITH SERVICE AND EXECUTION OF PROCESS**Process to be returned**

r 1 amd rule pubd gaz 3 November 1900 p 1260

Attendance of sheriff in court

r 4 amd o in c pubd gaz 14 December 1965 pp 1431–649

ORDER 90—TIME**Exclusion of Sundays and court holidays**

r 1 amd o in c pubd gaz 18 September 1948 p 1886

Time expiring on close day

r 2 amd o in c pubd gaz 18 September 1948 p 1886

No delivery of pleadings in vacation

r 3 amd o in c pubd gaz 14 December 1965 pp 1431–649

Vacation not to be reckoned in time for delivery etc. of pleadings

r 4 amd o in c pubd gaz 14 December 1965 pp 1431–649

Time of day for service

r 8 amd 1997 SL No. 266 s 34

Notice after delay of 1 year

r 9 amd o in c pubd gaz 14 December 1965 pp 1431–649

Duration of caveat in admiralty actions

r 11 amd rule pubd gaz 29 March 1902 p 1035

ORDER 91—COSTS**Limitation of costs**

r 2 sub o in c pubd gaz 27 June 1922 pp 1815–19
amd o in c pubd gaz 14 May 1927 p 1691; 2 May 1959 pp 35–8;
14 December 1965 pp 1431–649

r 2A ins o in c pubd gaz 27 June 1922 pp 1815–19
om o in c pubd gaz 2 May 1959 pp 35–8

Costs of issues to follow event

r 3 amd rule pubd gaz 3 October 1903 pp 638–9

Costs of solicitor guardian ad litem

r 5 amd o in c pubd gaz 14 December 1965 pp 1431–649

2. COSTS IN MATRIMONIAL ACTIONS

hdg prec r 18 om o in c pubd gaz 14 December 1965 pp 1431–649

Defendants who have Appeared may be Heard as to Costs

prov hdg amd rule pubd gaz 8 June 1901 pp 300–1

r 18 amd rule pubd gaz 3 November 1900 p 1260; 8 June 1901 pp 300–1
om o in c pubd gaz 14 December 1965 pp 1431–649

Costs Awarded by Judgment Nisi to be Paid Into Court

r 19 om o in c pubd gaz 14 December 1965 pp 1431–649

WIFE'S COSTS

hdg prec r 20 om o in c pubd gaz 14 December 1965 pp 1431–649

Provision for Wife's Costs

r 20 om o in c pubd gaz 14 December 1965 pp 1431–649

Taxing Officer to Certify

r 21 om o in c pubd gaz 14 December 1965 pp 1431–649

Order to be Drawn up

r 22 om o in c pubd gaz 14 December 1965 pp 1431–649

Appeal by Husband

r 23 amd rule pubd gaz 3 November 1900 p 1260
om o in c pubd gaz 14 December 1965 pp 1431–649

Peremptory Order

r 24 om o in c pubd gaz 14 December 1965 pp 1431–649

Costs of Commission to Examine Witnesses

r 25 om o in c pubd gaz 14 December 1965 pp 1431–649

To be Paid or Secured

r 26 om o in c pubd gaz 14 December 1965 pp 1431–649

Amount of Costs of trial in Favour of Unsuccessful Wife

r 27 om o in c pubd gaz 14 December 1965 pp 1431–649

Recovery

r 28 om o in c pubd gaz 14 December 1965 pp 1431–649

Costs to be in general allowed on schedule 2

prov hdg amd o in c pubd gaz 14 December 1965 pp 1431–649

r 30 amd o in c pubd gaz 14 December 1965 pp 1431–649

Clerks' fees abolished

r 30A ins o in c pubd gaz 27 June 1922 pp 1815–19
om o in c pubd gaz 14 December 1965 pp 1431–649

Costs in small admiralty cases

r 31 amd o in c pubd gaz 14 December 1965 pp 1431–649

Costs may be Allowed on the Higher Scale on special Grounds

r 33 om o in c pubd gaz 14 December 1965 pp 1431–649

Scale on Taxation of Solicitor's Bill on a Reference to Tax

r 34 om o in c pubd gaz 14 December 1965 pp 1431–649

r 35A ins rule pubd gaz 22 May 1920 p 2090
om o in c pubd gaz 2 May 1959 pp 35–8

r 35B ins o in c pubd gaz 22 December 1951 p 1809
om o in c pubd gaz 22 December 1959 pp 35–8

Filing bill of costs

r 40 sub 1993 SL No. 44 s 9(1)–(2)

Service

r 40A ins 1993 SL No. 44 s 9(1)–(2)

Appointment for directions

r 41 sub 1993 SL No. 44 s 9(1)–(2)

Objections to bill of costs

r 41A ins 1993 SL No. 44 s 9(1)–(2)

Powers of Taxing Officer where Solicitor Neglects to Leave Bill of Costs within Time Fixed, or Impedes or Delays Taxation

r 46 om 1993 SL No. 44 s 9(1), (3)

Books etc. to be transmitted by registrar to taxing officer

r 50 prov hdg amd rule pubd gaz 29 March 1902 p 1035

Gross sum for costs—proportional part of costs

r 52 sub rule pubd gaz 3 October 1903 pp 638–9

Drawing and settling judgments or orders

r 66 amd rule pubd gaz 3 November 1900 p 1260

Special allowance for attendances at chambers in cases of difficulty etc.

r 67 amd o in c pubd gaz 14 December 1965 pp 1431–649

Copies of documents, allowance of 1s 6d (15c) per folio, except where solicitor refuses production

prov hdg amd o in c pubd gaz 14 December 1965 pp 1431–649

r 70 amd o in c pubd gaz 14 December 1965 pp 1431–649

Tender for respondent's costs on service of petition

r 71 amd o in c pubd gaz 14 December 1965 pp 1431–649

Costs of taxation

r 77A ins 1993 SL No. 44 s 9(1), (4)

Taxing officer to assist when account comprises costs

prov hdg amd rule pubd gaz 29 March 1902 p 1035

r 78 amd rule pubd gaz 3 November 1900 p 1260

Costs as between solicitor and client

r 82 amd rule pubd gaz 2 November 1901 p 526

General power of allowance

- r 82A** ins rule pubd gaz 3 October 1903 pp 638–9
amd o in c pubd gaz 14 December 1965 pp 1431–649

Inclusion in bill of disbursements due but not paid

- r 82B** ins o in c pubd gaz 14 May 1927 p 1691
sub o in c pubd gaz 14 December 1965 pp 1431–649

Offer to settle costs

- r 89** sub 1993 SL No. 44 s 9(1), (5)

Power to taxing officer to assess costs at a gross sum in case of delay or improper conduct of litigation

- r 92** amd rule pubd gaz 3 October 1903 pp 638–9

Delay before Taxing Officer

- r 96** om 1993 SL No. 44 s 9(1), (6)

Witnesses' expenses

- r 100** amd o in c pubd gaz 14 December 1965 pp 1431–649

Direction as to documents on taxation

- r 101** amd o in c pubd gaz 14 December 1965 pp 1431–649

Counsel in registry

- r 111** sub o in c pubd gaz 14 May 1927 p 1691
amd 1997 SL No. 266 s 35

Costs of Counsel on Taxation

- r 113** om 1993 SL No. 44 s 9(1), (7)

Allocatur

- r 116** amd rule pubd gaz 3 October 1903 pp 638–9

Objections to taxation—review

- r 117** amd rule pubd gaz 3 October 1903 pp 638–9

Note about taxation of costs

- r 121** ins 1993 SL No. 307 s 4

ORDER 92—SITTINGS AND VACATIONS**Sittings before single Judges**

- r 2** sub o in c pubd gaz 14 December 1965 pp 1431–649

Criminal and civil sittings in towns

- r 3** om o in c pubd gaz 27 June 1922 pp 1815–19

Circuit Courts

- r 4** om o in c pubd gaz 27 June 1922 pp 1815–19

Vacations

- prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649
r 5 sub o in c pubd gaz 27 June 1922 pp 1815–19
amd o in c pubd gaz 14 December 1965 pp 1431–649
sub o in c pubd gaz 23 December 1972 p 1959

Holidays

- r 6** sub rule pubd gaz 6 April 1901 p 1228
 amd o in c pubd gaz 27 June 1922 pp 1815–19; 10 December 1938
 p 2530; 1 September 1945 p 413; 20 December 1952 p 1880;
 6 September 1975 p 21; 10 December 1988 p 1663

Office hours

- prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649
- r 7** sub o in c pubd gaz 24 September 1938 p 954
 amd o in c pubd gaz 27 March 1971 p 1237
- r 9** ins rule pubd gaz 26 March 1904 p 1166
 om rule pubd gaz 7 December 1907 p 1403 (as from 1 January 1908)

ORDER 93—GENERAL PROVISIONS**Form of documents**

- r 2** amd o in c pubd gaz 28 February 1970 p 713; 11 February 1978 pp 492–4

Regulations as to printing and printed copies

- r 3** amd o in c pubd gaz 14 December 1965 pp 1431–649; 28 February 1970
 p 713; 11 February 1978 pp 492–4

Service of judgments and orders

- r 9** amd o in c pubd gaz 14 December 1965 pp 1431–649

Mode and time of service when not personal

- r 10** amd o in c pubd gaz 14 December 1965 pp 1431–649

Service not to be effected on Good Friday or christmas Day

- prov hdg** amd 1997 SL No. 266 s 36(1)

- r 15** amd 1997 SL No. 266 s 36(2)

Noncompliance with rules

- r 17** sub o in c pubd gaz 14 December 1965 pp 1431–649

Application to set aside for irregularity, when allowed

- r 18** amd o in c pubd gaz 14 December 1965 pp 1431–649

Practice where not prescribed

- r 22** sub o in c pubd gaz 14 December 1965 pp 1431–649

Publication of reasons

- prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649

- r 25** ins o in c pubd 30 August 1941 p 808

ORDER 94—FORMS—FEES**No fees payable by Crown or out of the Consolidated Fund**

- prov hdg** ins o in c pubd gaz 14 December 1965 pp 1431–649

- r 3** ins o in c pubd gaz 17 March 1962 p 822

ORDER 95—DISTRICT REGISTRIES

hdg ins o in c pubd gaz 27 June 1922 pp 1815–19
 amd o in c pubd gaz 14 December 1965 pp 1431–649

Proceedings in district registries

r 1 ins o in c pubd gaz 27 June 1922 pp 1815–19
 sub o in c pubd gaz 23 October 1982 p 911
 amd 1997 SL No. 266 s 37

Application of these rules

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649
r 2 ins o in c pubd gaz 27 June 1922 pp 1815–19

District where action to be commenced

r 3 ins o in c pubd gaz 27 June 1922 pp 1815–19

Transfer of action

r 4 ins o in c pubd gaz 27 June 1922 pp 1815–19
 sub o in c pubd gaz 23 October 1982 p 911

Power to reserve judgments

r 5 ins o in c pubd gaz 27 June 1922 pp 1815–19

Procedure in district registry

r 6 ins o in c pubd gaz 27 June 1922 pp 1815–19
 amd o in c pubd gaz 14 December 1965 pp 1431–649
 sub o in c pubd gaz 23 October 1982 p 911

r 9 ins o in c pubd gaz 27 June 1922 pp 1815–19
 om o in c pubd gaz 14 December 1965 pp 1431–649

Costs

hdg prec r 10 ins o in c pubd gaz 27 June 1922 pp 1815–19

Taxation of costs

prov hdg ins o in c pubd gaz 14 December 1965 pp 1431–649
r 10 ins o in c pubd gaz 27 June 1922 pp 1815–19
 sub o in c pubd gaz 14 May 1927 p 1691

ORDER 96—REMOVAL OF ACTIONS TO AND FROM MAGISTRATES COURTS

hdg ins o in c pubd gaz 27 June 1922 pp 1815–19
 amd o in c pubd gaz 14 December 1965 pp 1431–649

Removal of action from Magistrates Court

r 1 ins o in c pubd gaz 27 June 1922 pp 1815–19
 amd o in c pubd gaz 14 December 1965 pp 1431–649

Removal of action to Magistrates Court

r 2 ins o in c pubd gaz 27 June 1922 pp 1815–19

ORDER 97—ARBITRATION

hdg ins o in c pubd gaz 27 June 1922 pp 1815–19

Power to refer to arbitration

r 1 ins o in c pubd gaz 27 June 1922 pp 1815–19

ORDER 98—CROSS VESTING

hdg prev hdg ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
pres hdg ins o in c pubd gaz 2 July 1988 pp 2649–51

Interpretation

r 1 prev r 1 ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
pres r 1 ins o in c pubd gaz 2 July 1988 pp 2649–51

Applications

r 2 prev r 2 ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
pres r 2 ins o in c pubd gaz 2 July 1988 pp 2649–51

Commencement of proceedings

r 3 prev r 3 ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
pres r 3 ins o in c pubd gaz 2 July 1988 pp 2649–51

Special federal matters

r 4 prev r 4 ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
pres r 4 ins o in c pubd gaz 2 July 1988 pp 2649–51

Service

r 5 prev r 5 ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
pres r 5 ins o in c pubd gaz 2 July 1988 pp 2649–51

Directions

r 6 prev r 6 ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
pres r 6 ins o in c pubd gaz 2 July 1988 pp 2649–51

Transfer of proceedings

r 7 prev r 7 ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
pres r 7 ins o in c pubd gaz 2 July 1988 pp 2649–51

Transfer on Attorney-General's application

r 8 prev r 8 ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
pres r 8 ins o in c pubd gaz 2 July 1988 pp 2649–51

Transfer to Court when no proceeding pending

- r 9** prev r 9 ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
pres r 9 ins o in c pubd gaz 2 July 1988 pp 2649–51
- r 10** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 11** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 12** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 13** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 14** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 15** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 16** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 17** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 18** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 19** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 20** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 21** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 22** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 23** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1
- r 24** ins o in c pubd gaz 10 May 1924 pp 1334–6
om 1929 20 Geo 5 No. 19 s 4 sch 1

ORDER 99—ALTERNATIVE DISPUTE RESOLUTION PROCESSES

hdg ins 1995 SL No. 133 s 4

Division 1—Definitions

div hdg ins 1995 SL No. 133 s 4

Definitions for order

r 1 ins 1995 SL No. 133 s 4

Division 2—Establishment of ADR processes

div hdg ins 1995 SL No. 133 s 4

Approval as mediator

r 2 ins 1995 SL No. 133 s 4

Approval as case appraiser

r 3 ins 1995 SL No. 133 s 4

ADR register

r 4 ins 1995 SL No. 133 s 4

Information to be given to registrar by ADR convenors and venue providers

r 5 ins 1995 SL No. 133 s 4

Form of consent order for ADR process

r 6 ins 1995 SL No. 133 s 4

Registrar to give notice of proposed reference to ADR process

r 7 ins 1995 SL No. 133 s 4

Proceedings referred to ADR process are stayed

r 8 ins 1995 SL No. 133 s 4

When does a party impede an ADR process?

r 9 ins 1995 SL No. 133 s 4

Division 3—Mediation

div hdg ins 1995 SL No. 133 s 4

Referral of dispute to appointed mediator

r 10 ins 1995 SL No. 133 s 4

When mediation must start and finish

r 11 ins 1995 SL No. 133 s 4

Parties must assist mediator

r 12 ins 1995 SL No. 133 s 4

Mediator's role

r 13 ins 1995 SL No. 133 s 4

Liberty to apply

r 14 ins 1995 SL No. 133 s 4

Mediator may seek independent advice

r 15 ins 1995 SL No. 133 s 4

Record of mediation resolution

r 16 ins 1995 SL No. 133 s 4

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r 17 ins 1995 SL No. 133 s 4

Mediator to file certificate

r 18 ins 1995 SL No. 133 s 4

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r 19 ins 1995 SL No. 133 s 4

Replacement of mediator

r 20 ins 1995 SL No. 133 s 4

Division 4—Case appraisal

div hdg ins 1995 SL No. 133 s 4

Referral of dispute to appointed case appraiser

r 21 ins 1995 SL No. 133 s 4

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r 22 ins 1995 SL No. 133 s 4

Appearances

r 23 ins 1995 SL No. 133 s 4

Case appraiser may seek information

r 24 ins 1995 SL No. 133 s 4

Case appraisal proceeding may be recorded

r 25 ins 1995 SL No. 133 s 4

Case appraiser's decision

r 26 ins 1995 SL No. 133 s 4

Case appraiser's decision on costs in the dispute

r 27 ins 1995 SL No. 133 s 4

Case appraiser's decision final unless election made

r 28 ins 1995 SL No. 133 s 4

Case appraiser to file certificate and decision

r 29 ins 1995 SL No. 133 s 4

Dissatisfied party may elect to go to trial

r 30 ins 1995 SL No. 133 s 4

Court to have regard to case appraiser's decision when awarding costs

r 31 ins 1995 SL No. 133 s 4

Replacement of case appraiser

r 32 ins 1995 SL No. 133 s 4

Division 5—ADR costs

div hdg ins 1995 SL No. 133 s 4

Payment of ADR costs

r 33 ins 1995 SL No. 133 s 4

Party may pay another party's ADR costs

r 34 ins 1995 SL No. 133 s 4

Registrar to facilitate payment of ADR costs

r 35 ins 1995 SL No. 133 s 4

When ADR convenor or venue provider may recover further costs

r 36 ins 1995 SL No. 133 s 4

Court may extend period within which costs are to be paid or grant relief

r 37 ins 1995 SL No. 133 s 4

Costs of failed ADR process are costs in the dispute

r 38 ins 1995 SL No. 133 s 4

SCHEDULE 1—FORMS OF PROCEEDINGS

amd rule pubd gaz 6 April 1901 p 1228; 8 June 1901 pp 300–1;
 7 December 1907 p 1403; 18 October 1913 pp 1017–18; 12 October
 1918 pp 971–2; o in c pubd gaz 9 January 1943 p 27; 7 August 1943
 p 384; 9 October 1943 pp 1248–9; 1 December 1945 p 1270;
 28 October 1950 p 1287; 24 February 1951 p 758; 3 May 1952 pp 21–2;
 5 July 1952 p 1304; 27 June 1953 p 1087; 12 October 1957 pp 624–5;
 25 October 1958 pp 701–2; 20 December 1958 pp 2122–7; 24 June
 1961 p 761; 7 July 1962 p 1398; 4 April 1964 p 1228; 11 July 1964
 p 1251

sub o in c pubd gaz 14 December 1965 pp 1431–649

Form 1—General form of writ of summons

amd o in c pubd gaz 29 January 1966 pp 812–13; 1997 SL No. 266 s 38(1)

Form 4—Writ for service out of the jurisdiction, or when notice in lieu of service is to be given out of the jurisdiction

amd 1997 SL No. 266 s 38(1)

Form 20—Additional claim for costs

amd o in c pubd gaz 17 April 1976 p 1526; 4 June 1977 pp 797–805

Form 24—Additional claim for costs

amd o in c pubd gaz 17 April 1976 p 1526; 4 June 1977 pp 797–805

Form 93—General form of originating summons

amd 1997 SL No. 266 s 38(1)

Form 101A—Affidavit of service of documents

ins o in c pubd gaz 7 March 1981 p 771

Form 102—General form of entry of appearance by defendant

amd o in c pubd gaz 29 January 1966 pp 812–13

Form 120—Third party notice claiming indemnity or contribution or other relief or remedy

amd 1997 SL No. 266 s 38(1)

Form 123—Notice to be endorsed on counterclaim against person not party to the action

amd 1997 SL No. 266 s 38(1)

Form 129—Notice of payment into court

sub o in c pubd gaz 9 April 1988 pp 2077–83

Form 131—Notice of acceptance of money paid into court

amd o in c pubd gaz 9 April 1988 pp 2077–83

SECTION 1—DISCLOSURE**hdg prec Form 142** sub 1994 SL No. 26 s 5**Form 142—Order to deliver interrogatories**

om 1993 SL No. 307 s 5(14)

Form 143—Interrogatories

amd 1993 SL No. 307 s 5(1)

Form 144—Order to answer interrogatories

om 1993 SL No. 307 s 5(14)

Form 145—Answer to interrogatories

amd 1993 SL No. 307 s 5(2)

Form 146—Order for affidavit as to documents

om 1993 SL No. 307 s 5(14)

Form 148—Affidavit as to documents

amd 1993 SL No. 307 s 5(3)

Form 148A—List of documents

amd 1993 SL No. 307 s 5(3)

Form 149—Order to produce documents for inspection

om 1993 SL No. 307 s 5(14)

Form 150—Order for production (underwriters)

om 1993 SL No. 307 s 5(14)

Form 151—Notice to produce documents for inspection

amd 1993 SL No. 307 s 5(4)

Form 152—Notice to inspect documents

amd 1993 SL No. 307 s 5(4)

Form 153—Notice to admit document

amd 1993 SL No. 307 s 5(4)

Form 154—Notice to admit facts

amd 1993 SL No. 307 s 5(4)

Form 155—Admission of documents or facts pursuant to notice

amd 1993 SL No. 307 s 5(4)

Form 156—Notice to produce (general form)

amd 1993 SL No. 307 s 5(4)

Form 159—Certificate of readiness for trial

amd o in c pubd gaz 1 June 1985 pp 1012–13

Form 161—Request for transfer from Rockhampton, Townsville or Cairns to Brisbane

amd 1997 SL No. 266 s 38(2)–(4)

Form 162—Order of reference to Registrar or special referee

om 1993 SL No. 307 s 5(14)

Form 163—Order for trial of action in District Court

om 1993 SL No. 307 s 5(14)

Form 164—Entry of questions of law for argument

sub rule pubd gaz 15 October 1993 pp 573–82

Form 165—Notice of entry of demurrer or special case or question of law for argument

amd rule pubd gaz 15 October 1993 pp 573–82

A—SUBPOENAS, ORDERS AND NOTICES TO PRODUCE WITNESSES, WRIT OF NON-PARTY DISCOVERYhdg prec **Form 167** sub 1993 SL No. 150 s 5(1)**Form 169A—Writ of non-party discovery**

ins 1993 SL No. 150 s 5(2)

Form 169B—Praeipie for writ of non-party discovery

ins 1993 SL No. 150 s 5(2)

Form 173—Order to produce witness

om 1993 SL No. 307 s 5(14)

B—COMMISSION AND REQUEST TO EXAMINE WITNESSEShdg prec **Form 175** sub 1993 SL No. 307 s 5(5)**Form 175—Order for examination of witnesses before trial**

om 1993 SL No. 307 s 5(14)

Form 176—Short order for issue of commission to examine witnesses

om 1993 SL No. 307 s 5(14)

Form 177—Long order for commission to examine witnesses

om 1993 SL No. 307 s 5(14)

Form 178—Commission to examine witnesses

amd 1993 SL No. 150 s 5(6); 1997 SL No. 266 s 38(1)

Form 179—Praeipie for commission to examine witnesses

amd 1993 SL No. 150 s 5(6)

Form 180—Order for issue of request for examination abroad

om 1993 SL No. 307 s 5(14)

Form 181—Request for examination abroad

amd 1993 SL No. 150 s 5(7)

PART 6—FORMS OF JUDGMENTS/ORDERShdg prec **Form 182** sub 1993 SL No. 307 s 5(8)

SECTION 1—JUDGMENTS IN GENERAL**hdg prec Form 182** om 1993 SL No. 307 s 5(9)**Form 182—General form of judgment/order**

sub 1993 SL No. 307 s 5(9)

Form 183—Default of appearance or defence in action for debt or liquidated demand

om 1993 SL No. 307 s 5(9)

Form 184—Default judgment in action for unliquidated damages

om 1993 SL No. 307 s 5(9)

Form 185—Default judgment in action relating to detention of goods

om 1993 SL No. 307 s 5(9)

Form 186—Judgment in default of appearance in action for recovery of land, damages and costs

om 1993 SL No. 307 s 5(9)

Form 187—Final judgment after assessment of damages

om 1993 SL No. 307 s 5(9)

Form 188—Judgment under Order 18 or Order 18A, r 3

om 1993 SL No. 307 s 5(9)

Form 189—Certificate of associate after trial [with or without] a jury or after trial of questions or issues

om o in c pubd gaz 7 June 1980 p 928

Form 190—Judgment after trial with a jury

om 1993 SL No. 307 s 5(9)

Form 191—Judgment after trial without a jury

om 1993 SL No. 307 s 5(9)

Form 192—Judgment for an amount to be ascertained

om 1993 SL No. 307 s 5(9)

Form 193—Judgment upon report of special referee

om 1993 SL No. 307 s 5(9)

Form 194—Judgment when no judgment entered at trial with jury

om 1993 SL No. 307 s 5(9)

Form 195—Judgment on motion after trial of issues

om 1993 SL No. 307 s 5(9)

Form 196—Judgment upon motion for judgment

om 1993 SL No. 307 s 5(9)

Form 197—Judgment on demurrer disposing of whole cause of action

om 1993 SL No. 307 s 5(9)

Form 198—Judgment on demurrer disposing of whole action in default of setting down for argument

om 1993 SL No. 307 s 5(9)

Form 199—Judgment on demurrer not disposing of whole action
om 1993 SL No. 307 s 5(9)

Form 200—Judgment for costs after acceptance of money paid into Court
om 1993 SL No. 307 s 5(9)

Form 201—Judgment for defendant’s costs on discontinuance
om 1993 SL No. 307 s 5(9)

Form 202—Judgment for plaintiff’s costs after confession of defence
om 1993 SL No. 307 s 5(9)

Form 203—Judgment in pursuance of order
om 1993 SL No. 307 s 5(9)

Form 204—Judgment on certificate of Registrar of District Court
om 1993 SL No. 307 s 5(9)

Form 205—Judgment of dismissal
om 1993 SL No. 307 s 5(9)

Form 206—Judgment of nonsuit
om 1993 SL No. 307 s 5(9)

Form 207—Judgment of the Full Court
om 1993 SL No. 307 s 5(9)

Form 208—Full Court judgment on special case or point of law
om 1993 SL No. 307 s 5(9)

SECTION 2—ORDERS TO REVIEW
hdg prec Form 209 om 1993 SL No. 307 s 5(9)

Form 209—Order to review under “The Justices Acts, 1886 to 1964”
om 1993 SL No. 307 s 5(9)

Form 210—Order to review made absolute
om 1993 SL No. 307 s 5(9)

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SECTION 3—JUDGMENTS IN ADMIRALTY ACTIONS
hdg prec Form 212 om 1993 SL No. 307 s 5(9)

Form 212—Judgment for ascertained sum
om 1993 SL No. 307 s 5(9)

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om 1993 SL No. 307 s 5(9)

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om 1993 SL No. 307 s 5(9)

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om 1993 SL No. 307 s 5(9)

SECTION 5—NOTICE OF JUDGMENT**hdg prec Form 217** om 1993 SL No. 307 s 5(10)**Form 217—Notice of judgment**

amd 1997 SL No. 266 s 38(1)

Form 229—Writ of *capias ad satisfaciendum*

amd 1997 SL No. 266 s 38(1)

Form 245—Writ of attachment

amd 1997 SL No. 266 s 38(1)

Form 258—Notice of appeal

sub rule pubd gaz 15 October 1993 pp 573–82

Form 258A—Consent order dismissing appeal

ins o in c pubd gaz 19 January 1985 p 145

amd rule pubd gaz 15 October 1993 pp 573–82

Form 261—Rule nisi

om 1993 SL No. 307 s 5(14)

Form 262—Rule absolute

om 1993 SL No. 307 s 5(14)

Form 263—Order discharging rule nisi

om 1993 SL No. 307 s 5(14)

Form 264—Order on motion in the first instance

om 1993 SL No. 307 s 5(14)

Form 265—Order dismissing application on motion

om 1993 SL No. 307 s 5(14)

Form 267—Fiat to be endorsed on originating petition

amd 1997 SL No. 266 s 38(1)

Form 267A—Affidavit verifying petition

ins o in c pubd gaz 29 January 1966 pp 812–13

Form 268—Order on petition

om 1993 SL No. 307 s 5(14)

Form 269—General form of summons in pending cause or matter

amd 1997 SL No. 266 s 38(1)

Form 272—General form of order on summons—by the Judge

om 1993 SL No. 307 s 5(14)

Form 273—General form of order on summons—by the registrar

om 1993 SL No. 307 s 5(14)

- Form 274—Order dismissing a summons**
om 1993 SL No. 307 s 5(14)
- Form 275—Order to name a new solicitor**
om 1993 SL No. 307 s 5(14)
- Form 276—Order for substituted service**
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- Form 277—Order under Order 18, rule 1**
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- Form 278—Order under Order 18, rule 1**
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- Form 279—Order under Order 18, rule 1**
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- Form 281—Order to carry on proceedings against new party**
om 1993 SL No. 307 s 5(14)
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om 1993 SL No. 307 s 5(14)
- Form 283—Order for particulars of set-off or counter-claim**
om 1993 SL No. 307 s 5(14)
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om 1993 SL No. 307 s 5(14)
- Form 285—Order to dismiss for want of prosecution**
om 1993 SL No. 307 s 5(14)
- Form 286—Order for security for costs**
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om 1993 SL No. 307 s 5(14)
- Form 288—Order appointing interim receiver and manager**
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- Form 291—Order for payment of money out of Court**
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- Form 292—Order for examination of judgment debtor**
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- Form 294—Garnishee order nisi (attaching order)**
om 1993 SL No. 307 s 5(14)
- Form 295—Garnishee order absolute**
om 1993 SL No. 307 s 5(14)
- Form 296—Order for issue between judgment creditor and garnishee**
om 1993 SL No. 307 s 5(14)
- Form 297—Order nisi charging stock or interest in partnership**
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- Form 298—Order absolute charging stock**
om 1993 SL No. 307 s 5(14)
- Form 301—Interpleader order (No. 1)**
om 1993 SL No. 307 s 5(14)
- Form 302—Interpleader order (No. 2)**
om 1993 SL No. 307 s 5(14)
- Form 303—Interpleader order (No. 3)**
om 1993 SL No. 307 s 5(14)
- Form 304—Interpleader order (No. 4)**
om 1993 SL No. 307 s 5(14)
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om 1993 SL No. 307 s 5(14)
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om 1993 SL No. 307 s 5(14)
- Form 314—Order to deliver bill of costs**
om 1993 SL No. 307 s 5(14)

Form 315—Order on client’s application to tax solicitor’s bill of costs
om 1993 SL No. 307 s 5(14)

Form 316—Order on solicitor’s application to tax bill of costs
om 1993 SL No. 307 s 5(14)

Form 317—Order to tax after action brought
om 1993 SL No. 307 s 5(14)

Form 325—Order for leave to enter judgment against surety
om 1993 SL No. 307 s 5(14)

Form 326—Judgment on security
om 1993 SL No. 307 s 5(14)

**PART 12—FORMS RELATING TO ACCOUNTS AND INQUIRIES AND
OTHER ADMINISTRATIVE BUSINESS**

hdg prec Form 237 om 1993 SL No. 307 s 5(14)

Form 327—Form of judgment for accounts and inquiries
om 1993 SL No. 307 s 5(14)

Form 328—Form of appointment to proceed with accounts or inquiries
amd 1997 SL No. 266 s 38(1)

Form 329—Form of advertisement for claimants not being creditors
amd 1997 SL No. 266 s 38(1)

Form 330—Form of advertisement for creditors
amd 1997 SL No. 266 s 38(1)

Form 355—Praecipe for caveat against payment
amd o in c pubd gaz 11 February 1978 pp 492–4

Form 372—Advertisement for probate—short form
amd 1997 SL No. 266 s 38(5)

Form 373—Advertisement for probate—alternate short form
amd 1997 SL No. 266 s 38(1)

Form 374—Advertisement for administration with the will—short form
amd 1997 SL No. 266 s 38(1)

Form 374—Advertisement for administration with the will—short form
sub o in c pubd gaz 6 September 1980 pp 1–16

Form 375—Advertisement for administration with the will—alternate short form
amd 1997 SL No. 266 s 38(7)

Form 376—Advertisement for administration in case of intestacy—short form
sub o in c pubd gaz 6 September 1980 pp 1–16
amd 1997 SL No. 266 s 38(6)

Form 377—Advertisement for administration in case of intestacy—alternate short form
amd 1997 SL No. 266 s 38(7)

Form 378—Advertisement for sealing probate or letters of administration under British Probates Act 1896

sub o in c pubd gaz 6 September 1980 pp 1–16

Form 379—Affidavit of executor

amd o in c pubd gaz 11 February 1978 pp 492–4

sub o in c pubd gaz 6 September 1980 pp 1–16

amd o in c pubd gaz 13 March 1982 p 1047

Form 380—Affidavit of administrator with the will

amd o in c pubd gaz 11 February 1978 pp 492–4

sub o in c pubd gaz 6 September 1980 pp 1–16

amd o in c pubd gaz 13 March 1982 p 1047

Form 381—Affidavit of attesting witness in proof of the due execution of a will or codicil

sub o in c pubd gaz 6 September 1980 pp 1–16

Form 382—Affidavit of handwriting or testator of attesting witness

sub o in c pubd gaz 6 September 1980 pp 1–16

Form 383—Affidavit of plight and condition and finding

sub o in c pubd gaz 6 September 1980 pp 1–16

Form 384—Affidavit to be used when the will is not dated and no one can depose to the actual date of execution

sub o in c pubd gaz 6 September 1980 pp 1–16

Form 385—Affidavit of administrator in case of intestacy

amd o in c pubd gaz 11 February 1978 pp 492–4

sub o in c pubd gaz 6 September 1980 pp 1–16

amd o in c pubd gaz 13 March 1982 p 1047

Form 386—Affidavit of publication and service**hdg** amd o in c pubd gaz 13 March 1982 p 1047

sub o in c pubd gaz 6 September 1980 pp 1–16

amd o in c pubd gaz 13 March 1982 p 1047

Form 386A—Affidavit of search

ins o in c pubd gaz 13 March 1982 p 1047

Form 387—Affidavit of executor or administrator on application for sealing grant under British Probates Act 1898

sub o in c pubd gaz 6 September 1980 pp 1–16; 13 March 1982 p 1047

Form 388—Administration bond for administrator with the will

sub o in c pubd gaz 11 February 1978 pp 492–4

om o in c pubd gaz 13 March 1982 p 1047

Form 389—Administration bond in case of intestacy

sub o in c pubd gaz 11 February 1978 pp 492–4

om o in c pubd gaz 13 March 1982 p 1047

Form 390—Administration bond by executor (when so ordered), or administrator (with or without will) under “The British Probates Act, 1898.”

sub o in c pubd gaz 11 February 1978 pp 492–4
om o in c pubd gaz 13 March 1982 p 1047

Form 391—Administration bond on application for sealing by a person authorised by executor or administrator (with or without will)

amd o in c pubd gaz 11 February 1978 pp 492–4
om o in c pubd gaz 13 March 1982 p 1047

Form 392—Justification of sureties

sub o in c pubd gaz 6 September 1980 pp 1–16
om o in c pubd gaz 13 March 1982 p 1047

Form 393—Election by minors of a guardian

sub o in c pubd gaz 6 September 1980 pp 1–16

Form 394—Renunciation of probate or administration with the will

sub o in c pubd gaz 6 September 1980 pp 1–16

Form 395—Renunciation of administration in case of intestacy

sub o in c pubd gaz 6 September 1980 pp 1–16

Form 397—Summons to parties interested

sub o in c pubd gaz 6 September 1980 pp 1–16
amd 1997 SL No. 266 s 38(1)

Form 398—Notice of appointment to proceed on summons

sub o in c pubd gaz 6 September 1980 pp 1–16
amd 1997 SL No. 266 s 38(1)

Form 399—Caveat

sub o in c pubd gaz 6 September 1980 pp 1–16

Form 400—Caveat by creditor or beneficiary or next of kin requiring security under the British Probates Act 1898

sub o in c pubd gaz 6 September 1980 pp 1–16

Form 401—Notice to caveator

sub o in c pubd gaz 6 September 1980 pp 1–16

Form 402—Memorandum of appearance upon caveat

sub o in c pubd gaz 6 September 1980 pp 1–16

Form 403—Probate

amd o in c pubd gaz 11 February 1978 pp 492–4
sub o in c pubd gaz 6 September 1980 pp 1–16

Form 404—Double probate

amd o in c pubd gaz 11 February 1978 pp 492–4
sub o in c pubd gaz 6 September 1980 pp 1–16

Form 405—Ancillary probate

sub o in c pubd gaz 6 September 1980 pp 1–16

- Form 406—Letters of administration with the will**
sub o in c pubd gaz 6 September 1980 pp 1–16
- Form 407—Ancillary letters of administration with the will**
sub o in c pubd gaz 6 September 1980 pp 1–16
- Form 409—Letters of administration**
amd o in c pubd gaz 11 February 1978 pp 492–4
sub o in c pubd gaz 6 September 1980 pp 1–16
- Form 412—Letters of administration de bonis non**
amd o in c pubd gaz 11 February 1978 pp 492–4
sub o in c pubd gaz 6 September 1980 pp 1–16
- Form 417—Affidavit verifying inventory of the estate and effects of a testator or an intestate**
om o in c pubd gaz 11 February 1978 pp 492–4
- Form 418—Administration account**
om o in c pubd gaz 11 February 1978 pp 492–4
- Form 419—Affidavit verifying administration account pursuant to Order 73, rule 2**
om o in c pubd gaz 11 February 1978 pp 492–4
- Form 420—Executor’s or administrator’s account**
amd o in c pubd gaz 11 February 1978 pp 492–4
sub o in c pubd gaz 6 September 1980 pp 1–16
- Form 421—Affidavit verifying executor’s or administrator’s account**
amd o in c pubd gaz 11 February 1978 pp 492–4
sub o in c pubd gaz 6 September 1980 pp 1–16
- Form 422—Trustee’s account**
amd o in c pubd gaz 11 February 1978 pp 492–4
sub o in c pubd gaz 6 September 1980 pp 1–16
- Form 423—Affidavit verifying trustee’s accounts**
sub o in c pubd gaz 6 September 1980 pp 1–16
- Form 424—Combined executors’ and trustees’ account**
amd o in c pubd gaz 11 February 1978 pp 492–4
- Form 425—Affidavit by executor or administration verifying release**
om o in c pubd gaz 11 February 1978 pp 492–4
- Form 426—Affidavit by executor or administrator that he is solely interested in the estate**
om o in c pubd gaz 11 February 1978 pp 492–4
- Form 428—Memorandum to be filed by person claiming to be heard on the examination and passing executor’s or administrator’s or trustee’s accounts or to the allowance of commission**
amd o in c pubd gaz 11 February 1978 pp 492–4

Form 429—Registrar’s certificate of result of examination of executor’s or administrator’s account

amd o in c pubd gaz 11 February 1978 pp 492–4
 sub o in c pubd gaz 6 September 1980 pp 1–16

Form 430—Registrar’s certificate of result of examination of trustee’s account

amd o in c pubd gaz 11 February 1978 pp 492–4
 sub o in c pubd gaz 6 September 1980 pp 1–16; 13 March 1982 p 1047

Form 452—Order for *capias ad respondendum*

om 1993 SL No. 307 s 5(14)

Form 453—Writ of *capias ad respondendum*

amd 1997 SL No. 266 s 38(1)

Form 455—Writ of foreign attachment

amd 1997 SL No. 266 s 38(1)

Form 457—Plaintiff’s bond

amd 1997 SL No. 266 s 38(1)

SECTION 1—CERTIORARI**hdg prec Form 465 om 1991 No. 100 s 58(3)****Form 465—Application for a statutory order of review³**

prev form 465 om 1991 No. 100 s 58(3)
 pres form 465 ins 1991 No. 100 s 58(4) sch 5

Form 466—Application for review³

prev form 466 om 1991 No. 100 s 58(3)
 pres form 466 ins 1991 No. 100 s 58(4) sch 5

Form 467—Application relating to statement of reasons³

prev form 467 om 1991 No. 100 s 58(3)
 pres form 467 ins 1991 No. 100 s 58(4) sch 5

Form 468—Security to prosecute certiorari for judgment order or other proceeding

om 1991 No. 100 s 58(3)

Form 469—General form of writ of certiorari

om 1991 No. 100 s 58(3)

Form 470—Writ of certiorari to Judge of a District Court

om 1991 No. 100 s 58(3)

Form 471—Writ of certiorari to Stipendiary Magistrates or the Clerk of the Court, Magistrates Court

om 1991 No. 100 s 58(3)

Form 472—Praecipe for writ of certiorari

om 1991 No. 100 s 58(3)

³ See endnote 9.

Form 473—Return to writ of certiorari

om 1991 No. 100 s 58(3)

Form 474—Memorandum pursuant to Order 81, R. 11, that recognizance not required

om 1991 No. 100 s 58(3)

Form 475—Writ of supersedeas to certiorari and procedendo to carry back proceedings

om 1991 No. 100 s 58(3)

Form 476—Praecipe for writ of supersedeas and procedendo

om 1991 No. 100 s 58(3)

SECTION 2—MANDAMUS**hdg prec Form 478** om 1991 No. 100 s 58(3)**Form 477—Writ of mandamus**

om 1991 No. 100 s 58(3)

Form 478—Praecipe for writ of mandamus

om 1991 No. 100 s 58(3)

Form 479—Return to writ of mandamus

om 1991 No. 100 s 58(3)

Form 480—Peremptory writ of mandamus

om 1991 No. 100 s 58(3)

Form 481—Praecipe for peremptory writ of mandamus

om 1991 No. 100 s 58(3)

SECTION 3—PROHIBITION**hdg prec Form 482** om 1991 No. 100 s 58(3)**Form 482—Writ of prohibition**

om 1991 No. 100 s 58(3)

Form 483—Praecipe for writ of prohibition

om 1991 No. 100 s 58(3)

Form 484—Writ of procedendo

om 1991 No. 100 s 58(3)

Form 485—Praecipe for writ of procedendo

om 1991 No. 100 s 58(3)

SECTION 4—QUO WARRANTO**hdg prec Form 486** om 1991 No. 100 s 58(3)**Form 486—Security to prosecute**

om 1991 No. 100 s 58(3)

Form 487—Information of quo warranto

om 1991 No. 100 s 58(3)

Form 488—Disclaimer upon an information of quo warranto

om 1991 No. 100 s 58(3)

Form 489—Judgment of ouster on quo warranto after trial
om 1991 No. 100 s 58(3)

Form 490—Judgment of ouster on disclaimer
om 1991 No. 100 s 58(3)

Form 492—Order for writ of habeas corpus
om 1993 SL No. 307 s 5(14)

Form 493—Writ of habeas corpus ad subjiciendum
amd 1997 SL No. 266 s 38(1)

Form 494—Notice to be served with writ of habeas corpus ad subjiciendum
amd 1997 SL No. 266 s 38(1)

Form 501—Writ of inquisition
amd 1997 SL No. 266 s 38(1)

Form 506—Recognisance to appear to answer charge of contempt
amd 1997 SL No. 266 s 38(1)

Form 507—Order for committal
om 1993 SL No. 307 s 5(14)

Form 508—Warrant of committal
amd 1993 SL No. 307 s 5(11)

Form 510—Order directing examination of witnesses
om 1993 SL No. 307 s 5(14)

Form 511—Certificate of registrar certifying depositions
amd 1993 SL No. 307 s 5(12)

PART 25—FORMS RELATING TO TAXATION OF COSTS
pt hdg ins 1993 SL No. 44 s 10

Form 512—Appointment for directions
ins 1993 SL No. 44 s 10

Form 513—Note about taxation of costs
ins 1993 SL No. 307 s 5(13)

PART 26—FORMS FOR ADR PROCESS
pt hdg ins 1995 SL No. 133 s 5

Form 514—Application for approval as mediator
ins 1995 SL No. 133 s 5

Form 515—Application for approval as case appraiser
ins 1995 SL No. 133 s 5

Form 516—Venue provider's notice
ins 1995 SL No. 133 s 5

Form 517—Notice of fee change
ins 1995 SL No. 133 s 5

Form 518—Consent order

ins 1995 SL No. 133 s 5

Form 519—Referring order

ins 1995 SL No. 133 s 5

Form 520—Mediator’s certificate

ins 1995 SL No. 133 s 5

Form 521—Case appraiser’s certificate

ins 1995 SL No. 133 s 5

Form 522—Notice of election to go to trial

ins 1995 SL No. 133 s 5

SCHEDULE 2—SCALE OF COSTS

sub o in c pubd gaz 2 May 1959 pp 35–8

amd o in c pubd gaz 24 June 1961 p 761

sub o in c pubd gaz 14 December 1965 pp 1431–649; 11 February 1967 pp 453–60

amd o in c pubd gaz 25 February 1967 p 745; 1 July 1967 p 1063

sub o in c pubd gaz 12 June 1971 pp 899–906

amd o in c pubd gaz 2 March 1974 p 838; 23 March 1974 pp 1147–54;

12 April 1975 pp 1603–10; 26 July 1975 pp 1492–3; 28 February 1976

pp 739–46; 27 November 1976 pp 1376–7; 4 June 1977 pp 797–805;

29 July 1978 pp 1463–70; 4 November 1978 p 789; 25 August 1979

pp 2101–8; 29 September 1979 p 482; 20 October 1979 p 747;

27 September 1980 pp 405–12; 26 September 1981 pp 283–90;

27 March 1982 p 1265; 17 December 1983 p 1686; 28 January 1984

pp 197–204; 20 October 1984 p 786; 21 December 1985 pp 2121–9;

25 January 1986 pp 239–40; 29 August 1987 pp 3515–24; 26 December

1987 pp 1909–10; 20 August 1988 pp 3444–52; 21 October 1989

pp 1317–20; 30 June 1990 pp 1201–5

sub 1991 SL No. 45 s 4; 1992 SL No. 444 s 4; 1993 SL No. 497 s 4; 1995

SL No. 75 s 4; 1996 SL No. 292 s 4

amd 1997 SL No. 266 s 39

sub 1997 SL No. 269 s 4; 1998 SL No. 338 s 4

SCHEDULE 3—SCALE OF FEES

amd rule pubd gaz 3 November 1900 p 1260; 29 March 1902 p 1035;

7 December 1907 p 1403

sub o in c pubd gaz 27 June 1959 pp 1533–6

amd o in c pubd gaz 1 October 1960 p 692; 30 September 1961 p 359

sub o in c pubd gaz 14 December 1965 pp 1431–649

amd o in c pubd gaz 14 September 1968 p 124; 27 September 1975

pp 291–2

sub o in c pubd gaz 11 December 1976 pp 1511–18

amd o in c pubd gaz 4 June 1977 pp 797–805

sub o in c pubd gaz 13 May 1978 pp 324–7; 22 September 1979

pp 325–32

amd o in c pubd gaz 7 June 1980 p 928

sub o in c pubd gaz 20 September 1980 pp 211–17; 19 September 1981 pp 187–94; 29 September 1982 pp 435–8; 5 November 1983 pp 893–901
 amd o in c pubd gaz 19 November 1983 p 1215
 sub o in c pubd gaz 22 September 1984 pp 259–67
 amd o in c pubd gaz 1 June 1985 pp 1013–14
 sub o in c pubd gaz 18 June 1985 pp 1262–70; 21 June 1986 pp 1386–94; 30 June 1987 pp 2370–8
 amd o in c pubd gaz 13 February 1988 p 780; 18 June 1988 p 1454
 sub o in c pubd gaz 25 June 1988 pp 2364–72; 23 September 1989 pp 706–15; 30 June 1990 pp 1206–18
 amd o in c pubd gaz 23 March 1991 pp 1738–9
 sub 1991 SL No. 46 s 4; 1992 SL No. 444 s 4; 1993 SL No. 497 s 4; 1995 SL No. 75 s 5
 amd 1995 SL No. 133 s 6; 1996 SL No. 98 s 5; 1996 SL No. 137 s 7
 sub 1996 SL No. 292 s 4; 1997 SL No. 269 s 4; 1998 SL No. 338 s 4

**SCHEDULE 4—PLAINTIFF’S COSTS WHERE AMOUNT RECOVERED.
 DEFENDANT’S COSTS WHERE AMOUNT CLAIMED**

ins o in c pubd gaz 27 June 1922 pp 1815–19
 sub o in c pubd gaz 14 May 1927 p 1691
 om o in c pubd gaz 2 May 1959 p 35

8 Transitional and savings provisions

Order in council pubd gaz 28 February 1970 p 713 provides as follows—

1. This rule shall not come into operation until the First day of March, 1970, but notwithstanding the change in size of paper affected by Rules 2 and 3, a document may be accepted for filing until the First day of July, 1970, if written or printed upon foolscap paper if such document otherwise complies with the provisions of Order 93, Part 1.

Order in council pubd gaz 9 April 1988 pp 2077–83 provides as follows—

Transitional

The new Order 26 does not apply to an action in which at the date of commencement of the new Order 26 money had been paid into court and the previously existing Order 26 and the forms thereunder shall continue to apply to that action.

9 Notes relating to order 81 and forms 465–67

Present order 81 (rules 1 to 24) and forms 465 to 467 were inserted into these rules by the Judicial Review Act 1991, section 58(4)–(6), which reads as follows—

Amendment of rules of court

58.(4) The rules set out in schedule 4, and the forms set out in schedule 5, have effect in place of the rules and forms mentioned in subsections (2) and (3).

(5) One year after the commencement of this Act, or on such earlier day as may be fixed by the Governor in Council by Gazette notice, schedules 4 and 5 are repealed by force of this subsection.

(6) The rules set out in schedule 4, and the forms set out in schedule 5, immediately before the repeal of those schedules, have effect, after the repeal, as if they were rules and forms of the rules of court made under section 11 of the *Supreme Court Act 1921*, and may be amended or repealed accordingly.