

COMMON LAW PRACTICE ACT OF 1867,⁽¹⁾ (QUEENSLAND ADOPTED) IN ITS AP- PLICATION TO THE TERRITORY OF PAPUA.

An Act to consolidate and amend the Laws relating to Practice at Common Law.

WHEREAS it is expedient to consolidate and amend the laws relating to practice at common law be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows:—

* * * * *

EXECUTION ON FOREIGN JUDGMENT.

20. It shall be lawful for any person in whose favor any judgment decree rule or order whereby any sum of money is made payable shall have been obtained in the Supreme Court of any of Her Majesty's Australasian colonies (including the islands and colonies of New Zealand) to cause a memorial of the same containing the particulars hereinafter mentioned and authenticated by the seal of the court wherein such judgment decree rule or order was obtained to be filed in the office of the Supreme Court at Brisbane and such memorial being so filed shall thenceforth be a record of such judgment decree rule or order and execution may issue thereon as hereinafter provided.

Memorial of judgment &c. under seal of Supreme Court of any other Australasian colony filed in Supreme Court at Brisbane shall be a record thereof and execution may issue.

21. Every such memorial shall be on parchment and signed by the party in whose favor such judgment decree rule or order was obtained or his attorney and shall contain the following particulars

Particulars of memorial.

(1) Particulars of this Act of the State of Queensland (of which Clauses 20, 21 and 22, only, were adopted by the Possession of British New Guinea and continued in force in the Territory of Papua by Section 6(1) of the *Papua Act* 1905) are set out in the following Table:—

ACT OF THE STATE OF QUEENSLAND.

Citation of Act.	Ordinance by which adopted.	Date on which adoption took effect.
<i>Common Law Practice Act</i> of 1867 (31 Vic. No. 17)	<i>The Courts and Laws Adopting Ordinance (Amended) of 1889</i> (No. 6 of 1889)	23.11.1889 (Supplement to British N.G. Govt. Gaz. of 23.11.1889)

(2) Sections 1-19 have not been adopted by the Territory of Papua.

JUDGMENTS (RECIPROCAL ENFORCEMENT)—

all of which shall be fairly written without interlineations or erasures and (with the exception of dates) in words at length (that is to say) the names and additions of the parties the form or nature of the action or suit or other proceeding and when commenced the date of the signing or entering up of the judgment or of passing the decree or of making the rule or order and the amount recovered or the decree pronounced or rule or order made and if there was a trial the date of such trial and the amount of verdict given.

Mode of
obtaining
execution.

22. It shall be lawful for any judge of the Supreme Court of this colony upon the application of the person in whose favor such judgment decree rule or order was obtained or his attorney to issue a summons calling upon the person against whom such judgment decree rule or order was obtained to show cause within such time after personal or other service of the summons as such judge shall direct why execution should not issue upon such judgment decree rule or order and such summons shall give notice that in default of appearance execution may issue accordingly and if the person so summoned does not appear or does not show sufficient cause against such summons it shall be lawful for any judge of the Supreme Court or the said court on due proof of such service as aforesaid to order execution to issue as upon a judgment decree rule or order of the Supreme Court of this colony subject to such terms and conditions (if any) as to such judge or court may seem fit and thereupon and subject thereto the person entitled to such execution shall have and be entitled to all such process and to all such rights and remedies for the enforcement thereof and the person against whom such execution is ordered shall in like manner be entitled to all such protective rights and advantages as they would respectively have been entitled to had such judgment decree rule or order been obtained in the Supreme Court of this colony and all such proceedings may be had or taken for the revival of such judgment decree rule or order or the enforcement thereof by and against persons not parties to such judgment decree rule or order as may be had for the like purposes upon any judgment decree rule or order of the Supreme Court of this colony.

* * * * *

(3) Sections 23-95 have not been adopted by the Territory of Papua.