

COURTS—

THE REPEALING RULES OF 1900⁽¹⁾
(QUEENSLAND, ADOPTED) IN THEIR
APPLICATION TO THE TERRITORY OF
NEW GUINEA.

RULES OF COURT.

AS OF WEDNESDAY, THE TENTH DAY OF OCTOBER, A.D. 1900.

IT is ordered by the Honourable Sir Samuel Walker Griffith, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Chief Justice of Queensland, and the Honourable Pope Alexander Cooper and the Honourable Patrick Real, Esquires, Justices of the Supreme Court of Her Majesty's said Colony, in pursuance and execution of all powers and authorities enabling them in that behalf as follows:—

Repeal.

1. So much of the *Regulæ Generales*, General Orders, Rules of Court, and Regulations, specified in the First Schedule hereunder as is now in force is hereby repealed and annulled, except as to any proceedings pending on the first day of January, 1901, as to which the provisions of THE RULES OF THE SUPREME COURT OF 1900 or THE CRIMINAL PRACTICE RULES OF 1900 are not applicable.

Abrogation.

2. The statutory provisions set forth in the Second Schedule to these Rules, so far as the same relate to the regulation of the sittings of the Court and of the Judges thereof sitting in Chambers, and the regulation of the pleading, practice, and procedure, in the Court, and any matters relating to such practice and procedure, or to the duties of the officers of the Court or to the cost of proceedings therein, are hereby abrogated except as in the last preceding Rule mentioned.

Saving.

3. The repeal and abrogation effected by these Rules shall not affect—

(1) Anything done or suffered before the commencement thereof under any of the *Regulæ Generales*, General Orders, Regulations, or Statutory provisions, hereby repealed or abrogated;

(1) Particulars of these Rules of Court are as follows:—

RULES OF COURT OF SUPREME COURT OF QUEENSLAND.

Description.	Ordinance by which adopted.	Date on which adoption took effect.
<i>The Repealing Rules of 1900</i>	<i>Judiciary Ordinance 1932 (No. 23 of 1932) (a)</i>	8.12.1932 (<i>Cullth. Gaz.</i> of 8.12.1932)

(a) The *Judiciary Ordinance 1932* repealed the former S. 19(4) of the *Judiciary Ordinance 1921-1931*, and inserted in its stead the present S. 19(4), which adopts the Rules of Court of the Supreme Court of Queensland as in force in Queensland on 5th December, 1932. The former S. 19(4) read as follows:—

“(4) Until Rules of Court are made in pursuance of this Section the practice and procedure of the Supreme Court of Queensland shall be in force within the Central Court.”

The Repealing Rules of 1900 (Queensland, adopted).

- (2) Any jurisdiction or principle or rule of law or equity established or confirmed, or right or privilege acquired, or duty or liability imposed or incurred, by or under any of the said *Regulæ Generales*, General Orders, Regulations, or Statutory provisions;
- (3) Any jurisdiction or power of the Court or a Judge thereof.

4. These Rules shall not have the effect of reviving any jurisdiction, office, duty, drawback, fee, payment, right, title, privilege, restriction, exemption, practice, procedure, or usage, or any other matter or thing not existing or in force at the time of the commencement thereof.

Previous practice not revived.

5. These Rules may be cited as **THE REPEALING RULES OF 1900**,⁽¹⁾ and shall come into operation on the first day of January, A.D. 1901.

Title and commencement.

THE FIRST SCHEDULE.

Regulæ Generales as of 15th April, 1857.
Regula Generalis as of 2nd June, 1858.
Regulæ Generales as of 26th May, 1863.
General Orders in Equity, 21st August, 1863.
Regulations in Equity of 21st August, 1863.
Additional Regulations of same date.
General Rules and Regulations as to Fees and Charges in Equity as of 21st September, 1863.
Regulæ Generales as of 4th June, 1866.
General Order in Equity of 29th October, 1866.
Regulæ Generales as of 15th January, 1868.
Regulæ Generales as of 13th August, 1869.
Regulæ Generales as of 7th December, 1869. (Three.)
Regula Generalis as of 6th September, 1871.
General Orders in Equity of 20th March, 1873.
General Rules and Orders as of 5th November, 1873.
Regula Generalis as of 22nd March, 1875.
The Rules of Court in the Schedule to the Judicature Act.
The Additional Rules made by the Order of the Governor in Council of 7th December, 1876.
Regula Generalis as of 6th November, 1877.
Regula Generalis as of 31st May, 1878.
Regula Generalis as of 12th October, 1878.
Regulæ Generales as of 19th October, 1878.
Regulæ Generales as of 7th September, 1880.
Regulæ Generales as of 13th October, 1880.
Regulæ Generales as of 2nd November, 1880.
Regulæ Generales as of 5th September, 1882.
Regulæ Generales as of 6th March, 1883. (The Rules of the Supreme Court, 1883, No. 2.)
Regulæ Generales as of 9th December, 1884.
Regulæ Generales as of 2nd November, 1886.
Regulæ Generales as of 8th March, 1887.
Regulæ Generales as of 6th September, 1887.
Regulæ Generales as of 3rd November, 1891. (The Escheat Procedure Rules, 1891.)
Regulæ Generales as of 3rd November, 1891. (The Rules of the Supreme Court, Guardianship of Infants, 1891.)
Regulæ Generales as of 1st January, 1892. (The Rules of the Supreme Court, 1892.)
Regulæ Generales as of 7th June, 1892. (The Rules of the Supreme Court, 1892.)
Regula Generalis as of 14th March, 1893.
Regulæ Generales as of 5th April, 1893.
Regulæ Generales as of 2nd May, 1893.

(1) See footnote (1) printed on p. 1058.

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- Regulæ Generales as of 9th June, 1893. (Appeals from Justices Rules of 1893.)
 Regulæ Generales as of 8th September, 1893.
 Regulæ Generales as of 5th December, 1893.
 Regulæ Generales as of 8th May, 1894. (The Criminal Forms Rules of 1894.)
 Regulæ Generales as of 8th May, 1894. (The Appeal and New Trial Rules of 1894.)
 Regulæ Generales as of 4th December, 1894. (The Divorce and Matrimonial Rules of 1894.)
 Regula Generalis as of 6th September, 1895.
 Regulæ Generales as of 5th November, 1895. (The Probate Rules, 1895.)
 Regulæ Generales as of 9th December, 1895. (The Trustees Accounts Rules, 1895.)
 Regulæ Generales as of 27th December, 1895. (The Payment into Court Rules, 1895.)
 Regulæ Generales as of 10th March, 1896. (The Central Court and Northern Court Rules of 1896.)
 Rules of Court as of 20th May, 1898.
 Rules of Court as of 25th May, 1898. (The Patents Extension Rules of 1898.)
 Rules of Court as of 19th July, 1898. (The Land Appeal Rules of 1898.)

THE SECOND SCHEDULE.(2)

Year and Number.	Short Title.	Extent of Abrogation.
31 Vic. No. 4 ..	"Common Law Process Act of 1867"	Sections 1, 2, 3, 14.
31 Vic. No. 5 ..	"The Common Law Pleading Act of 1867"	Sections 1 to 9 inclusive, 13, 15, 18, 24, 48, 61 : Schedule A.
31 Vic. No. 14 ..	"Joinder and Revivor Act of 1867"	Sections 5, 6, 24, 25.
31 Vic. No. 18 ..	"Equity Act of 1867" ..	Sections 8, 45, 47, 52, 62, 109 to 119 inclusive, 122 to 131 inclusive, 136 to 139 inclusive, 141, 143.
31 Vic. No. 27 ..	"Distress, Replevin, and Ejectment Act of 1867"	Sections 78, 83, 85 to 88 inclusive, 94, 95, 97 to 100 inclusive, 102 to 115 inclusive, 117, 141.
37 Vic. No. 3 ..	"The Equity Procedure Act of 1873"	Sections 6 to 14 inclusive, 22, 23, 26, 29, 69, 70, 71, 73, 81, 83 to 88 inclusive, 90, 91, 92, 96.

(2) None of the statutes specified in this Schedule has been expressly adopted as a law of the Territory by any Ordinance of the Territory of New Guinea. As to the jurisdiction, power and authority of the Supreme Court of the Territory, see, however, Sections 11-12 of the *Judiciary Ordinance 1921-1938*.