

**RULES OF COURT OF THE SUPREME COURT
(SOLICITORS' COSTS AND FEES AND COURT
FEES)⁽¹⁾ (QUEENSLAND, ADOPTED) IN
THEIR APPLICATION TO THE TERRITORY
OF PAPUA.**

SOLICITORS' COSTS AND FEES.⁽²⁾

ORDER I.

Affidavits may be printed if all the parties interested consent thereto, or the Court or Judge so order.

ORDER II.

The 3rd Rule of the Order XXXIV., in the schedule to "*The Judicature Act*,"⁽³⁾ shall apply to a special case, pursuant to "*The Equity Act of 1867*."⁽⁴⁾

ORDER III.

Where, pursuant to Rules of Court, any pleading, special case, deposition, or affidavit may be printed, and where any printed or other office copy thereof is to be taken, the following regulations shall be observed:—

(1) These Rules, which took effect in Queensland by virtue of an Order in Council dated 7.12.1876, were adopted in the Possession of British New Guinea by the *Rules of Civil Procedure* in so far as they relate to fees to be charged by the Court and by Sheriffs and Bailiffs, and by the *Rules of the Central Court for regulating the Admission of Barristers and Solicitors and their Fees*, in so far as they relate to Barristers' and Solicitors' fees. Particulars of the *Rules of Court of the Supreme Court (Solicitors' Costs and Fees and Court Fees)* (Queensland, adopted), are set out in the following Table:—

RULES OF COURT OF THE SUPREME COURT OF QUEENSLAND.

| Description. | Rules of Court of the Possession of British New Guinea by which adopted. | Date on which adoption took effect. |
|---|---|--|
| <i>Rules of Court of the Supreme Court (Solicitors' Costs and Fees and Court Fees)</i> ^(a) (Queensland, adopted) | <i>Rules of Civil Procedure</i> ^(a) | 23.11.1889 (British N.G. Govt. Gaz. of 23.11.1889) |
| | <i>Rules of the Central Court for Regulating the Admission of Barristers and Solicitors and their Fees</i> ^(a) | 17.4.1897 (British N.G. Govt. Gaz. of 17.4.1897) |

(a) Continued in force in the Territory of Papua by Section 6(1) of the *Papua Act* 1905.

(2) For the cases in which these Rules relating to Solicitors' costs and fees apply to the Territory of Papua, see Rule 11 of the *Rules of the Central Court for Regulating the Admission of Barristers and Solicitors and their Fees*, printed on p. 629.

(3) *The Judicature Act* (Queensland) has not been expressly adopted as a law of the Territory by any Ordinance of the Territory of Papua.

(4) *The Equity Act of 1867* (Queensland) has not been expressly adopted as a law of the Territory by any Ordinance of the Territory of Papua.

Rules of Court of the Supreme Court (Queensland, adopted).

1. The party printing shall, on demand in writing, furnish to any other party or his solicitor any number of printed copies, not exceeding ten, upon payment therefor at the rate of 2d. per folio for one copy, and 1d. per folio for every other copy.
2. The solicitor of the party printing shall give credit for the whole amount payable by any other party for printed copies.
3. The party entitled to be furnished with a print shall not be allowed any charge in respect of a written copy, unless the Court or Judge shall otherwise direct.
4. The party by or on whose behalf any deposition, affidavit, or certificate is filed, shall leave a copy with the officer with whom the same is filed, who shall examine it with the original and mark it as an office copy; such copy shall be a copy printed as above provided where such deposition or affidavit is to be printed.
5. The party or solicitor who has taken any printed or written office copy of any deposition or affidavit is to produce the same upon every proceeding to which the same relates.
6. Where any party is entitled to a copy of any deposition, affidavit, proceeding, or document filed or prepared by or on behalf of another party, such copy shall be furnished by the party by or on whose behalf the same has been filed or prepared.
7. The party requiring any such copy, or his solicitor, is to make a written application to the party by whom the copy is to be furnished, or his solicitor, with an undertaking to pay the proper charges, and thereupon such copy is to be made and ready to be delivered at the expiration of twenty-four hours after the receipt of such request and undertaking, or within such other time as the Court or Judge may in any case direct, and is to be furnished accordingly upon demand and payment of the proper charges.
8. In the case of an *ex parte* application for an injunction or writ of *ne exeat regno*, the party making such application is to furnish copies of the affidavits upon which it is granted upon payment of the proper charges immediately upon the receipt of such written request and undertaking as aforesaid, or within such time as may be specified in such request, or may have been directed by the Court.
9. It shall be stated in a note at the foot of every affidavit filed on whose behalf it is so filed, and such note shall be printed

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on every printed copy of an affidavit or set of affidavits, and copied on every office copy and copy furnished to a party.

10. The name and address of the party or solicitor by whom any copy is furnished is to be endorsed thereon in like manner as upon proceedings in Court, and such party or solicitor is to be answerable for the same being a true copy of the original, or of an office copy of the original, of which it purports to be a copy, as the case may be.
11. The folios of all printed and written office copies, and copies delivered or furnished to a party, shall be numbered consecutively in the margin thereof, and such written copies shall be written in a neat and legible manner on the same paper as in the case of printed copies.
12. In case any party or solicitor who shall be required to furnish any such written copy as aforesaid shall either refuse, or for twenty-four hours from the time when the application for such copy has been made, neglect to furnish the same, the person by whom such application shall be made shall be at liberty to procure an office copy from the office in which the original shall have been filed, and in such case no costs shall be due or payable to the solicitor so making default in respect of the copy or copies so applied for.
13. Where, by any order of the Court (whether of appeal or otherwise), or a Judge, any pleading, evidence, or other document, is ordered to be printed, the Court or Judge may order the expense of printing to be borne and allowed, and printed copies to be furnished by and to such parties and upon such terms as shall be thought fit.

ORDER IV.

The following regulations as to costs of proceedings in the Supreme Court shall as to the matters to which they respectively apply, regulate such costs from the commencement of "*The Judicature Act.*"⁽³⁾

1. Solicitors shall be entitled to charge and be allowed the fees set forth in the column headed "lower scale" in the Schedule hereto—

In all actions for purposes to which any of the forms of endorsement of claims on writs of summons in Sections II., IV., and VI., in Part II., of Appendix A, referred to in the 3rd Rule of Order III., in the Schedule to "*The Judicature Act,*"⁽³⁾ or other similar forms, are applicable (except as after provided in actions for injunctions);

(3) *The Judicature Act* (Queensland) has not been expressly adopted as a law of the Territory by any Ordinance of the Territory of Papua.

In all Probate actions;

And also in causes and matters instituted in the following cases, that is to say:—

1. By creditors, legatees (whether specific, pecuniary, or residuary), devisees (whether in trust or otherwise), heirs-at-law or next-of-kin, in which the personal or real or personal and real estate for or against or in respect of which or for an account or administration of which the demand may be made shall be under the amount or value of £1,000.
2. For the execution of trusts or appointment of new trustees in which the trust estate or fund shall be under the amount or value of £1,000.
3. For dissolution of partnership or the taking of partnership or any other accounts in which the partnership assets or the estate or fund shall be under the amount or value of £1,000.
4. For foreclosure or redemption, or for enforcing any charge or lien in which the mortgage whereon the suit is founded, or the charge or lien sought to be enforced, shall be under the amount or value of £1,000.
5. And for specific performance in which the purchase-money or consideration shall be under the amount or value of £1,000.
6. In all proceedings under the Trustees Relief Acts,⁽⁵⁾ or under the Trustees Acts,⁽⁵⁾ or under any of such Acts, in which the trust estate or fund to which the proceeding relates shall be under the amount or value of £1,000.
7. In all proceedings relating to the guardianship or maintenance of infants, in which the property of the infant shall be under the amount or value of £1,000.
8. In all proceedings by original special case, and in all proceedings relating to funds carried to separate accounts, and in all proceedings under any railway or private Act of Parliament, or under any other statutory or summary jurisdiction, and generally in all other cases where the estate or fund to be dealt with shall be under the amount or value of £1,000.

2. Solicitors shall be entitled to charge and be allowed the fees set forth in the column headed "higher scale" in the Schedule hereto; in

(5) No Trustees Relief Acts (Queensland) or Trustees Acts (Queensland) have been expressly adopted as a law of the Territory by any Ordinance of the Territory of Papua. See, however, the *Trustees and Incapacitated Persons Act of 1867* (Queensland, adopted).

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all actions for special injunctions to restrain the commission or continuance of waste, nuisances, breaches of covenant, injuries to property and infringement of rights, easements, patents, and copyrights, and other similar cases where the procuring of such injunction is the principal relief sought to be obtained, and in all cases other than those to which the fees in the column headed "lower scale" are hereby made applicable.

3. Notwithstanding these rules, the Court or Judge may in any case direct the fees set forth in either of the said two columns to be allowed to all or either or any of the parties, and as to all or any part of the costs.

4. The provisions of Order LX., in the Schedule to "*The Judicature Act*,"⁽⁶⁾ shall apply to these rules.

5. The mention of a fee in these rules shall not revive any discontinued practice.

THE SCHEDULE ABOVE REFERRED TO.

An Order or Rule herein referred to by number shall mean the Order or Rule so numbered in the Schedule to "*The Judicature Act*."⁽³⁾

Writs, Summonses, and Warrants.

| | Lower Scale. | | | Higher Scale. | | |
|--|--------------|----|----|---------------|----|----|
| | £ | s. | d. | £ | s. | d. |
| Writ of summons for the commencement of any action .. | 0 | 6 | 8 | 0 | 13 | 4 |
| And for endorsement of claim, if special .. | 0 | 5 | 0 | 0 | 5 | 0 |
| Concurrent writ of summons .. | 0 | 6 | 8 | 0 | 6 | 8 |
| Renewal of a writ of summons .. | 0 | 6 | 8 | 0 | 6 | 8 |
| Notice of a writ for service in lieu of writ out of jurisdiction | 0 | 4 | 0 | 0 | 5 | 0 |
| Writ of inquiry .. | 1 | 1 | 0 | 1 | 1 | 0 |

(3) *The Judicature Act* (Queensland) has not been expressly adopted as a law of the Territory by any Ordinance of the Territory of Papua.

(6) See footnote (3) above, and the terms of this Rule. Order LX. in the Schedule to "*The Judicature Act*" read as follows:

"INTERPRETATION OF TERMS.

In the construction of these Rules unless there is anything in the subject or context repugnant thereto the several words hereinafter mentioned or referred to shall have or include the meanings following:—

"Probate" actions shall include actions and other matters relating to the grant or recall of probate or letters of administration other than common form business.

"Proper officer" shall unless and until any rule to the contrary is made mean an officer to be ascertained as follows:—

(a) Where any duty to be discharged under this Act or these Rules is a duty which has heretofore been discharged by any officer such officer shall continue to be the proper officer to discharge the same.

(b) Where any new duty is under this Act or these Rules to be discharged the proper officer to discharge the same shall be such officer having previously discharged analogous duties as may from time to time be directed to discharge the same by the Chief Justice and in the case of an officer attached to any Judge by such Judge."

Rules of Court of the Supreme Court (Queensland, adopted).

| | Lower Scale. | Higher Scale. |
|---|-----------------|------------------|
| | £ s. d. | £ s. d. |
| Writ of mandamus or injunction | 0 10 0 | 1 1 0 |
| Or per folio | 0 1 4 | 0 1 4 |
| Writ of subpoena <i>ad testificandum duces tecum</i> | 0 6 8 | 0 6 8 |
| And if more than four folios, for each folio beyond four .. | 0 1 4 | 0 1 4 |
| Writ or writs of subpoena <i>ad testificandum</i> for any number of persons not exceeding three, and the same for every additional number not exceeding three | 0 6 8 | 0 6 8 |
| Writ of distringas, pursuant to " <i>The Common Law Process Act of 1867</i> " ⁽⁷⁾ | 0 13 4 | 0 13 4 |
| Writ of execution, or other writ to enforce any judgment or order | 0 7 0 | 0 10 0 |
| And if for more than four folios, for each folio beyond four | 0 1 4 | 0 1 4 |
| Procuring a writ of execution, marked with a seal of renewal | 0 6 8 | 0 6 8 |
| Notice thereof to serve on sheriff | 0 4 0 | 0 5 0 |
| Any writ not included in the above | 0 7 0 | 0 10 0 |
| These fees include all endorsements and copies, or <i>præcipes</i> , for the officer sealing them, and attendances to issue or seal, but not the Court fees. | | |
| Summons to attend at Judges' Chambers | 0 3 4 | 0 6 8 |
| Or, if special, at taxing officer's discretion, not exceeding | 0 6 8 | 1 1 0 |
| Copy for the judge, when required | 0 2 0 | 0 2 0 |
| Or per folio | .. | 0 0 8 |
| Original summons for proceedings in Chambers | 0 13 4 | 1 1 0 |
| And attending to get same and duplicate sealed, and at the proper office to file duplicate and get copies for service stamped | 0 13 4 | 0 13 4 |
| Copy for the judge | 0 2 0 | 0 2 0 |
| Or per folio | .. | 0 0 8 |
| Endorsing same and copies under 8th rule of the 34th of the General Orders ⁽⁸⁾ of 21st August, 1863 | 0 6 8 | 0 6 8 |

Services, Notices, and Demands.

| | | |
|--|-------|-------|
| Service of any writ, summons, warrant, interrogatories, petition, order, notice, or demand, on a party who has not entered an appearance, and if not authorised to be served by post | 0 5 0 | 0 5 0 |
| If served at a distance of more than two miles from the nearest place of business, or office of the solicitor serving the same, for each mile beyond such two miles therefrom | 0 1 0 | 0 1 0 |
| Where, in consequence of the distance of the party to be served, it is proper to effect such service through an agent (other than the town agent), for correspondence in addition | 0 7 0 | 0 7 0 |

Where more than one attendance is necessary to effect service, or to ground an application for substituted service, such further allowance may be made as the taxing officer shall think fit.

For service out of the jurisdiction such allowance is to be made as the taxing officer shall think fit.

(7) *The Common Law Process Act of 1867* (Queensland) has not been expressly adopted as a law of the Territory by any Ordinance of the Territory of Papua.

(8) *The General Orders of 21st August, 1863* (Queensland) have not been expressly adopted as a law of the Territory by any Ordinance or Rules of the Territory of Papua.

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| | Lower Scale. | Higher Scale. |
|--|-----------------|------------------|
| | £ s. d. | £ s. d. |
| Service where an appearance has been entered on the solicitor or party | 0 2 6 | 0 2 6 |
| Or if authorised to be served by post | 0 1 6 | 0 1 6 |
| Where any writ, order, and notice, or any two of them, have to be served together, one fee only for service is to be allowed. | | |
| In addition to the above fees, the following allowances are to be made:— | | |
| As to writs, if exceeding two folios, for copy for service per folio beyond such two | 0 0 8 | 0 0 8 |
| As to summons to attend at the Judges' Chambers, for each copy to serve | 0 1 0 | 0 2 0 |
| Or per folio | 0 0 4 | 0 0 4 |
| As to notice in proceedings to wind up companies, for preparing or filling up each notice to creditors to attend and receive debts, and to contributories to settle list of contributories | 0 1 0 | 0 1 0 |
| And for preparing or filling up each notice to contributories to be served with a general order for a call, or an order for payment of a call | 0 1 0 | 0 1 0 |
| And for drawing notice to be served on contributories or creditors of a meeting, per folio | 0 1 0 | 0 1 0 |
| For each copy of the last-mentioned notice to serve, per folio | 0 0 8 | 0 0 8 |
| For preparing or filling up for service in any other cause or matter, each notice to creditors to prove claims, and each notice that cheques may be received, specifying the amount to be received for principal and interest, and costs, if any | 0 1 0 | 0 1 0 |
| For preparing notice to produce or admit, and one copy .. | 0 5 0 | 0 7 6 |
| If special or necessarily long, such allowance as the taxing officer shall think proper, not exceeding per folio .. | 0 0 8 | 0 1 4 |
| And for each copy beyond the first, such allowance as the taxing master shall think proper, not exceeding per folio | 0 0 8 | 0 0 8 |
| For preparing notice of motion | 0 2 0 | 0 5 0 |
| Or per folio | 0 1 0 | 0 1 0 |
| Copy for service | 0 1 0 | 0 1 0 |
| Or per folio | .. | 0 0 8 |
| For preparing any necessary or proper notice, not otherwise provided for and demand | 0 1 6 | 0 1 9 |
| Or, if special, and necessarily exceeding three folios, for preparing same, for each folio beyond three | 0 1 0 | 0 1 0 |
| And for each copy for service, per folio beyond such three | 0 0 8 | 0 0 8 |
| Copies for service of interrogatories and petitions, and of orders with necessary notices (if any) to accompany, per folio | 0 0 8 | 0 0 8 |
| Except as otherwise provided, the allowances for services include copies for service. | | |
| Where notice of filing affidavits is required, only one notice is to be allowed for a set of affidavits filed, or which ought to be filed together. | | |
| Where any appointment is or ought to be adjourned, service of a notice of the adjournment, or next appointment, is not to be allowed. | | |

Rules of Court of the Supreme Court (Queensland, adopted).

Appearances.

| | Lower Scale. | | | Higher Scale. | | |
|---|--------------|----|----|---------------|----|----|
| | £ | s. | d. | £ | s. | d. |
| Entering any appearance | 0 | 6 | 8 | 0 | 6 | 8 |
| If entered at one time, for more than one person, for every defendant beyond the first | 0 | 1 | 0 | 0 | 2 | 0 |
| If a person appearing to a writ of summons to recover land limits his defence by his memorandum of appearance, in addition to the above | 0 | 6 | 8 | 0 | 6 | 8 |

Instructions.

| | | | | | | |
|--|---|----|---|---|----|---|
| To sue or defend | 0 | 6 | 8 | 0 | 13 | 4 |
| For statement of complaint | 0 | 13 | 4 | 2 | 2 | 0 |
| For statement or further statement of defence | 0 | 6 | 8 | 0 | 13 | 4 |
| For counter claim | 0 | 6 | 8 | 0 | 13 | 4 |
| For answer by plaintiff when defendant sets up a counter claim | 0 | 13 | 4 | 1 | 1 | 0 |
| For answer in any other case by any other person | 0 | 6 | 8 | 0 | 13 | 4 |
| For confession of defence | 0 | 6 | 8 | 0 | 13 | 4 |
| For joinder of issue and for demurrer | 0 | 6 | 8 | 0 | 13 | 4 |
| For special case, special petition, and interrogatories for examination of a party or witness | 0 | 6 | 8 | 0 | 13 | 4 |
| To amend any pleading | 0 | 6 | 8 | 0 | 13 | 4 |
| For affidavit in answer to interrogatories, and other special affidavits | 0 | 6 | 8 | 0 | 6 | 8 |
| To appeal | 0 | 13 | 4 | 1 | 1 | 0 |
| To add parties by order of Court or Judge | 0 | 6 | 8 | 0 | 13 | 4 |
| For counsel to advise on evidence when the evidence in chief is to be taken orally | 0 | 6 | 8 | 0 | 6 | 8 |
| Or not to exceed | 0 | 13 | 4 | 1 | 1 | 0 |
| For counsel to make any application to a Court or Judge where no other brief | 0 | 6 | 8 | 0 | 10 | 0 |
| For brief on motion for special injunction | 0 | 13 | 4 | 1 | 1 | 0 |
| For brief on hearing or trial of action upon notice of trial given, whether such trial be before a judge, with or without a jury, or before a special referee, or on trial of an issue of fact before a judge, or referee, or on assessment of damages | 1 | 1 | 0 | 2 | 2 | 0 |

For such brief, and for brief on the hearing of an appeal when witnesses are to be examined or cross-examined, such fee may be allowed as the taxing officer shall think fit, having regard to all the circumstances of the case, and to other allowances, if any, for attendances on witnesses and procuring evidence.

The fees for instructions for brief are not to apply to a hearing on further consideration.

Drawing Pleadings and other Documents.

| | | | | | | |
|--|---|----|---|---|----|---|
| Statement of claim | 0 | 10 | 0 | 1 | 1 | 0 |
| Or per folio | 0 | 1 | 0 | 0 | 1 | 0 |
| Statement of defence | 0 | 5 | 0 | 0 | 10 | 0 |
| Or per folio | 0 | 1 | 0 | 0 | 1 | 0 |
| Statement of defence and counter claim | 0 | 5 | 0 | 1 | 1 | 0 |
| Or per folio | 0 | 1 | 0 | 0 | 1 | 0 |

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| | Lower Scale. | | | Higher Scale. | | |
|--|--------------|----|----|---------------|----|----|
| | £ | s. | d. | £ | s. | d. |
| Answer, with or without joinder of issue, confession of defence, joinder of issue without other matter, demurrer, and amendments of any pleading | 0 | 5 | 0 | 0 | 10 | 0 |
| Or per folio | 0 | 1 | 0 | 0 | 1 | 0 |
| Particulars, breaches, and objections, when required, and one copy to deliver | 0 | 5 | 0 | 0 | 6 | 8 |
| Or such amount as the taxing officer shall think fit, not exceeding per folio | 0 | 0 | 8 | 0 | 1 | 4 |
| If more than one copy to be delivered, for each other copy per folio | 0 | 0 | 8 | 0 | 0 | 8 |
| Special case, whether original or in action, affidavits in answer to interrogatories, and other special affidavits, special petitions, and interrogatories, per folio .. . | 0 | 1 | 0 | 0 | 1 | 0 |
| Brief, on trial or hearing of cause, issue of fact, assessment of damages, examination of witnesses, demurrer, special case and petition before a Court or Judge, referee, examiner, or officer of the Court, when necessary and proper in addition to pleadings, including necessary and proper observations, per folio | 0 | 1 | 0 | 0 | 1 | 0 |
| Brief on application to add parties | 0 | 6 | 8 | 0 | 10 | 0 |
| Or per folio | 0 | 1 | 0 | 0 | 1 | 0 |
| Brief on further consideration, per sheet of ten folios .. . | 0 | 6 | 8 | 0 | 6 | 8 |
| Accounts, statements, and other documents for the Judges' Chambers, when required, and fair copy to leave, per folio | 0 | 0 | 8 | 0 | 1 | 4 |
| Advertisements to be signed by judge's associate, including attendance therefor | 0 | 6 | 8 | 0 | 13 | 4 |
| Bill of costs for taxation, including copy for the taxing officer, per folio | 0 | 0 | 8 | 0 | 0 | 8 |

Copies.

| | | | | | | |
|--|---|---|---|---|---|---|
| Of pleadings, briefs, and other documents where no other provision is made, at per folio | 0 | 0 | 8 | 0 | 0 | 8 |
| Where, pursuant to Rules of Court, any pleading, special case, or petition under " <i>Claims against Government Act</i> ," ⁽⁹⁾ or evidence is printed, the solicitor of the party printing shall be allowed for a copy for the printer (except when made by the officer of the court), at per folio | 0 | 0 | 8 | 0 | 0 | 8 |
| And for examining the proof print at per folio | 0 | 0 | 2 | 0 | 0 | 2 |
| And for printing the amount actually and properly paid to the printer, not exceeding per folio | 0 | 1 | 0 | 0 | 1 | 0 |
| And in addition for every 20 beyond the first 20 copies, at per folio | 0 | 0 | 2 | 0 | 0 | 2 |
| And where any part shall properly be printed in a foreign language, or as a facsimile, or in any unusual or special manner, or where any alteration in the document being printed becomes necessary after the first proof, such further allowance shall be made as the taxing officer shall think reasonable. | | | | | | |

(9) The *Claims against the Government Act, 1886* (Queensland) was adopted as a law of British New Guinea by *The Courts and Laws Adopting Ordinance (Amended)* of 1889, and was continued in force in the Territory of Papua by Section 6(1) of the *Papua Act 1905*. It was repealed and replaced in the Territory of Papua by the *Claims by and against the Government Ordinance, 1911*.

Rules of Court of the Supreme Court (Queensland, adopted).

| | |
|-----------------|------------------|
| Lower Scale. | Higher Scale. |
| £ s. d. | £ s. d. |

These allowances are to include all attendances on the printer.

The solicitor for a party entitled to take printed copies shall be allowed, for such number of copies as he shall necessarily or properly take, the amount he shall pay therefor.

In addition to the allowances for printing and taking printed copies, there shall be allowed for such printed copies as may be necessary or proper for the following, but for no other purposes (videlicet):—

| | |
|--|-------------|
| Of any pleading for delivery to the opposite party, or filing in default of appearance | |
| Of any special case for filing | |
| Of any pleading, special case, for the use of the Court or Judge | |
| Of any affidavit to be sworn to in print | |
| And of any pleading, special case, petition under " <i>Claims against Government Act</i> ," ⁽⁹⁾ or evidence for the use of counsel in Court, and in country agency causes when proper to be sent as a close copy for the use of the country solicitor, at per folio | 0 0 4 0 0 4 |

Such additional allowances for printed copies for the Court or Judge, and for counsel, are not to be made where written copies have been made previously to printing, and are not in any case to be made more than once in the progress of the cause.

Close copies whether printed or written, are not to be allowed as of course, but the allowance is to depend on the propriety of making or sending the copies, which in each case is to be shown and considered by the taxing officer.

| | |
|--|-------------|
| Inserting amendments in a printed copy of any pleading, special case, or petition of right, when not reprinted | |
| Or per folio | 0 1 0 0 5 0 |
| Or per folio | 0 0 8 0 0 8 |

Perusals.

| | |
|--|--------------|
| Of statement of complaint, statement of defence, answer, joinder of issue, demurrer, and other pleading (not being a petition or summons) by the solicitor of the party to whom the same are delivered | |
| Or per folio | 0 6 8 0 13 4 |
| Of amendment of any such pleading in writing | 0 6 8 0 6 8 |
| Or per folio | 0 0 8 |
| If same reprinted | 0 6 8 0 13 4 |
| Or per folio of amendment | 0 0 8 |
| Of interrogatories to be answered by a party by his solicitor | |
| Or per folio | 0 6 8 0 13 4 |
| Of special case by the solicitor of any party except the one by whom it is prepared | 0 6 8 0 13 4 |

(9) The *Claims against the Government Act*, 1886 (Queensland) was adopted as a law of British New Guinea by *The Courts and Laws Adopting Ordinance (Amended)* of 1889, and was continued in force in the Territory of Papua by Section 6(1) of the *Papua Act* 1905. It was repealed and replaced in the Territory of Papua by the *Claims by and against the Government Ordinance*, 1911.

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| | Lower Scale. | Higher Scale. |
|--|-----------------|------------------|
| | £ s. d. | £ s. d. |
| Or per folio | .. | 0 0 8 |
| Of copy order to add parties, notice of defendant's claim against any person not a party to the action under Order XVI., Rule 18, and of defendant's statement of defence and counter-claim served on a person not a party under Order XXII., Rule 6, by the solicitor of the party served therewith, and in these several cases the perusal of the plaintiff's statement of complaint is also to be allowed unless the solicitor has been previously allowed such perusal | 0 6 8 | 0 13 4 |
| Or per folio | .. | 0 0 8 |
| Of notice to produce and notice to admit by the solicitor of the party served | 0 6 8 | 0 13 4 |
| Of affidavit in answer to interrogatories by the solicitor of the party interrogating, and of other special affidavits by the solicitor of the party against whom the same can be read, per folio | 0 0 8 | 0 0 8 |

Attendances.

| | | |
|---|--------|--------|
| To obtain consent of next friend to sue in his name .. | 0 6 8 | 0 13 4 |
| To deliver or file any pleading (not being a petition or summons) and a special case | 0 3 4 | 0 6 8 |
| To inspect, or produce for inspection, documents pursuant to a notice to admit | 0 6 8 | 0 13 4 |
| Or per hour | 0 6 8 | 0 6 8 |
| To examine and sign admissions | 0 6 8 | 0 13 4 |
| To inspect, or produce for inspection, documents referred to in any pleading or affidavit, pursuant to notice under Order XXXI., Rule 14 | 0 6 8 | 0 6 8 |
| Or per hour | 0 6 8 | 0 6 8 |
| To obtain or give any necessary or proper consent .. | 0 6 8 | 0 6 8 |
| To obtain an appointment to examine witnesses .. | 0 6 8 | 0 6 8 |
| On examination of witnesses before any examiner, commissioner, officer, or other person | 0 13 4 | 0 13 4 |
| Or according to circumstances, not to exceed | 2 2 0 | 2 2 0 |
| Or if without counsel, not to exceed | .. | 3 3 0 |
| On deponents being sworn, or by a solicitor or his clerk to be sworn, to an affidavit in answer to interrogatories or other special affidavit | 0 6 8 | 0 6 8 |
| On a summons at Judges' Chambers | 0 6 8 | 0 6 8 |
| Or according to circumstances, not to exceed | 1 1 0 | 1 1 0 |
| To file, Registrar's or Master's certificates, and get copy marked as an office copy | 0 6 8 | 0 6 8 |
| On counsel with brief or other papers— | | |
| If counsel's fee one guinea | 0 3 4 | 0 6 8 |
| If more and under five guineas | 0 6 8 | 0 6 8 |
| If five guineas and under twenty guineas | 0 6 8 | 0 13 4 |
| If twenty guineas | 0 13 4 | 1 1 0 |
| If forty guineas or more | .. | 2 2 0 |
| On consultation or conference with counsel | 0 13 4 | 0 13 4 |
| To enter or set down action, demurrer, special case, or appeal, for hearing or trial | 0 6 8 | 0 6 8 |
| In Court on motion of course and on counsel and for order .. | 0 10 0 | 0 13 4 |
| To present petition for order of course and for order .. | 0 6 8 | 0 13 4 |

Rules of Court of the Supreme Court (Queensland, adopted).

| | Lower Scale. | | | Higher Scale. | | |
|---|--------------|----|-------|---------------|----|----|
| | £ | s. | d. | £ | s. | d. |
| In Court on every special motion, each day | 0 | 6 | 8 | 0 | 13 | 4 |
| On same when heard each day | 0 | 13 | 4 | 0 | 13 | 4 |
| Or according to circumstances | 1 | 1 | 0 | 2 | 2 | 0 |
| On demurrer, special case, or special petition, or application adjourned from the Judges' Chambers, when in the special paper for the day, or likely to be heard | 0 | 6 | 8 | 0 | 10 | 0 |
| On same when heard | 0 | 13 | 4 | 1 | 1 | 0 |
| Or according to circumstances, not to exceed | 1 | 1 | 0 | 2 | 2 | 0 |
| On hearing or trial of any cause, or matter, or issue of fact, in Brisbane or Bowen, or the town where the solicitor resides or carries on business, whether before a judge, with or without a jury, or referee, or on assessment of damages, when in the paper | 0 | 10 | 0 | 0 | 10 | 0 |
| When heard or tried | 0 | 13 | 4 | 1 | 1 | 0 |
| Or according to circumstances | 2 | 2 | 0 | 2 | 2 | 0 |
| When not in Brisbane or Bowen, nor in the town where the solicitor resides or carries on business, for each day (except Sundays) he is necessarily absent | 2 | 2 | 0 | 3 | 3 | 0 |
| And expenses (besides actual reasonable travelling expenses) each day, including Sundays | 1 | 1 | 0 | 1 | 1 | 0 |
| Or if the solicitor has to attend on more than one trial or assessment at the same time and place, in each case | 1 | 1 | 0 | 1 | 11 | 6 |
| The expenses in such case to be rateably divided. | | | | | | |
| To hear judgment when same adjourned | 0 | 6 | 8 | 0 | 13 | 4 |
| Or according to circumstances | 0 | 13 | 4 | 1 | 1 | 0 |
| To deliver papers (when required) for the use of a judge prior to a hearing | 0 | 6 | 8 | 0 | 6 | 8 |
| If more than one judge | 0 | 13 | 4 | 0 | 13 | 4 |
| On taxation of a bill of costs | 0 | 6 | 8 | 0 | 6 | 8 |
| Or according to circumstances, not to exceed | 2 | 2 | 0 | 2 | 2 | 0 |
| In cases for purposes within the cognisance of the Court in its equitable jurisdiction before the Act passed, such further fee as the taxing officer may think fit, not exceeding the allowances heretofore made. | | | | | | |
| To obtain or give an undertaking to appear | 0 | 6 | 8 | 0 | 6 | 8 |
| To present a special petition, and for same answered | 0 | 6 | 8 | 0 | 6 | 8 |
| On printer to insert advertisement in <i>Gazette</i> | 0 | 6 | 1(10) | 0 | 6 | 8 |
| On printer to insert same in other papers, each printer | | | | 0 | 6 | 8 |
| Or every two | 0 | 6 | 8 | | | |
| On Registrar to certify that a cause set down is settled, or for any reason not to come into the paper for hearing | 0 | 6 | 8 | 0 | 6 | 8 |
| For an order drawn up by Registrar, and to get same entered | 0 | 6 | 8 | 0 | 6 | 8 |
| On counsel to procure certificate that cause proper to be heard as a short cause, and on Registrar to mark same | 0 | 6 | 8 | 0 | 6 | 8 |
| For preparing and drawing up an order made at Chambers in proceedings to wind up a company and attending for same, and to get same entered | 0 | 13 | 4 | 0 | 13 | 4 |
| And for engrossing every such order, per folio | 0 | 0 | 8 | 0 | 0 | 8 |

Note.—An order of course means an order made on an *ex parte* application, and to which a party is entitled as of right on his own statement and at his own risk.

(10). The figure "1" appeared in these Rules as published in *Queensland Govt. Gaz. Semble*, "8" was intended.

COURTS—

Oaths and Exhibits.

| | Lower Scale. | | | Higher Scale. | | |
|---|-----------------|----|----|------------------|----|----|
| | £ | s. | d. | £ | s. | d. |
| Commissioners to take oaths or affidavits. For every oath, declaration, affirmation, or attestation upon honour, in town or the country | 0 | 1 | 6 | 0 | 1 | 6 |
| The solicitor for preparing each exhibit in town or country | 0 | 1 | 0 | 0 | 1 | 0 |
| The commissioner for marking each exhibit | 0 | 1 | 0 | 0 | 1 | 0 |
| Every oath before a commissioner, not at his own office | 0 | 5 | 0 | 0 | 5 | 0 |
| If above a mile from commissioner's residence, over and above his travelling expenses | 1 | 1 | 0 | 1 | 1 | 0 |

Term Fees.

| | | | | | | |
|--|---|----|---|---|----|---|
| For every term in which a proceeding in the cause or matter by or affecting the party, other than the issuing and serving the writ of summons, shall take place | 0 | 15 | 0 | 0 | 15 | 0 |
| And further, in country agency causes or matters, for letters Where no proceeding in the cause or matter is taken which carries a term fee, a charge for letters may be allowed, if the circumstances require it. | 0 | 6 | 0 | 0 | 6 | 0 |
| In addition to the above, an allowance is to be made for the necessary expense of postages, carriage and transmission of documents. | | | | | | |

SPECIAL ALLOWANCES AND GENERAL PROVISIONS.

This Order shall come into operation at the time of the commencement of "*The Judicature Act.*"⁽³⁾

1. As to writs of summons requiring special endorsement, original special cases, pleadings and affidavits in answer to interrogatories, and other special affidavits, when the higher scale is applicable, the taxing officer may, in lieu of the allowances for instructions and preparing or drawing, make such allowance for work, labor, and expenses in or about the preparation of such documents as in his discretion he may think proper.

2. As to drawing any pleading or other document, the fees allowed shall include any copy made for the use of the solicitor, agent, or client, or for counsel to settle.

3. As to instructions to sue or defend, when the higher scale is applicable, if in consequence of the instructions being taken separately from more than three persons (not being co-partners) the taxing officer shall consider the fee above provided inadequate, he may make such further allowance as he shall in his discretion consider reasonable.

(3) *The Judicature Act (Queensland)* has not been expressly adopted as a law of the Territory by any Ordinance of the Territory of Papua.

Rules of Court of the Supreme Court (Queensland, adopted).

4. As to affidavits when there are several deponents to be sworn, or it is necessary for the purpose of an affidavit being sworn to go to a distance, or to employ an agent, such reasonable allowance may be made as the taxing officer in his discretion may think fit.

5. The allowances for instructions and drawing an affidavit in answer to interrogatories and other special affidavits, and attending the deponent to be sworn, include all attendances on the deponents to settle and read over.

6. As to delivery of pleadings, services, and notices, the fees are not to be allowed when the same solicitor is for both parties, unless it be necessary for the purpose of making an affidavit of service.

7. As to perusals the fees are not to apply where the same solicitor is for both parties.

8. As to evidence, such just and reasonable charges and expenses as appear to have been properly incurred in procuring evidence and the attendance of witnesses, are to be allowed.

9. As to agency correspondence, in country agency causes and matters, if it be shown to the satisfaction of the taxing officer that such correspondence has been special and extensive, he is to be at liberty to make such special allowance in respect thereof as in his discretion he may think proper.

10. As to attendances at the Judges' Chambers, where, from the length of the attendance, or from the difficulty of the case, the Judge or taxing officer shall think the highest of the above fees an insufficient remuneration for the services performed, or where the preparation of the case or matter, to lay it before the Judge in Chambers, or on a summons, shall have required skill and labor for which no fee has been allowed, the Judge or taxing officer may allow such fee in lieu of the fee of £1 1s. above provided, not exceeding £2 2s., or where the higher scale is applicable £3 3s., or in proceedings to wind up a company £5 5s., as in his discretion he may think fit; and where the preparation of the case or matter to lay it before a Judge at Chambers on a summons shall have required and received from the solicitor such extraordinary skill and labor as materially to conduce to the satisfactory and speedy disposal of the business, and therefore shall appear to the Judge to deserve higher remuneration than the ordinary fees, the Judge may allow to the solicitor, by a memorandum in writing expressly made for that purpose and signed by the Judge, specifying distinctly the grounds of such allowance, such fee not exceeding ten guineas, as in his discretion he may think fit, instead of the above fees of £2 2s., £3 3s., and £5 5s.

COURTS—

11. As to attendances at the Judges' Chambers, where by reason of the non-attendance of any party (and it is not considered expedient to proceed *ex parte*), or where by reason of the neglect of any party in not being prepared with any proper evidence, account, or other proceeding, the attendance is adjourned without any useful progress being made, the Judge may order such an amount of costs (if any) as he shall think reasonable to be paid to the party attending by the party so absent or neglectful, or by his solicitor personally; and the party so absent or neglectful is not to be allowed any fee as against any other party, or any estate or fund in which any other party is interested.

12. A folio is to comprise 72 words, every figure comprised in a column being counted as one word.

13. Such costs of procuring the advice of counsel on the pleadings, evidence, and proceedings in any cause or matter as the taxing officer shall in his discretion think just and reasonable, and of procuring counsel to settle such pleadings and special affidavits as the taxing officer shall in his discretion think proper to be settled by counsel, are to be allowed; but as to affidavits, a separate fee is not to be allowed for each affidavit, but one fee for all the affidavits proper to be so settled, which are or ought to be filed at the same time.

14. As to counsel attending at Judges' Chambers, no costs thereof shall in any case be allowed, unless the Judge certifies it to be a proper case for counsel to attend.

15. As to the inspection of documents under Order XXXI., Rule 14, no allowance is to be made for any notice or inspection, unless it is shown to the satisfaction of the taxing officer that there were good and sufficient reasons for giving such notice and making such inspection.

16. As to taking copies of documents in possession of another party, or extracts therefrom, under Rules of Court or any special order, the party entitled to take the copy or extract is to pay the solicitor of the party producing the document for such copy or extract as he may, by writing, require, at the rate of 8d. per folio; and if the solicitor of the party producing the document refuses or neglects to supply the same, the solicitor requiring the copy or extract is to be at liberty to make it, and the solicitor for the party producing is not to be entitled to any fee in respect thereof.

17. Where a petition in any cause or matter is served, and notice is given to the party served that in case of his appearance in Court his costs will be objected to, and accompanied by a tender of costs for perusing the same, the amount to be tendered shall be £2. 2s. The

party making such payment shall be allowed the same in his costs, provided such service was proper, but not otherwise; but this order is without prejudice to the rights of either party to costs, or to object to costs where no such tender is made, or where the Court or Judge shall consider the party entitled, notwithstanding such notice, or tender, to appear in Court. In any other case in which a solicitor of a party served necessarily or properly peruses any such petition without appearing thereon, he is to be allowed a fee not exceeding £2 2s.

18. The Court or Judge may, at the hearing of any cause or matter, or upon any application or procedure in any cause or matter in Court or at Chambers, and whether the same is objected to or not, direct the costs of any pleading, affidavit, evidence, notice to cross-examine witnesses, account, statement or other proceeding, or any part thereof, which is improper, unnecessary, or contains unnecessary matter, or is of unnecessary length, to be disallowed, or may direct the taxing officer to look into the same and to disallow the costs thereof, or of such part thereof as he shall find to be improper, unnecessary, or to contain unnecessary matter, or to be of unnecessary length; and in such case the party whose costs are so disallowed shall pay the costs occasioned to the other parties by such unnecessary proceeding, matter, or length; and in any case where such question shall not have been raised before and dealt with by the Court or Judge, the taxing officer may look into the same (and, as to evidence, although the same may be entered as read in any decree or order) for the purpose aforesaid, and thereupon the same consequences shall ensue as if he had been specially directed to do so.

19. In any case in which, under the preceding Rule No. 18, or any other rule of Court, or by the order or direction of the Court or a Judge, or otherwise, a party entitled to receive costs is liable to pay costs to any other party, the taxing officer may tax the costs such party is so liable to pay, and may adjust the same by way of deduction or set off, or may, if he shall think fit, delay the allowance of the costs such party is entitled to receive until he has paid or tendered the costs he is liable to pay; or such officer may allow or certify the costs to be paid, and the same may be recovered by the party entitled thereto in the same manner as costs ordered to be paid may be recovered.

20. Where any question as to any costs is, under the preceding Rule 18, dealt with at Chambers, the associate is to make a note thereof, for the information of the taxing officer.

21. Where any party appears upon any application or proceeding in Court or at Chambers, in which he is not interested, or upon which, according to the practice of the Court, he ought not to attend, he is

not to be allowed any costs of such application, unless the Court or Judge shall expressly direct such costs to be allowed.

22. As to applications to extend the time for taking any proceeding limited by Rules of Court (subject to any special order as to the costs of and occasioned by any such application), the costs of one application are, without special order, to be allowed as costs in the cause or matter, but (unless specially ordered) no costs are to be allowed of any further application to the party making the same as against any other party, or any estate or fund in which any other party is interested.

23. The taxing officers of the Supreme Court shall, for the purpose of any proceeding before them, have power and authority to administer oaths, and shall, in relation to the taxation of costs, perform all such duties as have heretofore been performed by them and shall, in respect thereof, have such powers and authorities as, previous to the commencement of the Act, were vested in any of such officers, including examining witnesses, directing production of books, papers, and documents, making separate certificates or allocaturs, requiring any party to be represented by a separate solicitor, and to direct and adopt all such other proceedings as could be directed and adopted by any such officer on references for the taxation of costs, and taking accounts of what is due in respect of such costs, and such other accounts connected therewith as may be directed by the Court or a Judge.

24. The taxing officer shall have authority to arrange and direct what parties are to attend before him on the taxation of costs to be borne by a fund or estate, and to disallow the costs of any party whose attendance such officer shall in his discretion consider unnecessary in consequence of the interest of such party in such fund or estate being small or remote, or sufficiently protected by other parties interested.

25. When any party entitled to costs refuses or neglects to bring in his costs for taxation, or to procure the same to be taxed, and thereby prejudices any other party, the taxing officer shall be at liberty to certify the costs of the other parties, and certify such refusal or neglect, or may allow such party refusing or neglecting a nominal or other sum for such costs, so as to prevent any other party being prejudiced by such refusal or neglect.

26. As to costs to be paid or borne by another party, no costs are to be allowed which do not appear to the taxing officer to have been necessary or proper for the attainment of justice or defending the rights of the party, or which appear to the taxing officer to have

been incurred through over-caution, negligence, or mistake, or merely at the desire of the party.

27. As to any work and labor properly performed and not herein provided for, and in respect of which fees have heretofore been allowed, the same or similar fees are to be allowed for such work and labor as have heretofore been allowed.

28. As to all fees or allowances which are discretionary, the same are, unless otherwise provided, to be allowed at the discretion of the taxing officer, who, in the exercise of such discretion, is to take into consideration the other fees and allowances to the solicitor and counsel, if any, in respect of the work to which any such allowance applies, the nature and importance of the cause or matter, the amount involved, the interest of the parties, the fund or persons to bear the costs, the general conduct and costs of the proceedings, and all other circumstances.

29. Any party who may be dissatisfied with the allowance or disallowance by the taxing officer, in any bill of costs taxed by him, of the whole or any part of any item or items, may, at any time before the certificate or allocatur is signed, deliver to the other party interested therein, and carry in before the taxing officer, an objection in writing to such allowance or disallowance, specifying therein by a list, in a short and concise form, the item or items, or parts or part thereof, objected to, and may thereupon apply to the taxing officer to review the taxation in respect of the same.

30. Upon such application the taxing officer shall reconsider and review his taxation upon such objections, and he may, if he shall think fit, receive further evidence in respect thereof, and, if so required by either party, he shall state either in his certificate of taxation or allocatur, or by reference to such objection, the grounds and reasons of his decision thereon, and any special facts or circumstances relating thereto.

31. Any party who may be dissatisfied with the certificate or allocatur of the taxing officer, as to any item or part of an item which may have been objected to as aforesaid, may apply to a Judge at Chambers for an order to review the taxation as to the same item or part of an item, and the Judge may thereupon make such order as to the Judge may seem just; but the certificate or allocatur of the taxing officer shall be final and conclusive as to all matters which shall not have been objected to in manner aforesaid.

32. Such application shall be heard and determined by the Judge upon the evidence which shall have been brought in before the taxing officer, and no further evidence shall be received upon the hearing thereof, unless the Judge shall otherwise direct.

COURTS—

FEEES OF COURT.⁽¹⁰⁾

I.

The fees and percentages contained in the Schedule hereto are fixed and appointed to be, and shall be taken in the Supreme Court, and in any office which is connected with the Court, or in which any business connected with the Court is conducted, and by any officer paid wholly or partly out of public moneys who is attached to the Supreme Court, or any of them; and the said fees and percentages shall be taken by stamps. Provided that this rule shall not apply to any commissioner of the Supreme Court for taking affidavits or recognizances, or for taking the examination of witnesses, or to any commissioner for taking acknowledgements, under the Act for the registry of deeds, except in respect to fees received by any salaried officer or clerk of the Supreme Court Office for anything done by him as such commissioner, clerk, or officer, during the ordinary office hours.

II.

The fees and percentages set forth in the column headed Lower Scale in the Schedule hereto are to be taken and paid in all cases in which the Lower Scale⁽¹¹⁾ of fees is to be charged and allowed to solicitors, and the fees and percentages set forth in the column headed Higher Scale in the Schedule hereto are to be taken and paid in all other cases.

III.

The solicitor or party acting in person shall, on any proceeding in which he claims to pay fees according to the Lower Scale, file with the proper officer a certificate in the form hereunder set forth, of which certificate the officer is, at the request of any solicitor or any party acting in person in the cause or matter, to mark a copy without a fee.

On production of such copy of the certificate all officers of the Court are to receive and file all proceedings in the cause or matter bearing stamps according to the Lower Scale.

In any case certified for the Lower Scale of Court fees, in which it shall happen that the solicitor shall become entitled to charge and be allowed according to the Higher Scale of solicitors' fees, the deficiency in the fees of Court is to be made good.

In any case in which the fees have been paid upon the Higher Scale, and in which it shall happen that the solicitor shall become entitled to charge and be allowed only according to the Lower Scale of solicitors' fees, the excess of fees so paid may be allowed upon the

(10) For the cases in which these Rules relating to Fees of Court apply to the Territory of Papua, see Rule 112 of the *Rules of Civil Procedure*, printed on p. 615.

(11) See, however, Rule 112 of the *Rules of Civil Procedure*, printed on p. 615.

taxation of costs, if the circumstances of the case shall, in the judgment of the taxing officer, justify such allowance.

IV.

The provisions in this Order shall not apply to or affect any of the matters following (that is to say):—

The existing fees and percentages in respect of any matter at the time of the passing of "*The Judicature Act*,"⁽³⁾ within the jurisdiction of the Court;

The existing fees and percentages in respect of any criminal proceedings other than such proceedings on the Crown side of the Court, as the scale contained in the Schedule hereto may be applicable to;

The existing fees and percentages in respect of matters on the Revenue side of the Court other than such matters, proceedings, and business as the scale contained in the Schedule hereto may be applicable to;

The existing fees and percentages authorized to be taken by any sheriffs, under sheriffs, deputy sheriffs, bailiffs, or other officers or ministers of sheriffs;

The existing fees and percentages directed to be taken or paid by any Act of Parliament, and in respect of which no fee or percentage is hereby provided;

The existing fees and percentages which shall have become due or payable before the commencement of "*The Judicature Act*"⁽³⁾;

The existing fees and percentages in respect of any proceedings in any cause or matter pending at the commencement of the said Act.

V.

The existing rules and practice, applicable to proceedings by persons suing *in forma pauperis*, shall continue and be applicable to proceedings to which this Order relates.

VI.

Save as otherwise provided by this Order all existing fees and percentages which may be taken in the Court, or in any office which is connected with the Court, or in which any business connected with the Court is conducted, or by any officer paid wholly or partly out of public moneys who is attached to the Court, or any of them, shall be and are hereby abolished.

(3) *The Judicature Act* (Queensland) has not been expressly adopted as a law of the Territory by any Ordinance of the Territory of Papua.

COURTS—

VII.

A folio is to comprise 72 words, every figure comprised in a column being counted as one word.

VIII.

The provisions of Order LX. in the Schedule to "*The Judicature Act*"⁽⁶⁾ shall apply to this Order.

Form of Certificate for paying Lower Scale of Court Fees above referred to.

(Title of cause or matter.)

I hereby certify that to the best of my judgment and belief the Lower Scale of Fees of Court is applicable to this case.

A.B.,

Dated, &c.

Solicitor for Plaintiff or Defendant.

THE SCHEDULE ABOVE REFERRED TO.

An Order or Rule herein referred to by number shall mean the Order or Rule so numbered in the Schedule to "*The Judicature Act*."⁽³⁾

Summonses, Writs, Commissions, and Warrants.

| | Lower Scale. | | | Higher Scale. | | |
|---|--------------|----|----|---------------|----|----|
| | £ | s. | d. | £ | s. | d. |
| On sealing a writ of summons for commencement of an action | 0 | 5 | 0 | 0 | 10 | 0 |
| On sealing a concurrent, renewed or amended writ of summons for commencement of an action | 0 | 2 | 6 | 0 | 2 | 6 |
| On sealing a notice for service under Order XVI., Rule 18 | 0 | 2 | 6 | 0 | 2 | 6 |
| On sealing a writ of mandamus or injunction | 0 | 10 | 0 | 1 | 0 | 0 |
| On sealing a writ of subpoena not exceeding three persons | 0 | 2 | 6 | 0 | 5 | 0 |
| On sealing every other writ | 0 | 5 | 0 | 0 | 10 | 0 |
| On sealing a summons to originate proceedings | 0 | 5 | 0 | 0 | 10 | 0 |
| On sealing a duplicate thereof | 0 | 1 | 0 | 0 | 5 | 0 |
| On sealing a copy of same for service | 0 | 1 | 0 | 0 | 5 | 0 |
| On sealing or issuing any other summons or warrant | 0 | 2 | 0 | 0 | 3 | 0 |
| On sealing or issuing a commission to take oaths or affidavits in the Supreme Court | 0 | 10 | 6 | 0 | 10 | 6 |
| Every other commission | 1 | 0 | 0 | 1 | 0 | 0 |

Appearances.

| | | | | | | |
|--|---|---|---|---|---|---|
| On entering an appearance, for each person | 0 | 2 | 6 | 0 | 2 | 6 |
|--|---|---|---|---|---|---|

Copies.

| | | | | | | |
|---|---|---|---|---|---|---|
| For a copy of a written deposition of a witness to enable a party to print the same, for each folio | 0 | 0 | 8 | 0 | 0 | 8 |
|---|---|---|---|---|---|---|

(3) *The Judicature Act* (Queensland) has not been expressly adopted as a law of the Territory by any Ordinance of the Territory of Papua.

(6) See footnote (6) printed on p. 636.

Rules of Court of the Supreme Court (Queensland, adopted).

| | Lower Scale. | | | Higher Scale. | | |
|---|--------------|----|----|---------------|----|----|
| | £ | s. | d. | £ | s. | d. |
| For examining a written or printed copy, and marking same as an office copy, for each folio | 0 | 0 | 4 | 0 | 0 | 4 |
| For making a copy and marking same as an office copy, for each folio | 0 | 0 | 8 | 0 | 0 | 8 |
| For a copy in a foreign language, the actual cost. | | | | | | |
| For a copy of a plan, map, section, drawing, photograph, or diagram, the actual cost. | | | | | | |
| For a printed copy of an order, not being an office or certified copy, for each folio | 0 | 0 | 4 | 0 | 0 | 4 |

Attendances.

| | | | | | | |
|---|---|---|---|---|---|---|
| On an application, with or without a subpoena, for any officer to attend as a witness, or to produce any record or document to be given in evidence (in addition to the reasonable expenses of the office) for each day or part of a day he shall necessarily be absent from his office | 1 | 0 | 0 | 1 | 0 | 0 |
|---|---|---|---|---|---|---|

The officer may require a deposit of stamps on account of any further fees, and a deposit of money on account of any further expenses which may probably become payable beyond the amount paid for fees and expenses on the application, and the officer or his clerk taking such deposit shall thereupon make a memorandum thereof on the application.

The officer may also require an undertaking in writing to pay any further fees and expenses which may become payable beyond the amounts so paid and deposited.

Oaths, &c.

| | | | | | | |
|---|---|---|---|---|---|---|
| For taking an affidavit or an affirmation or attestation upon honor in lieu of an affidavit or a declaration, for each person making the same | 0 | 1 | 6 | 0 | 1 | 6 |
| And in addition thereto for each exhibit therein referred to and required to be marked, whether annexed or not .. | 0 | 1 | 0 | 0 | 1 | 0 |

Filing.

| | | | | | | |
|---|---|----|---|---|---|---|
| On filing a special case or petition of right | 0 | 10 | 0 | 1 | 0 | 0 |
| On filing an affidavit with exhibits (if any) annexed, submission to arbitration, award, bill of sale, warrant of attorney, cognovit, bail, satisfaction piece, and writ of execution with return | 0 | 2 | 6 | 0 | 2 | 6 |
| On filing a caveat | 0 | 5 | 0 | 0 | 5 | 0 |

Certificates.

| | | | | | | |
|--|---|---|---|---|---|---|
| For a certificate of appearance, or of a pleading, affidavit, or proceeding having been entered, filed, or taken, or of the negative thereof | 0 | 1 | 0 | 0 | 4 | 0 |
|--|---|---|---|---|---|---|

Searches and Inspections.

| | | | | | | |
|--|---|---|---|---|---|---|
| On an application to search for an appearance or an affidavit, and inspecting the same | 0 | 1 | 0 | 0 | 1 | 0 |
|--|---|---|---|---|---|---|

COURTS—

| | Lower Scale. | Higher Scale. |
|---|-----------------|------------------|
| | £ s. d. | £ s. d. |
| On an application to search an index, and inspect a pleading, decree, order, or other record, unless otherwise expressly provided for by any Act of Parliament or this Order, and to inspect documents deposited for safe custody or production pursuant to an order, for each hour or part of an hour occupied | 0 2 6 | 0 2 6 |
| Not exceeding on one day | 0 10 0 | 0 10 0 |

Examination of Witnesses.

| | | |
|---|--------|--------|
| For every witness sworn and examined by an examiner or other officer in his office, including oath, for each hour | 0 10 0 | 0 10 0 |
| For an examination of witnesses by any such officer away from the office (in addition to reasonable travelling and other expenses), per day | 3 0 0 | 3 0 0 |

The officer may require a deposit of stamps on account of fees and a deposit of money on account of expenses, which may probably become payable beyond any amount paid for fees and expenses upon the examination, and the officer or his clerk taking such deposit shall thereupon make a memorandum thereof and deliver the same to the party making the deposit.

The officer may also require an undertaking in writing to pay any further fees and expenses which may become payable beyond the amount so paid and deposited.

These fees are not to apply to the examination of witnesses for the purpose of any inquiry, taxation of costs, or other proceeding before the officer.

Hearing.

| | | |
|---|-------|-------|
| For entering or setting down, or re-entering, or re-setting down, an appeal, or a cause for trial or hearing, at Brisbane or Bowen, or at any assizes, including a demurrer, or special case, but not a petition, nor a summons adjourned from Chambers | 1 0 0 | 2 0 0 |
| For a certificate of an associate of the result of trial | 1 0 0 | 1 0 0 |

Judgments, Decrees, and Orders.

| | | |
|---|--------|-------|
| For drawing up and entering a judgment, or a decree, or decretal order, whether on the original hearing of a cause or on further consideration, including a cause commenced by summons at Chambers, and an order on the hearing of a special case or petition, and any order by the Court on Appeal | 0 10 0 | 1 0 0 |
| For drawing up and entering any other order, whether made in Court or at Chambers | 0 3 0 | 0 5 0 |
| For copy of a plan, map, section, drawing, photograph, or diagram, required to accompany any order, the actual cost. | | |

Taking Accounts.

On taking an account of a receiver, guardian, consignee, bailee, manager, provisional, official, or voluntary liquidator, or sequestrator, or of an executor, administrator, trustee, agent, solicitor, mortgagee, co-tenant, ac-

Rules of Court of the Supreme Court (Queensland, adopted).

| | Lower Scale. | Higher Scale. |
|---|-----------------|------------------|
| | £ s. d. | £ s. d. |
| partner, execution creditor, or other person liable to account, when the amount found to have been received without deducting any payment shall not exceed £200 | 0 2 0 | 0 2 0 |
| Where such amount shall exceed £200, for every £50 or fraction of £50 | 0 0 6 | 0 0 6 |

In the case of any such receiver, guardian, consignee, bailee, manager, liquidator, sequestrator, or execution creditor, the fees shall, upon payment, be allowed in the account, unless the Court or Judge shall otherwise direct, and in the case of taking the accounts of such other accounting parties the fees shall be paid by the party having the conduct of the order under which such account is taken, as part of his costs of the cause or matter (unless the Court or Judge shall otherwise direct), and in such case shall be taken upon the certificate of the result of any such account; but the fees shall be due and payable, although no certificate is required, on the account taken, or on such part thereof as may be taken, and the solicitor or party suing in person shall in such case cause the proper stamps (the amount thereof to be fixed by the officer) to be impressed on or affixed to the account.

The officer taking the account may require a deposit of stamps on account of fees before taking the account, not exceeding the fees on the full amount, appearing by the account to have been received, and the officer or his clerk taking such deposit shall make a memorandum thereof on the account.

Taxation of Costs.

| | | |
|--|-------|-------|
| For taxing a bill of costs where the amount allowed does not exceed £8 | 0 2 0 | 0 4 0 |
| Where the amount exceeds £8, for every £2 allowed, or a fraction thereof | 0 0 6 | 0 1 0 |

These fees, except where otherwise provided, shall be taken on signing the certificate, or on the allowance of the bill of costs, as taxed, but the fees shall be due and payable if no certificate or allocatur is required on the amount of the bill as taxed, or on the amount of such part thereof as may be taxed, and the solicitor or party suing in person shall in such case cause the proper stamps (the amount thereof to be fixed by the officer) to be impressed on or affixed to the bill of costs.

The taxing officer may require a deposit of stamps on account of fees before taxation not exceeding the fees on the full amount of the costs as submitted for taxation, and the officer or his clerk on taking such deposit shall make a memorandum thereof on the bill of costs.

| | | |
|--|----|-------|
| For a certificate or allocatur of the result, not being a judgment | .. | 1 0 0 |
|--|----|-------|

COURTS—

Petitions.

| | Lower Scale. | Higher Scale. |
|--|-----------------|------------------|
| | £ s. d. | £ s. d. |
| For answering a petition for hearing in Court, and setting down | 0 5 0 | 1 0 0 |
| For answering a non-attendable petition, not being a petition for an order of course | 0 5 0 | 0 10 0 |

Miscellaneous.

| | | |
|---|--------|--------|
| On a fiat of a Judge | 0 5 0 | 0 5 0 |
| On signing an advertisement | .. | 1 0 0 |
| Upon a reference to a Master or Registrar for the purpose of any investigation or inquiry other than the taking of an account for which another fee is herein provided, for every hour or part of an hour the Master or Registrar is occupied | 0 10 0 | 0 10 0 |
| A deposit on account of fees before proceeding with such reference, or at any time during the course thereof, may be required, and a memorandum thereof shall be delivered to the party making the deposit. | | |
| On taking acknowledgment of a deed by a married woman | 1 0 0 | 1 0 0 |
| On taking a recognizance or bond | 0 10 0 | 0 10 0 |
| On taking bail, and taking same off the file and delivering | 0 2 0 | 0 2 0 |
| On a commitment | 0 5 0 | 0 5 0 |
| On examining and signing enrolments of decrees and orders | 3 0 0 | 3 0 0 |
| On a written request for information | 0 2 6 | 0 2 6 |
| For preparing a power of attorney | 0 3 0 | 0 3 0 |
| For transcript of an account in the books, for each opening | 0 2 0 | 0 2 0 |