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OF

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[1886.

No. 2493.—C.S.O.

“THE FEDERAL COUNCIL OF AUSTRALASIA ACT, 1885.”—PROROGATION OF COUNCIL.

1885

THE following Proclamation, received by His Excellency the Governor from His Excellency Sir George C. Strahan, K.C.M.G., the Governor of Tasmania, is published in accordance with the provisions of an Act of the Imperial Parliament (48 & 49 Vict. cap. 60), intituled *The Federal Council of Australasia Act, 1885*.

By Command,

M. S. SMITH,

Acting Colonial Secretary.

Colonial Secretary's Office,

Perth, 23rd March, 1886.

“THE FEDERAL COUNCIL OF AUSTRALASIA ACT, 1885.”

By His Excellency Sir GEORGE CUMINE STRAHAN, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Tasmania and its Dependencies.

A PROCLAMATION.

WHEREAS by the Act of the Imperial Parliament of the 48 and 49 Vict. Ch. 60, intituled *An Act to constitute a Federal Council of Australasia*, it is enacted that the Federal Council of Australasia shall be summoned and prorogued by the Governor of the Colony in which the Session shall be held, and shall be so summoned and prorogued by Proclamation published in the *Government Gazette* of each of the Colonies in the said Act referred to in respect to which the said Act is in operation: And whereas in accordance with the provisions of the said Act the present Session of the said Federal

Council (being the first Session thereof) has been held at Hobart, in the Colony of Tasmania: And whereas it is expedient that the said Federal Council shall be prorogued: Now therefore I, Sir George Cumine Strahan, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief as aforesaid, in pursuance of the said Act, and by virtue of the power thereby conferred upon me, do, by this my Proclamation, prorogue the said Federal Council.

Given under my hand, at Hobart, in Tasmania aforesaid, this sixth day of February, One thousand eight hundred and eighty-six.

GEO. C. STRAHAN.

By His Excellency's Command,
ADYE DOUGLAS, Chief Secretary.

No. 2494.—C.S.O.

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WESTERN AUSTRALIA,
to wit.

(L.S.)

F. NAPIER BROOME,
Governor.

PROCLAMATION

By His Excellency SIR FREDERICK NAPIER BROOME, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the territory of Western Australia and its Dependencies, &c., &c., &c.

I, SIR FREDERICK NAPIER BROOME, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief as aforesaid, do hereby proclaim, pursuant to the provisions of the Federal Council of Australasia Act (48 and 49 Victoria, Cap. 60), that the following Acts passed in the First Session of the Federal Council of Australasia, held at Hobart, in the Colony of Tasmania, and assented to by the Governor of the Colony of Tasmania, in the name and on behalf of Her Majesty the Queen, have the force of law in the Colony of Western Australia, that is to say:—

1. "An Act for shortening the Language used in Acts of the Federal Council of Australasia."
2. "An Act to facilitate the Proof throughout the Federation of Acts of the Federal Council and of Acts of the Parliaments of the Australasian Colonies and of Judicial and Official Documents, and of the Signatures of certain Public Officers."
3. "An Act to authorise the Service of Civil Process out of the Jurisdiction of the Colony in which it is issued."
4. "An Act to make provision for the enforcement within the Federation of Judgments of the Supreme Courts of the Colonies of the Federation."

Given under my hand and issued under the Public Seal of the said Colony, at Government House, Perth, this 23rd day of March, 1886.

By His Excellency's Command,
M. S. SMITH,
Acting Colonial Secretary.

GOD SAVE THE QUEEN!!!

FEDERAL COUNCIL OF AUSTRALASIA.



1886.

ANNO QUADRAGESIMO NONO VICTORIÆ REGINÆ.

No. 1.

AN ACT for shortening the Language used in Acts of the Federal Council of Australasia.

[5th February, 1886.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Federal Council of Australasia, assembled at Hobart, in the Colony of Tasmania, and by the authority of the same, as follows (that is to say):—

1. THIS Act may for all purposes be cited as "*The Federal Council Interpretation Act, 1886.*" Short title.

2. IN all Acts of the Federal Council of Australasia the following expressions shall have the meanings hereinafter respectively assigned to them (that is to say)—
 - "*The Federal Council of Australasia Act, 1885,*" shall mean the Act passed by the Parliament of the United Kingdom of Great Britain and Ireland in the Forty-eighth and Forty-ninth years of Her Majesty's Reign, intituled "*An Act to constitute a Federal Council of Australasia:*" Meanings of certain words.
48 & 49 Vict. c. 60.
 - "The Federation" shall mean and include all Colonies in Australasia forming a portion of the British Empire, whether now existing or hereafter to be created, in respect of which "*The Federal Council of Australasia Act, 1885,*" is for the time being in operation: The Federation.
 - "Federal Council" shall mean the Federal Council of Australasia: Federal Council.
 - "Australasian Colony" shall mean and include the Colonies (including their respective dependencies) of Fiji, New South Wales, New Zealand, Queensland, South Australia, Tasmania, Victoria, and Western Australia, and any British Colonies which may be hereafter created within Her Majesty's possessions in Australasia: Australasian Colony.
 - "Act of the Federal Council" shall mean an enactment of the Federal Council duly assented to by or on behalf of Her Majesty: Act of Federal Council.
 - "Act of Parliament" used with respect to any Colony shall include any Act of Council and Ordinance of the Legislature of such Colony: Act of Parliament.
 - "*Government Gazette*" used with respect to any Colony shall mean the *Government Gazette*, *Royal Gazette*, or other official gazette (as the case may be) of such Colony: Government Gazette.
 - "Governor" shall mean the person for the time being administering the government of the Colony with respect to which the term is used: Governor.

Governor in Council.	“Governor in Council” shall mean the Governor acting with the advice of the Executive Council of the Colony with respect to which the term is used:
Her Majesty.	“Her Majesty” shall mean and include Her Majesty, her heirs and successors:
Justice.	“Justice” shall mean a Justice of the Peace of the Colony with respect to which the term is used:
Land.	“Land” shall include land of any tenure and tenements and hereditaments corporeal or incorporeal, and houses and other buildings, also an undivided share in land:
Month. 13 & 14 Vict. c. 21, s. 4.	“Month” shall mean calendar month, unless words are added showing a lunar month to be intended:
Oath, &c.	“Oath” and “affidavit” shall include affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing, and the word “swear” and other words relating to an oath or swearing shall be construed accordingly:
Person.	“Person” shall include corporation, unless there is something repugnant to or inconsistent with that interpretation:
Property.	“Property” shall include real and personal property, and any estate or interest in any property real or personal, and any debt, and anything in action, and any other right or interest:
Supreme Court.	“Supreme Court” shall mean the Court having unlimited jurisdiction in the Colony in question.

Masculine to include feminine, &c. Words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural, and the plural the singular, unless the contrary as to gender or number is expressly provided.

Reckoning of time. **3.** THE time prescribed or allowed in any Act for the doing of a particular thing shall in all cases be taken to exclude the day of the act or event from or after which the time is to be reckoned, but shall include the day for the doing of that thing. Provided that where that day falls on a Sunday, or on a Christmas Day, or Good Friday the thing may be done on the day following.

Reckoning of distance. Distance of space mentioned or indicated in an Act shall be computed according to the nearest road ordinarily used in travelling, unless measurement in a direct line is expressed, or that construction is rendered necessary by the context.

Where a power is discretionary and where not. **4.** WHEN by any enactment a power is conferred on any officer or person by the word “may,” or by the words “it shall be lawful,” or by the words “it shall or may be lawful” applied to the exercise of that power, such word or words shall be taken to import that the power may be exercised or not at discretion; but where the word “shall” is applied to the exercise of any such power, the construction shall be that the power conferred must be exercised.

Acts to be in sections. 13 & 14 Vict. c. 21, s. 2. **5.** ALL Acts of the Federal Council shall be divided into sections if there are more enactments than one, which sections shall be deemed to be substantive enactments without any introductory words.

Mode of citing Acts. 13 & 14 Vict. c. 21, s. 3. **6.** WHEN in any Act of the Federal Council any Act of the Parliament of England, or of Great Britain, or of the United Kingdom of Great Britain and Ireland, or any Act of the Federal

Council or Act of Parliament of any Australasian Colony is referred to, it shall be sufficient to name the Country, Federation, or Colony by whose Legislature such Act was passed, and to cite the year of the reign in which it was passed, and where there are more statutes or sessions than one in the same year the statute or the session (as the case may require), and where there are more chapters, numbers, or sections than one the chapter, number, or section, or chapter or number and section (as the case may require), without reciting the title of such Act, and the reference shall be made in the case of Acts passed by the respective Parliaments of England, Great Britain, and the United Kingdom of Great Britain and Ireland, according to the copies of statutes printed by the Queen's Printer in London, or by the Government Printer of any of the Australasian Colonies, and in the case of Acts of the Federal Council according to copies of such Acts printed by the Government Printer of any of the Colonies of the Federation, and in the case of Acts of the Parliament of any of the Australasian Colonies according to the copies of such Acts printed by the Government Printer of such Colony. Provided that where it is intended to amend or repeal any portion only of a section of an Act, it shall be necessary either to recite such portion or to set forth the matter or thing intended to be amended or repealed.

7. WHEN an Act repealing in the whole or in part any former Act is itself repealed, such last repeal shall not revive the Act or provisions before repealed unless words are added reviving such Act or provisions; and neither the repeal nor the expiration of an enactment shall affect any civil or criminal proceeding or any act, matter, or thing commenced to be done under the repealed or expiring Act, but the same may be continued under the repealed or expiring Act unless the provisions of the repealing Act otherwise indicate. And whenever an Act is made repealing in whole or in part any former Act and substituting some provision or provisions instead of the provision or provisions repealed, such provision or provisions so repealed shall remain in force until the substituted provision or provisions come into operation by force of the last made Act.

Effect of repeal.
13 & 14 Vict. c. 21,
s. 5.
ib., s. 6.

8. WHENEVER any person holding or occupying a particular office or position is mentioned or referred to in general terms, such mention or reference shall be taken to include all persons who at any time thereafter occupy for the time being such office or position.

Reference in general terms to persons holding particular office to include successors.

9. WHENEVER power is given to do, perform, or submit to any act, matter, or thing, it shall be taken that such power may be exercised from time to time as occasion may require, unless the nature of the thing or the words used indicate a contrary intention.

Powers may be exercised from time to time.

10. IN every enactment whereby power is given to any officers or persons to make any rules, orders, or regulations, it shall be taken that such officers or persons may revoke, alter, or vary the same from time to time as occasion may require, unless the terms used or the nature and objects of the power indicate that such power is intended to be exercised finally in the first instance.

Power to revoke and alter rules and regulations to be inferred from power to make them.

11. THIS Act and every other Act to be passed by the Federal Council may be altered, amended, or repealed in the same session in which it has been made.

Acts may be repealed in same session.

IN the name and behalf of Her Majesty the Queen,
I assent to this Act.

GEO. C. STRAHAN, *Governor.*

No. 2.

AN ACT to facilitate the Proof throughout the Federation of Acts of the Federal Council and of Acts of the Parliaments of the Australasian Colonies and of Judicial and Official Documents, and of the Signatures of certain Public Officers.

[5th February, 1886.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Federal Council of Australasia, assembled at Hobart, in the Colony of Tasmania, and by the authority of the same, as follows (that is to say):—

Short title.

1. THIS Act may for all purposes be cited as "*The Federal Council Evidence Act, 1886.*"

Application of Act.

2. THIS Act relates to all cases in which it may be necessary for the purposes of any Act of the Federal Council to make proof of such things as are in this Act referred to.

Acts of Federal Council and Acts of Parliament of Australasian Colonies to be judicially noticed, and Government Printer's copies to be deemed *prima facie* correct for certain purposes.

3. FOR the purposes aforesaid all Courts and persons acting judicially within the Federation shall take judicial notice of—

All Acts of the Federal Council and all Acts of Parliament of any Australasian Colony :

The Colonies forming the Federation, and the extent of their territories.

And any paper purporting to be a copy of any Act of the Federal Council and purporting to be printed by the Government Printer of any Colony of the Federation, and any paper purporting to be a copy of any Act of Parliament of any Australasian Colony and purporting to be printed by the Government Printer of such Colony, shall *prima facie* be deemed to be a correct copy of the same respectively without any proof being given that such copy was so printed. The date which appears on any such copy purporting to be the day on which such Act received the Royal Assent, shall be received, for all purposes, as evidence of the date of such Assent.

Government Gazette to be evidence.

4. FOR the purposes aforesaid any paper purporting to be the *Government Gazette* of any Australasian Colony and purporting to be printed by the Government Printer thereof shall be evidence of the publication thereof on the day on which the same bears date ; and any such paper, if it purports to contain any proclamation, order, regulation, rule, by-law, matter, or thing allowed, confirmed, cancelled, approved of, assented to, or certified shall also in such matters be *prima facie* evidence of the purport and due making of such proclamation, order, regulation, rule, by-law, matter, or thing.

Votes and Proceedings of Legislature of any Australasian Colony proved by copy.
S & 9 Vict.
c. 113, s. 3.

5. FOR the purposes aforesaid all copies of the Votes and Proceedings of any House of the Legislature of any Australasian Colony and of Royal proclamations, if purporting to be printed by the Government Printer of the Colony to which they belong or relate, shall, on the mere production of the same be admitted as evidence thereof throughout the Federation by all Courts and persons acting judicially without any proof being given that such copies were so printed.

Certain Signatures to be judicially noticed.
S & 9 Vict.
c. 113, s. 2.

6. FOR the purposes aforesaid all Courts and persons acting judicially in any Colony within the Federation shall take judicial notice of the signature of every person who is now or hereafter, and of every person who has at any time been Governor, Judge of the

Supreme Court, Prothonotary, Registrar, or Chief Clerk of the Supreme Court, Registrar-General, Judge or presiding Magistrate of any County Court or District or Local Court, or Court of Mines, Chairman of any Court of General or Quarter Sessions, Judge of any Court of Bankruptcy or Insolvency, or Police or Stipendiary Magistrate in any of the Australasian Colonies, and of the seal of every such Court, if such signature or seal is attached or appended to any decree, order, certificate, affidavit, or other judicial or official document.

7. THE provisions of this Act as to proving documents shall be in addition to and not in derogation of any powers of proving documents existing at common law or given by any law now in force in any Colony of the Federation.

Powers under this Act not to be in derogation of existing law.

In the name and on behalf of Her Majesty the Queen,
I assent to this Act.

GEO. C. STRAHAN, *Governor*.

No. 3.

AN ACT to authorise the Service of Civil Process out of the Jurisdiction of the Colony in which it is issued.

[5th February, 1886.]

WHEREAS it is expedient to make provision for the service of Civil Process issued out of the Supreme Court of any of the Australasian Colonies in Colonies other than the Colony in which it is issued:

Preamble.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Federal Council of Australasia, assembled at Hobart, in the Colony of Tasmania, and by the authority of the same, as follows:

1. THIS Act may be cited as "*The Australasian Civil Process Act, 1886.*"

Short Title.

2. IN this Act—

"Action" means any action, suit, or other proceeding in which relief is sought by one person against another, and in which the Court may adjudge the possession or delivery of the possession of property, or the recovery of money or damages, or may declare the status of persons, and includes proceedings in Matrimonial Causes, or for the purpose of adjudication of Bankruptcy or Insolvency, or in a Vice-Admiralty Court:

Interpretation.

"Writ of Summons" includes any writ or other mesne process by which an action is commenced, or which has for its object to require the appearance of any person against whom relief is sought in an action, or who is interested in resisting such relief:

"Supreme Court" means any Court having unlimited civil jurisdiction in the Colony in question, and includes a Vice-Admiralty Court:

"Plaintiff" includes Her Majesty, or any person suing on behalf of Her Majesty, and any person seeking relief in an action against any other person:

"Defendant" includes any person against whom relief is sought in an action.

Writ of Summons may be served in any Colony.

3. A WRIT of summons issued out of the Supreme Court of any Colony in which this Act is in force, may be served upon the defendant in any other Colony in which this Act is in force.

Indorsements on Writ for service beyond Colony.

4. EVERY writ of summons issued under the provisions of this Act for service out of the Colony in which it is issued shall, in addition to any other indorsement or notice required by the law of the Colony in which it is issued, have indorsed thereon or annexed thereto a memorandum or notice in the form or to the effect following; that is to say:—

“This summons [*or petition, or as the case may be*] is to “be served out of the Colony of

“and in the Colony of

“Your appearance to this summons [*or petition, or as “the case may be*] must give an address at some place

“within five miles of the Office of the Supreme Court of “ at

“at which address proceedings and notices for you can be “left:”

and shall also have indorsed thereon a short statement of the nature of the claim made or the relief sought by the plaintiff in the action, and, if the plaintiff sues in a representative character, shall also state the capacity in which he so sues.

Effect where Writ of Summons not properly indorsed.

5. IF a writ of summons does not bear all the indorsements hereby required it shall not therefore be void, but it may be set aside as irregular, or may be amended on application to the Court out of which it was issued, or to a Judge thereof. But no amendment shall be so made which would have the effect of taking the defendant by surprise.

Time limited for appearance.

6. THE time to be limited by the writ of summons for the appearance of the defendant shall be such as is prescribed by the Rules of the Court out of which it is issued, but shall not be less than the following, that is to say—

1. When the writ is issued in a Colony on the mainland of Australia other than Western Australia and is to be served in an adjoining Colony other than Western Australia Thirty days.
2. If the writ is issued in either Queensland or Victoria, and is to be served in the other of those Colonies ... Thirty days.
3. If the writ is issued either in Tasmania or Victoria and is to be served in the other of those Colonies Thirty days.
4. If the writ is issued or is to be served in a Colony on the mainland of Australia not adjoining that in which it is issued, except in the case of Queensland and Victoria Forty-five days.
5. If the writ is issued or is to be served in Western Australia or Fiji ... Sixty days.
6. If the writ is issued in Tasmania and is to be served in a Colony on the mainland of Australia other than Victoria or Western Australia ... Forty-five days.
7. In any other case if a writ is to be served in a Colony not on the mainland of Australia other than Fiji ... Forty-five days.

7. EVERY appearance by a defendant in person to a writ of summons served on him out of the Colony in which the writ was issued shall give an address at some place within five miles of the Office of the Supreme Court out of which the writ was issued, at which address all proceedings and notices may be left for such defendant; and if such address is not given or if a fictitious address is given, the appearance shall be treated as irregular and may be disregarded.

Appearance to state address for service.

8. WHEN no appearance is entered by a defendant to a writ of summons served on him under the provisions of this Act according to the exigency thereof, then, if it is made to appear to the Supreme Court of the Colony in which the writ was issued, or to a Judge thereof—

Consequences where no appearance entered.

- (1.) That the subject-matter of the action so far as it concerns such defendant is—
 - (a) Land or other property situate or lying within the Colony in which the writ of summons was issued; or
 - (b) Shares or stock of a corporation or joint stock company having its principal place of business within that Colony; or
 - (c) Any deed, will, document, or thing affecting any such land, shares, stock, or property; or
- (2.) That any contract in respect of which relief is sought in the action against such defendant by way of enforcing, rescinding, dissolving, annulling, or otherwise affecting such contract, or by way of recovering damages or other remedy against such defendant for a breach thereof, was made or entered into within that Colony; or
- (3.) That the relief sought against the defendant is in respect of a breach which took place within that Colony of a contract wherever made; or
- (4.) That any act or thing sought to be restrained or removed or for which damages are sought to be recovered was done or is to be done or is situate within that Colony; or
- (5.) That at the time when the liability sought to be enforced against the defendant arose he was within that Colony; or
- (6.) That the domicile of the person against whom any relief is sought in a Matrimonial Cause is within that Colony;

and if it is also made to appear to such Court or Judge that the writ of summons was personally served upon the defendant, or that reasonable efforts were made to effect personal service thereof upon the defendant and that it came to his knowledge, and that the defendant wilfully neglects to appear to the writ, or is living out of such Colony in order to defeat and delay his creditors or deprive the plaintiff of the relief to which he is entitled, such Court or Judge may, on the application of the plaintiff, by order, direct from time to time that the plaintiff shall be at liberty to proceed in the action in such manner and subject to such conditions as to such Court or Judge may seem fit, and thereupon the plaintiff may proceed in the action against such defendant accordingly.

9. ANY such Order may nevertheless be rescinded or set aside or amended on the application of the defendant.

Order may be set aside on application of defendant.

Where it appears that conditions prescribed under Section 8 do not exist, proceedings to be stayed.

10. IF at any time in the course of an action it is made to appear to the Supreme Court of the Colony in which the writ of summons was issued, or to a Judge thereof, that the conditions prescribed by the last preceding section but one do not exist with respect to any defendant who was served with the writ of summons beyond the limits of that Colony and who has not appeared to such writ, or do not exist with respect to the subject-matter of the action so far as it concerns any such defendant, no further proceedings shall be taken in the action against such defendant.

Effect of Judgment, &c., recovered under this Act.

11. WHEN a judgment is recovered or a decree is pronounced or an order is made against a defendant against whom an order for leave to proceed in an action has been made under the provisions of this Act, such judgment, decree, or order shall have the same force and effect as if the defendant had been personally served with the writ of summons within the Colony in which such judgment, decree, or order is recovered, pronounced, or made, and had appeared to the writ and submitted to the jurisdiction of the Court out of which the writ was issued.

IN the name and on behalf of Her Majesty the Queen,
I assent to this Act.

GEO. C. STRAHAN, *Governor.*

No. 4.

AN ACT to make provision for the enforcement within the Federation of Judgments of the Supreme Courts of the Colonies of the Federation.

[5th February, 1886.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Federal Council of Australasia, assembled at Hobart, in the Colony of Tasmania, and by the authority of the same, as follows (that is to say):—

Short Title.

1. THIS Act may for all purposes be cited as "*The Australasian Judgments Act, 1886.*"

Interpretation.

2. IN this Act—

"Action" means any action, suit, or other proceeding in which relief is sought by one person against another, and in which the Court may adjudge the possession or delivery of the possession of property or the recovery of money or damages, or may declare the status of persons, and includes proceedings in matrimonial causes, or for the purpose of adjudication of bankruptcy or insolvency, or in a Vice-Admiralty Court:

"Writ of summons" includes any mesne process by which an action is commenced, or which has for its object to compel the appearance of the person against whom such relief is sought, or who is interested in resisting such relief:

"Supreme Court" includes Vice-Admiralty Court:

"Plaintiff" includes Her Majesty or any person suing on behalf of Her Majesty, and any person seeking relief in an action against any other person:

"Defendant" includes any person against whom relief is sought in an action:

"Judgment" includes any judgment, decree, rule, or order recovered in or pronounced or made by the Supreme Court of a Colony in any action, and whereby any sum

of money is made payable or whereby the doing of or the forbearing to do any act, matter, or thing other than the payment of money, is required or enjoined; and the word "made" used in connection with the word "judgment" shall be construed accordingly.

3. THE provisions of this Act apply only in cases in which either—

Limitation of application of Act.

1. The Writ of Summons has been served upon the defendant within the Colony in which it was issued, either personally or otherwise according to the practice of the Supreme Court of that Colony; or
2. The judgment has been made after an order for liberty to proceed against the defendant made under the provisions of "*The Australasian Civil Process Act, 1886*," after service of the Writ of Summons upon him out of the Colony in which it was issued; or
3. The person against whom the judgment has been made has submitted to the jurisdiction of the Court by which it was made.

4. ANY person in whose favor a judgment has been made in an action by the Supreme Court of any Colony of the Federation may obtain from the prothonotary, chief clerk, registrar, or other proper officer of such Court a certificate of such judgment in the form and containing the particulars set forth in the Schedule hereto, or as near thereto as the circumstances of the case will permit, which certificate such prothonotary, chief clerk, registrar, or other proper officer is hereby required to grant under his hand and the seal of such Court.

Officer of Court to give certificate of judgment.

The Schedule.

5. UPON production of any such certificate to the prothonotary, registrar, chief clerk, or other proper officer of the Supreme Court of any other Colony of the Federation, such prothonotary, registrar, chief clerk, or other proper officer shall forthwith register the same by entering the particulars thereof in a book to be kept by such officer for such purpose and to be called the "Register of Australasian Judgments."

Enforcement of judgment of Supreme Court of any Colony of the Federation by Supreme Court of any other Colony of the Federation when registered there.

From the date of such registration such certificate shall become and be a record of such Supreme Court, and shall have the same force and effect in all respects as a judgment of such Supreme Court, and the like proceedings may be had and taken under and upon such certificate as if the judgment mentioned in the certificate had been made by such Supreme Court.

No certificate of a judgment shall be so registered after the lapse of Twelve months from the date of such judgment unless leave in that behalf has been first obtained from the Supreme Court of which such certificate is proposed to be made a record, or from a Judge thereof.

6. NO execution shall be issued or other proceedings taken to enforce any such certificate, unless an affidavit is first filed in the Court out of or in which it is intended to issue execution or take proceedings, made by the person in whose favour the judgment was made, or by some other person cognisant of the facts of the case, and stating that the amount for which execution is proposed to be issued is actually due and unpaid, or that the act required or enjoined to be done remains undone, or that the person enjoined to forbear from doing an act has disobeyed the injunction, and no execution shall be issued for a larger amount than the amount sworn to.

Execution not to issue without affidavit of debt or liability.

Every such affidavit shall be sworn before a Commissioner of the Supreme Court in which the affidavit is to be filed.

Proceedings under judgment to be subject to control of Court.

7. THE Supreme Court of every Colony shall, so far as relates to execution upon a judgment, a certificate of which has been registered pursuant to the provisions of this Act, and to the enforcement of such judgment, have and exercise the same control and jurisdiction over such judgment as such Court would have and might exercise if the judgment had been originally made by such Court.

Court where certificate registered may direct stay of proceedings pending application to set judgment aside.

8. THE Supreme Court of any Colony in which a certificate of a judgment has been registered under the provisions of this Act, or a Judge thereof, may, on the application of any person against whom the judgment has been made, direct a stay of execution or of proceedings on such judgment within such Colony. And such stay of execution or of proceedings may be ordered by such Court or Judge upon such terms as to giving security, or as to making application to the Supreme Court of the Colony in which the judgment was originally made to set aside the same, or otherwise as to the Court or Judge may seem fit.

Fees and Costs.

9. THE Judges of the Supreme Court of any Colony, or such of them as may make Rules of Court in other cases, may make Rules prescribing the fees to be paid upon registering a judgment under this Act, and the costs to be allowed to any person upon enforcing any such judgment. And any such fees and costs may be recovered in the same manner as any money payable under the judgment.

Saving of existing Acts.

10. THE provisions of this Act are in addition to and not in derogation of the provisions of the Acts of the several Australasian Colonies relating to the enforcement of the judgments of other Colonies.

THE SCHEDULE.

IN THE SUPREME COURT OF

Section 4.

Title of Action and date of commencement.	Form or Nature of Action.	Name and addition of person to whom payment is to be made, or in whose favour Order is made.	Name and addition of person ordered to pay money, or to do or not to do any act or thing.	Date of Judgment.	Abstract of Judgment stating Amount (if any) ordered to be paid, and particulars of any act or thing required or enjoined to be done or not to be done.	Date of Trial and Amount of Verdict if any.	Colony within which Writ was served [if judgment is against a Defendant] and Date of Order (if any) for leave to proceed [if Writ was served out of the Colony in which the Judgment is made.] In other cases show how person affected submitted to jurisdiction.

I certify that this Certificate correctly and fully sets forth the particulars of a judgment made in this Court on the _____ day of _____ in an action [or suit] wherein A. B. was Plaintiff, and C. D. was Defendant [or as the case may be].

Dated this _____ day of _____

A.B.,

[Prothonotary, Registrar, Chief Clerk,
or other proper officer of the above-named Court].
(L.S.)

In the name and behalf of Her Majesty the Queen,
I assent to this Act.

GEO. C. STRAHAN, *Governor.*