

SUMMARY EJECTMENT ACT OF 1867⁽¹⁾ (QUEENSLAND, ADOPTED) IN ITS AP- PLICATION TO THE TERRITORY OF PAPUA.

An Act for the Speedy Recovery of the Possession of Tenements Unlawfully Held Over.

BE it enacted by the Queen's Most Excellent Majesty by and Preamble.
with the advice and consent of the Legislative Council and
Legislative Assembly of Queensland in Parliament assembled and
by the authority of the same as follows:—

INTERPRETATION.

1. In construing this Act

the word "land" shall be taken to signify lands houses or
other corporeal hereditaments and Construction
of terms.
"Land."

the word "agent" shall be taken to signify any person "Agent."
usually employed by the landlord in the letting of the
land or in the collection of the rents thereof or specially
authorized to act in the particular manner by writing
under the hand of such landlord.

JURISDICTION AND PROCEDURE.

2. When the term or interest of the tenant of any land held by
him for any term of years or for any less estate or interest either Possession of
with or without being liable to the payment of any rent shall have tenements may
expired by effluxion of time or shall have been determined by notice be recovered
to quit or demand of possession and such tenant or any person before justices
claiming under him who shall actually occupy such land or any part of the peace.
thereof shall neglect to quit and deliver up possession of such land
or of such part thereof respectively it shall be lawful for the land-
lord of such land or his agent to exhibit his information before
any justice of the peace and such justice shall thereupon issue a Information to be
summons and if required so to do a duplicate thereof under his exhibited and
summons issued.

(1) Particulars of this Act of the State of Queensland (which was adopted by
British New Guinea and continued in force in the Territory of Papua by Section 6(1)
of the *Papua Act* 1905) are set out in the following Table:—

ACT OF THE STATE OF QUEENSLAND.

Citation of Act.	Ordinance by which adopted.	Date on which adoption took effect.
<i>Summary Ejectment Act of</i> 1867 (31 Vic. No. 27)	<i>The Courts and Laws</i> <i>Adopting Ordinance</i> of 1889 (<i>Amended</i>). (No. 6 of 1889)	23.11.1889 (Supplement to British N.G. Govt. Gaz. of 23.11.1889)

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hand against the person so neglecting to quit and deliver up possession requiring such person to appear before any two or more justices of the peace at the place where the petty sessions of the district in which the land of which possession is sought to be recovered shall be situated shall usually sit to show cause why such landlord should not be put into possession of such land and if at the time and place appointed in and by such summons or any adjournment thereof (whether the tenant or occupier shall or shall not appear) such landlord or such agent shall give due proof according to law to the satisfaction of the justices before whom the matter shall be heard or the majority of them of the creation and of the expiration or determination in manner aforesaid of the tenancy and that such landlord then has and had at the time of the service of the summons upon the tenant or occupier lawful right as against such tenant or occupier to the possession of such land and that the tenant or occupier against whom such summons shall be issued was the tenant in possession or the actual occupier of such land at the time of the service of such summons then (upon proof of the service of the summons in case the tenant or occupier shall not appear) it shall be lawful for the said justices or the majority of them unless reasonable cause shall be shown or shall appear to them to the contrary to adjudge the landlord by or for or on whose behalf such information shall be exhibited entitled to possession of such land and to award to the said landlord or to such agent by whom such information shall be exhibited his costs to be assessed by the said justices or the majority of them and to issue a warrant under their hands directed to the constables and peace officers of or acting in or for the district or place within which such land shall be situate or to any of them or to any other person or persons as a special bailiff or special bailiffs in that behalf requiring and authorizing them or him within a period to be therein named not less than seven nor more than thirty clear days from the date of such warrant to enter (by force if needful) into such land and to give possession of the same to such landlord or to such agent on his behalf and such warrant shall be a sufficient authority to such constables peace officers or bailiff or bailiffs to enter upon such land with such assistants as they or he shall deem necessary and to give possession accordingly

Proceedings at the hearing.

On proof of landlord's case adjudication to be in his favor.

Costs warrant of possession to issue.

Not to be executed on Sunday Good Friday or Christmas Day or except between 9 a.m. and 4 p.m.

On failure of appearing a proof by or on behalf of landlord adjudication in favour of tenant or occupier.

Mode of recovering costs.

Provided also that no entry upon any such warrant shall be made on a Sunday Good Friday Christmas Day or at any time except between the hours of nine of the clock in the morning and four of the clock in the afternoon and in case such landlord or agent shall fail to appear or to give such proof as aforesaid at the time and place aforesaid it shall be lawful for such justices or the majority of them to dismiss his information and to award to the person against whom such information shall be exhibited his costs to be assessed by such justices or the majority of them and all costs

Summary Ejectment Act of 1867 (Queensland, adopted).

which shall be awarded under the provisions hereof together with the reasonable charges of taking and keeping the distress shall be recoverable by distress and sale of the goods and chattels of the person who shall be adjudged or ordered to pay the same and the proceedings upon the hearing of the matter of any such information as aforesaid shall be conducted as near as may be in accordance with the proceeding upon the trial of an issue of fact in the Supreme Court of the said colony and the parties to such information shall by themselves their counsel or attorneys have the like right of addressing the court as well in reply as otherwise as the parties upon the trial of any such issue of fact in the Supreme Court would have or be entitled to.

3. In all proceedings under this Act not herein expressly provided for the same shall be regulated and conducted in accordance with the provisions of the law in force for the time being respecting summary proceedings before justices of the peace out of sessions⁽²⁾ and all such provisions shall so far as the same are applicable be in force and observed in all proceedings under this Act not herein expressly provided for but no person shall be imprisoned for non-payment of any costs awarded under the provisions hereof and any person who shall feel aggrieved by any order adjudication or warrant made or issued under the provisions hereof shall have the like power of applying to the Supreme Court of the said colony or any judge thereof in order to obtain a prohibition to restrain any justice or justices by whom any such order adjudication or warrant may be made or issued and the landlord or agent or tenant or occupier or other person interested in maintaining the same from proceeding (or from further proceeding as the case may be) upon or in respect of the same as by any Act in force for the time being may be given to any person feeling aggrieved by the summary convictions or orders of justices of the peace and all provisions of any Act in force for the time being in reference to applying for and obtaining a prohibition in respect of such summary convictions and adjudication and warrant made or issued under the provisions of this Act shall be applied in like manner as far as practicable as if every such order adjudication or warrant were such a summary conviction or order as aforesaid.

Where not expressly provided for justices to proceed under Q. 14 Vic. No. 43.

And provisions therein as to prohibition to apply to proceedings under this Act.

4. No objection shall be taken or allowed to any information complaint summons conviction or warrant made or preferred under or by virtue of this Act for any alleged defect in substance or in form or for any variance between it and the evidence adduced on the part of the complainant but if any such variance or defect shall appear to the justice or justices present at and acting in the hearing of the case it shall be lawful for such justice or justices

Information &c. not to be objected to for alleged defects in substance or form but such defects may be amended by the justices.

(2) See now the *Justices Ordinance, 1912-1940.*

upon such terms as he or they shall think fit to cause the said proceedings to be amended and to adjourn the hearing of the case to some future day if necessary.

SERVICE OF SUMMONS.

The manner in which summons shall be served. Original or duplicate to be served personally or if that not practicable on wife or servant.

5. Such summons shall be served three clear days before the day appointed for the hearing of the matter of the information upon which the same shall issue and such summons shall be served by delivering the same or a duplicate thereof personally to the person summoned thereby or in case notwithstanding all due diligence in that behalf such person cannot be personally served as aforesaid then by leaving the same with the wife or servant of such person or some other competent person either on the land in respect of which such summons shall have been issued or at the place of abode of the person so summoned and in all such cases as aforesaid the person serving such summons shall explain the nature and effect thereof to the person to whom the same or the duplicate thereof shall be delivered unless such last-mentioned person shall prevent such explanation from being made

Nature of summons to be explained unless such explanation prevented.

Or if above modes impracticable by posting on the land.

Provided always that if notwithstanding all due diligence in that behalf it shall from any cause be impracticable to serve such summons in any of the ways aforesaid then the posting of the same or a duplicate thereof on some conspicuous part of the land in respect of which the same shall have issued shall be deemed to be good service of such summons.

SUSPENSION OF PROCEEDINGS.

Power to justice to suspend proceedings on adjudication for fifteen days.

6. It shall be lawful for the justices by whom such adjudication shall be made (if it shall appear to them fit and reasonable and just so to do) to postpone the issuing of such warrant and other proceedings under such adjudication or to suspend the execution of such warrant and other proceedings for any period not exceeding fifteen clear days from the day of such adjudication either upon such terms as to security or otherwise or absolutely without imposing any terms as to such justices shall seem meet.

Execution of warrant may be stayed on bond of sureties being given to pay costs of action to recover land &c. on offer to give such security execution of warrant to be suspended for three days.

7. If any tenant or occupier against whom any such warrant shall be granted shall at the time when the adjudication in respect thereof shall be made offer to give security to defend an action of ejectment or other appropriate action against him for recovery of possession of the land in respect of which such adjudication shall be made in the Supreme Court or any other court having competent jurisdiction in that behalf to be brought by or on behalf of the landlord by or for or on whose behalf the information upon which such adjudication shall be made shall have been exhibited then the execution of such warrant and all other proceedings under such

adjudication shall be suspended for three clear days and if during that interval such tenant or occupier shall give security by a joint and several bond of two other responsible persons to be approved of by the justices by whom the matter of such information shall be heard or the majority of them in such sum of money as to them (regard being had to the value of such land and to the probable cost of such action and the probable length of time which must elapse before the same can be determined) shall seem reasonable and they shall direct to such landlord his heirs executors and administrators conditioned to be void (in case such landlord his heirs executors or administrators shall succeed in such action) upon payment of all costs of suit as shall be awarded to or recovered by such landlord his heirs executors or administrators in such action and of all mesne profits of the said land accruing between the time of such adjudication and the time when such landlord his heirs executors or administrators shall obtain possession of such land by virtue of such action and of all such costs as shall or may be awarded by such justices or the majority of them to be paid by such tenant or occupier to such landlord or his agent then and in such case such warrant shall not be executed or put in force but shall become and be void and no further proceeding shall be taken under or in pursuance of such adjudication for recovery of such last-mentioned costs or otherwise.

And if during that interval bond be given warrant to be void.

THE BOND.

8. Every such bond as hereinbefore mentioned shall be approved of and certified as so approved of by the justices by whom the matter of such information shall be heard or the majority of them by a memorandum in writing signed by them which memorandum shall be on or annexed to such bond

Bond to be approved and certified by justices.

Provided always that the court in which any such action of ejectment or other action for the recovery of the land in respect of which such adjudication shall have been made or any judge of such court may upon application of the parties bound thereby or either of them their or either of their heirs executors or administrators in a summary way give such relief to the person or persons making such application or make such other order in the premises as may be agreeable to justice and every rule or order made by such court or judge thereupon shall have the nature and effect of a defeasance to such bond

Mode for parties to bond to obtain relief in case of delay on the part of the landlord or otherwise.

Provided also that if any unreasonable delay shall occur in the bringing or prosecuting such action of ejectment or other action for the recovery of such land then the court in which such action shall be brought or any judge thereof in case no such action shall have been brought and be depending then any court having competent jurisdiction to entertain any such action or any judge of any such court may upon application of the parties bound by any

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such bond or either of them their or either of their heirs executors or administrators in a summary way order or direct such bond to be cancelled and given up to the person or persons making such application or make such other order or direction in the premises as may be agreeable to justice and if a rule or order shall thereupon be made by any court or judge ordering or directing such bond to be cancelled then such bond shall upon the making of such rule or order become and be thenceforth void but without prejudice to any action or other remedy thereon for any previous breach of the condition of defeasance thereof.

JUSTICES.

Protection of justices constables &c.

9. It shall not be lawful to bring any action or prosecution against the said justices by whom such warrant as aforesaid shall have been issued against any constable peace officer or bailiff by whom such warrant may have been executed for issuing such warrant or executing the same respectively by reason that the landlord by or for or on whose behalf the same shall be obtained had not lawful right to the possession of the land in respect of which such warrant shall have been issued.

LANDLORDS.

Where landlord's title good not to be deemed a trespasser but be liable by action on the case for any irregularity.

10. In all cases where at the time of executing any such warrant the landlord by whom or for or on whose behalf such warrant shall have been obtained shall have as against the person in possession of such land lawful right to the possession thereof then neither such landlord nor his agent nor any other person acting on his behalf shall be deemed to be a trespasser by reason merely of any irregularity or informality in the way of proceeding for obtaining possession under the authority of this Act but the party aggrieved may if he think fit bring an action on the case for any such irregularity or informality.

Act not to protect persons who have no legal right.

11. No such warrant nor anything herein contained shall protect any landlord by whom or for or on whose behalf any such warrant for the delivery of possession of any land shall be obtained as aforesaid from any action which may be brought against him by any person in possession of such land or any part thereof for or in respect of any entry upon or taking possession thereof under or by virtue of any such warrant where such landlord shall not at the time of executing the same have as against such person in possession lawful right to the possession thereof and in all such cases as last aforesaid such landlord shall be liable in respect of such entry and taking possession in like manner as if the same had been made or taken by him or by his direction without the authority of any such warrant.

And in such case landlord to be deemed a trespasser.

Summary Ejectment Act of 1867 (Queensland, adopted).

Provided also that nothing herein contained shall prejudicially affect any rights to which any person may be entitled as outgoing tenant by custom of the country or otherwise.

FORMS.

12. The forms in the schedule to this Act annexed or any other forms to the like effect may be used in carrying out of⁽³⁾ the provisions of this Act. Forms. Schedule.

Provided always that this enactment shall not invalidate any information summons adjudication order bond warrant or other proceeding which may be laid or drawn in any other appropriate form or manner.

COMMENCEMENT AND SHORT TITLE.

13. This Act shall commence on the thirty-first day of December one thousand eight hundred and sixty-seven and may be referred to as the "*Summary Ejectment Act of 1867.*"⁽¹⁾ Commencement of Act. Short title.

THE SCHEDULE REFERRED TO.

Form of Information.

Section 12.

District of [*the district in which the land of which possession is sought to be recovered is situate.*] }
To wit. }

Be it remembered that on the _____ day of _____ in the year of Our Lord one thousand eight hundred and _____ in the colony of Queensland _____ A.B. describing the landlord of the land herein-after described informed me _____ Esquire, one of Her Majesty's justices of the peace in and for the colony aforesaid _____ describing the jurisdiction of the justices before whom the information is exhibited that theretofore E.F. held from the said A.B. by virtue of a tenancy for a term of years _____ or from year to year or from month to month or from week to week or at will or at sufferance or otherwise as the case may be _____ all that parcel of land _____ or all that messuage or dwelling-house or otherwise according to the fact situate in the _____ city town parish or other locality in the district of _____ in the colony aforesaid bounded _____ describing the land by name abuttals or otherwise with sufficient particularity to identify the same _____ and that the said tenancy expired by effluxion of time _____ or was determined by notice to quit or demand of possession _____ on or about the day of _____ then instant _____ or last past or otherwise according to the fact _____ and that such land was at the time of my being so informed as aforesaid actually occupied by the said E.F. _____ or G.H. a person claiming under the said E.F. and that the said E.F. _____ or G.H. neglected to quit and deliver up possession thereof and that the said A.B. then had lawful right as against the said E.F. _____ or G.H. to the possession of such land and thereupon the said A.B. _____ or C.D. prayed that the said A.B. might be put into possession of the said land under and by virtue of the provisions of the statute in such case made and provided

Exhibited at _____ aforesaid }
on the day and year first above }
written before me } J.P.
The justice abovenamed.

(1) See footnote (1) printed on p. 2705.
(3) The word "of" appeared in the original Act. *Semble*, it should have been omitted.

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Form of summons.

Section 2.

To E.F. or G.H.
 Whereas an information has been exhibited this day before me the under-
 signed here describe the justice as in the information
 by A.B. or C.D. the agent of A.B.
 praying that the said A.B. may under and by virtue of the provisions of the
 statute in such case made and provided be put into possession of
 here describe the land as in the information of which it is
 therein alleged you are now in the actual occupation on the ground that the
 same was held from the said A.B. by you or E.F. under whom
 it is also therein alleged you claim by virtue of a tenancy
 for a term of years or otherwise as averred in the information
 which expired by effluxion of time or other-
 wise as averred in the information on or about the
 day of now instant or last past
 or otherwise as averred in the information and that you
 neglect to quit and deliver possession of the said land These are therefore
 to command you in Her Majesty's name to be and appear on the
 day of now instant or next
 ensuing at the hour of of the clock in the
 forenoon at the place where the petty sessions of the district
 in which the land in question is situated usually sit and so
 from day to day at the same hour of the day until the matter of the said
 information shall be disposed of before such two or more of her Majesty's
 justices of the peace as may be there to show cause why the said A.B. should
 not be put into possession of the said land and why you should not be adjudged
 to pay to the said A.B. or C.D. his costs of
 proceeding to obtain and of recovering possession of the said land. And take
 notice that if you fail to appear and show cause as aforesaid you will be liable
 to have a warrant issued against you under which such possession of the said
 land may be given to the said A.B. and to be adjudged to pay such costs
 as aforesaid.

Given under my hand the day }
 of in the year of our Lord } J.P.
 one thousand eight hundred and } The justice abovenamed.

Form of Adjudication in favor of Landlord and Award of Costs to him or his Agent.

District of [As in information] }
 To wit. }

See section 2.

Whereas an information was exhibited on the day of
 now instant or last past by
 A.B. or C.D. the agent of A.B. praying that
 the said A.B. might under and by virtue of the provisions of the statute in
 such case made and provided be put into possession of here
 describe the land as in the information of which it was therein
 alleged that E.F. or G.H. was then in the actual
 occupation on the ground that the same was held from the said A.B. by the
 said E.F. or E.F. under whom it was also therein alleged the
 said G.H. claimed by virtue of a tenancy for a term of years
 or otherwise as averred in the information
 which expired by effluxion of time or otherwise as in the infor-
 mation on or about the day of
 then instant or last past or otherwise as averred in the
 information and that the said E.F. or G.H.
 neglected to quit and deliver possession of the said land
 And whereas thereupon a summons to the said E.F.
 or G.H. was duly issued and served whereby the said E.F.
 or G.H. was duly summoned to be and appear

Summary Ejectment Act of 1867 (Queensland, adopted).

on the _____ day of _____ now instant _____ or
 last past _____ at the hour of _____ of the clock in the
 forenoon at _____ as in the summons being the place where the petty
 sessions of the said district usually sit _____ and so from day to day
 until the matter of the said information should be disposed of before such two
 or more of Her Majesty's justices of the peace as might then be there to show
 cause why the said A.B. should not be put into possession of the said land
 and why the said E.F. _____ or G.H. _____ should not be
 adjudged to pay to the said A.B. _____ or C.D. _____ his
 costs of proceedings to obtain and of recovering possession of the said land
 And whereas the matter of the said information has in pursuance of such
 summons to the said E.F. _____ or G.H. _____ as aforesaid
 been duly heard by and before us _____ the justices making the
adjudication _____ of Her Majesty's justices of the peace in and for
 the colony aforesaid _____ describing the jurisdiction of the justices
 by whom the matter is heard _____ at the said place at which the
 said E.F. _____ or G.H. _____ was so summoned to appear
 as aforesaid we being all _____ or a majority of _____ the
 justices then and there sitting and the said A.B. _____ or C.D. _____
 hath given due proof according to law to the satisfaction of
 us of the creation and of the expiration _____ or determination
 in manner aforesaid of the said tenancy and the said A.B. had
 at the time of the service of the said summons upon the said E.F. _____
 or G.H. _____ and at the time of the said hearing
 and now has lawful right as against the said E.F. _____ or G.H. _____
 to the possession of the said land and that said E.F. _____
 or G.H. _____ was the tenant in possession or the
 actual occupier of the said land at the time of the said service of the said
 summons And whereas the said E.F. _____ or G.H. _____
 duly appeared in pursuance of the said summons and according to the
 exigency thereof before us to defend himself touching the matter of the said
 information but did not show any reasonable cause to us _____ or
 And whereas the said E.F. _____ or G.H. _____ not having
 appeared in pursuance of the said summons or according to the exigency
 thereof due proof of the service of the said summons was given to us
 and no reasonable cause was in fact shown or appeared to us
 why we should not adjudge the said A.B. to be entitled to the possession of
 the said land Now therefore we do hereby adjudge that the said A.B. is
 entitled to the possession of the said land and that a warrant shall issue in
 accordance with the provisions of the statute in such case made and provided
 for putting the said A.B. into possession of the said land within (not less than
 seven nor more than) thirty clear days from the date thereof
here add in case costs shall be awarded to the landlord or his agent
 and we do assess the costs of the said A.B. _____ or
 C.D. _____ of proceeding to obtain and of recovering possession of
 the said land at the sum of £ _____ which said sum of money we do
 award to the said A.B. _____ or C.D. _____ for his said
 costs and we do order and adjudge that the same shall be paid forthwith by
 the said E.F. _____ or G.H. _____ to the said A.B.
 _____ or C.D. _____ And we do further award and adjudge
 that if the same shall not be paid forthwith that the same be levied by distress
 and sale of the goods and chattels of the said E.F. _____ or G.H. _____

Witness our hands and seals the	}	[L.S.]	J.P.
day of _____ in the year of			
our Lord one thousand eight hundred			
and			

Form of Warrant of Possession.

See section 2.

District of [as in the information] }
 To _____ a constable or peace officer or acting for the district of _____ or

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other place as the case may be in the colony of Queensland
 and to all other constables and peace officers of or acting
 for the said district or other place as the case may be
 and to each of them or To all constables and peace
 officers of or acting for the district
 of or other place as the case may be
 in the colony of Queensland and to each of them or
 To a special bailiff for the purposes hereinafter men-
 tioned or To and
 special bailiffs for the purposes hereinafter mentioned and to each
 of them.

Whereas we the undersigned of Her Majesty's justices of
 the peace in and for the colony of Queensland describing the
jurisdiction of the justices making the adjudication in
 pursuance of the provisions of the Act of the Parliament of the said Colony
 passed in the thirty-first year of the reign of Her Majesty Queen Victoria
 intituled "An Act for the speedy recovery of the possession of tenements
unlawfully held over" did on this day of
 in the year of our Lord one thousand eight hundred and upon
 hearing the matter of an information exhibited by A.B.

or C.D. the agent of A.B. against E.F.
 or G.H. adjudge that the said A.B. is entitled to the possession
 of here describe the land as in the information
 and we did also adjudicate that a warrant should issue in accordance with the
 provisions of the said Act for putting the said A.B. into possession of the
 said land within as in adjudication clear days
 from the date thereof Now therefore we do authorize and command you
 and if directed to more than one person each of you
 within the period of clear days from the date
 hereof on any day except on Sunday and if either Christmas Day
 or Good Friday shall occur during the interval add or Christmas Day or
 Good Friday as the case may require between the hours of
 nine of the clock in the forenoon and four of the clock in the afternoon (with
 or without the aid of the said A.B. or C.D.
 or any other person or persons whom you may think requisite to call to your
 assistance) to enter by force if needful into and upon the said land and eject
 all persons thereout and therefrom and to give possession of the same to the
 said A.B. or C.D. as such agent as aforesaid on behalf of the
 said A.B.

Given under our hands the day } J.P.
 of in the year of our Lord } J.P.
 one thousand eight hundred and }

See section 2.

*Form of Bond as Security to Defend Action and Supersede Execution
 of Warrant.*

Know all men by these presents that we K.L. of in the
 colony of Queensland and M.N. of in the colony aforesaid
 are jointly and severally held and firmly bound unto A.B.
 of in the colony aforesaid in the sum of
 pounds of lawful British money to be paid to the said A.B. his executors or
 administrators for which payment to be well and truly made we bind ourselves
 our heirs executors and administrators jointly and each of us binds himself
 his heirs executors and administrators severally by these presents.

Sealed with our seals dated }
 the day of }
 in the year of our Lord one thousand }
 eight hundred and }

Whereas Esquires of Her Majesty's
 justices of the peace in and for the colony of Queensland
describing the jurisdiction of the justices by whom the adjudication was made
 in pursuance of the provisions of the Act of the Parliament

Summary Ejectment Act of 1867 (Queensland, adopted).

of the said colony passed in the thirty-first year of the reign of Her Majesty Queen Victoria intituled "*An Act for the speedy recovery of possession of tenements unlawfully held over*" did on the day now instant or last past upon hearing the matter of an information exhibited by the abovenamed A.B. or C.D. as agent of the abovenamed A.B. against E.F. or G.H. adjudge that the said A.B. was entitled to the possession of *here describe the land as in the information* and did also adjudge that a warrant should issue according to the provisions of the said Act for putting the said A.B. into possession of the said land *here add in case costs were awarded to the landlord or his agent* and the said justices assessed the costs of the said A.B. or C.D. of proceeding to obtain and of recovering possession of the said lands at the sum of *as in the adjudication* which sum they did award to the said A.B. or C.D. for his said costs and the said justices did order and adjudge that the same should be paid by the said E.F. or G.H. to the said A.B. or C.D. And whereas at the time when the said adjudication was made the said E.F. or G.H. in pursuance of the provisions in that behalf contained in the said Act offered to give security to defend an action of ejectment or other appropriate action against him for recovery of possession of the said land in the Supreme Court of the said colony or any other court having competent jurisdiction in that behalf to be brought by or on behalf of the said A.B. And whereas the said justices in accordance with the provisions in that behalf contained in the said Act directed that the sum of money in which the bond in that behalf mentioned in the said Act should be given should be the abovenamed sum of _____ pounds and the said justices have approved of the above bounden K.L. and M.N. as two responsible persons to enter into the said bond and the said justices have approved hereof as such bond as aforesaid Now the condition of the above written bond is such that in case the said A.B. his heirs executors or administrators shall succeed in such action as aforesaid for the recovery of the said land if the said E.F. or G.H. his executors or administrators or any person on his or their behalf shall pay to the said A.B. his heirs executors or administrators all such costs of suit as shall be awarded to or recovered by the said A.B. his heirs executors or administrators in such action and all mesne profits of the said land accruing between the time of the aforesaid adjudication and the time when the said A.B. his heirs executors or administrators shall obtain possession of the said land by virtue of such action *here add in case costs were awarded to the landlord or his agent* and the said sum of _____ so ordered and adjudged by the said justices to be paid by the said E.F. or G.H. to the said A.B. or C.D. as aforesaid then the said above written bond shall be void.

Signed sealed and delivered by the above-named K.L. and M.N. in the presence of O.P. the attesting witness or witnesses	}	[L.S.] K.L. [L.S.] M.N.
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*Form of Memorandum to be Written on or Annexed to such Bond and signed See section 7.
by the Justices.*

We the justices named in this or the annexed bond do hereby certify that we approve thereof.

As witness our hands the _____ day of _____ in the year of our Lord one thousand eight hundred and _____	}	J.P. J.P.
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LAND—

See section 8.

Form of Adjudication in favour of Tenant or Occupier and Award of Costs to him.

District of [as in the information] }
To wit. }

Whereas an information was exhibited on the _____ day of _____
now instant _____ or last past _____ by
A.B. _____ or C.D. the agent of A.B. _____ praying that the
said A.B. might under and by virtue of the provisions of the statute in such
case made and provided be put into possession of certain land situate in the
district of _____ in the Colony of Queensland therein described or
referred to of which it was therein alleged that E.F. _____ or G.H.
_____ was then in the actual occupation and thereupon a summons
to the said E.F. _____ or G.H. _____ was duly issued and
served whereby the said E.F. _____ or G.H. _____ was
duly summoned to be and appear on the _____ day of _____
now instant _____ or last past _____ at the hour of _____
_____ of the clock in the forenoon _____ as in the summons being
the place where the petty sessions of the said district usually sit
and so from day to day until the matter of the said information should be
disposed of before such two or more of Her Majesty's justices of the peace
as might then be there to show cause why the said A.B. should not be put
into possession of the said land And whereas the matter of the said infor-
mation has in pursuance of such summons to the said E.F. _____ or G.H.
as aforesaid been duly called on before us _____ *the justices making*
the adjudication _____ of Her Majesty's justices of the peace in
and for the colony aforesaid _____ *describing the jurisdiction of*
the justices before whom the matter is called on _____ at the said
place at which the said E.F. _____ or G.H. _____ was so
summoned to appear as aforesaid we being all _____ or a majority
_____ of the justices then and there sitting and the said E.F. _____
_____ or G.H. _____ having then and there appeared
before us to defend and oppose the said information and the said A.B. _____
_____ or C.D. _____ having failed to appear _____ or
having also appeared but having failed to give proof to our satisfaction
_____ in support of his said information we do therefore adjudge
that the said information be dismissed and the same is hereby dismissed
accordingly _____ *here add in case costs shall be awarded to the*
tenant or occupier _____ And we do assess the costs of the said E.F. _____
_____ or G.H. _____ of appearing and defending and opposing
the said information at the sum of _____ which said sum of money
we do award to the said E.F. _____ or G.H. _____ for his said
costs And we do order and adjudge that the same shall be paid by the said
A.B. _____ or C.D. _____ to the said E.F. _____ or
G.H. _____ And we do further award and adjudge that if the same
be not paid forthwith that the same be levied by distress and sale of the
goods and chattels of the said A.B. _____ or C.D. _____

Witness our hands and seals the }
day of _____ in the year of our } [L.S.] J.P.
Lord one thousand eight hundred and } [L.S.] J.P.

See section 2.

Form of Distress Warrant for Non-Payment of Costs.

To _____ a constable _____ or peace officer of or
acting _____ for the district of _____ or other
place as the case may be _____ in the Colony of _____
and to all other constables and peace officers of or acting for the
said district _____ or other place as the case may be
_____ and to each of them _____ Or To all con-
stables and peace officers of or acting for the district of _____
or other place as the case may be _____ in the Colony of _____
_____ and to each of them _____ Or To _____ a
person specially named for the purposes hereinafter mentioned _____ Or

Summary Ejectment Act of 1867 (Queensland, adopted).

To _____ and _____ persons specially named for
the purposes hereinafter mentioned and to each of them.
Whereas on the _____ day of _____ now instant
_____ or last past _____ at _____ the place where the
adjudication took place _____ in the district of _____
in the Colony of Queensland the matter of an information exhibited by A.B.
_____ or C.D. the agent of A.B. _____ against E.F.
_____ or G.H. _____ under and by virtue of the provisions
of the Act of the Parliament of the said Colony passed in the thirty-first
year of the reign of Her Majesty Queen Victoria intituled "*An Act for the*
speedy recovery of the possession of tenements unlawfully held over" was
duly heard and adjudicated by _____ *the justices making the adjudication*
of Her Majesty's justices of the peace in and for the
said colony _____ *describing the jurisdiction of the justices making*
the adjudication _____ and such adjudication was in favour of the
said A.B. _____ or C.D. _____ on behalf of the said A.B.
_____ or E.F. or G.H. _____ and in and by such adjudi-
cation the said justices did assess the costs of the said A.B. _____ or
C.D. or E.F. or G.H. _____ in the premises at the sum of _____
as in the adjudication _____ and did award to the said A.B.
_____ or C.D. or E.F. or G.H. _____ the said sum of
money for his said costs and did order and adjudge that the same should
be paid forthwith by the said E.F. _____ or G.H.
to the said A.B. _____ or C.D. or by the said A.B. or C.D. to the said
E.F. or G.H. _____ and that if the same should not be forthwith
paid the same should be levied by distress and sale of the goods and chattels
of the said E.F. _____ or G.H. or A.B. or C.D. _____ and in
default of sufficient distress that the said E.F. _____ or G.H. or
A.B. or C.D. _____ should be imprisoned in Her Majesty's gaol at
_____ in the said colony for the period of _____ unless
the said sums and all costs and charges of the said distress and of the com-
mitment and conveyance of the said E.F. _____ or G.H. or A.B. or
C.D. _____ to the said gaol should be sooner paid And
whereas the said E.F. _____ or G.H. or A.B. or C.D.
hath not paid the said sum of money so ordered and adjudged to be paid by
him for the said costs as aforesaid but therein hath made default These are
therefore to command you in Her Majesty's name forthwith to make distress
of the goods and chattels of the said E.F. _____ or G.H. or A.B. or
C.D. _____ and if within the period of _____
clear days after the making of such distress the said sum
of money abovementioned together with the reasonable charges of taking and
keeping the said distress shall not be paid that then you do sell the said goods
and chattels so by you distrained and do pay the money arising from such sale
unto _____ the clerk of petty sessions of the justices of the
peace for the said district of _____ in order that he may pay and
apply the same as by law directed and may render the overplus if any on
demand to the said E.F. _____ or G.H. or A.B. or C.D.

Given under my hand and seal the _____ } [L.S.] J.P.
_____ day of _____ in the }
year of our Lord one thousand eight hundred }
and _____

LAND—