



Western Australia

## **Casual Revenue Appropriation Ordinance 1867**

Compare between:

[12 Dec 2003, 01-a0-02] and [04 Jul 2006, 01-b0-06]





Western Australia

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12 December 2003

## Casual Revenue Appropriation Ordinance 1867

**An Ordinance to provide for the appropriation of the casual revenue of the Crown arising from escheated estates.**

### **Preamble**

Whereas by a Statute passed by the Imperial Parliament in the session holden in the 15th and 16th years of Her Majesty's reign <sup>2</sup>, provision is made for the appropriation by or with the assent of the Crown of any casual revenue arising within the colonies or foreign possessions (other than droits of the Crown and droits of the Admiralty) for or towards any public purposes within the colonies or possessions in which the same respectively may have arisen, and it is expedient to provide for the appropriation of such casual revenue, including the revenue to arise from sale of the estates and effects of persons who have died intestate and without heirs or next of kin: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows: —

### **1. Casual revenue to be disposed of by Legislature**

All casual revenue of the Crown (other than droits of the Crown and droits of the Admiralty) which shall hereafter be paid by order of the Crown into the Public Treasury of the said Colony, shall be disposed of from time to time in such manner and for such public purposes as the Legislature of the said Colony shall think proper and direct.

**s. 2**

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**2. Proved claims to appropriated moneys may be repaid**

The Governor shall from time to time as occasion shall require repay or make good to any person preferring and duly proving his claim to the same after such appropriation as is hereinbefore provided, all such sums of money so appropriated, and all moneys in the Treasury forming part of or arising from the general revenue of this Colony shall be applicable for so repaying or making good the same.

**3. Claimants may petition Supreme Court for relief**

If any person preferring a claim to any moneys to be hereafter appropriated pursuant to the provisions of this Ordinance shall fail to prove his claim to the same, it shall nevertheless be lawful for him to present his summary petition to the Supreme Court of the said Colony against the Attorney-General of the said Colony as respondent thereto, and if he shall verify his said claim by evidence to the satisfaction of the said Court it shall be the duty of the said Court to make such order in the premises, including any award of costs, as justice shall require, and upon the application of such person or any other claimants or person, or of the said Attorney-General, to vary such order from time to time as may be deemed expedient, and to certify the same to the Governor to the intent that the claimant may have relief in the premises according to such order.

**4. Short title**

This Ordinance may be cited as the *Casual Revenue Appropriation Ordinance 1867*<sup>1,3</sup>.

*[Section 4 inserted by No. 81 of 1966 s. 2.]*

## Notes

- <sup>1</sup> This reprint is a compilation as at 12 December 2003 of the *Casual Revenue Appropriation Ordinance 1867* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
Untitled Ordinance <sup>4</sup>	31 Vict. No. 2 (1867)	15 Jul 1867	15 Jul 1867
<i>Statute Law Revision (Short Titles) Act 1966 s. 2</i>	81 of 1966	12 Dec 1966	12 Dec 1966
<b>Reprint 1: The <i>Casual Revenue Appropriation Ordinance 1867</i> as at 12 Dec 2003</b> (includes amendments listed above)			
<u><a href="#">This Act was repealed by the <i>Statute Law Revision Act 2006 s. 3(1)</i> (No. 37 of 2006) as at 4 Jul 2006 (see s. 2)</a></u>			

- <sup>2</sup> I.e. 15 & 16 Vict. c. 39 (1852).
- <sup>3</sup> So much of this Ordinance as relates to the revenue from escheated property and the rights of persons against the Crown with respect thereto has been repealed by the *Escheat (Procedure) Act 1940 s. 3*.
- <sup>4</sup> Now known as the *Casual Revenue Appropriation Ordinance 1867*; short title inserted (see note under s. 4).