

Western Australia

Imperial Acts Adopting Act 1844

As at 01 Jan 2006

Version 01-c0-05

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Contents

1.	Recited Acts adopted	3
2.	Powers and duties of Civil Court and Advocate-General	4
3.	Commencement of Act	4
4.	Act may be amended in this session	4
5.	Short title	4

Notes

Imperial Acts Adopting Act 1844

An Act for adopting certain Acts of Parliament passed in the Third and Fourth, the Fourth and Fifth, the Fifth and Sixth, and the Sixth and Seventh years of the reign of His late Majesty King William the Fourth; and also certain Acts of Parliament passed in the First and Second, the Second and Third, and the Fifth and Sixth years of the reign of Her present Majesty Queen Victoria, respectively; and applying the same in the Administration of Justice in Western Australia in like manner as the other Laws of England are applied therein. ¹

Preamble

Whereas a certain Act of Parliament was passed in the Third and Fourth years of the reign of His late Majesty King William the Fourth, intituled

“An Act to allow Quakers and Moravians to make Affirmation in all cases where an Oath is or shall be required”; ^{2*}

and whereas also certain other Acts of Parliament were passed in the Fourth and Fifth years of the reign of His said Majesty, intituled respectively

“An Act for the amendment of the Law relative to the Escheat and Forfeiture of Real and Personal Property holden in Trust,” ^{3*} and

“An Act to abolish the Practice of Hanging the Bodies of Criminals in Chains,” ⁴

and whereas also certain other Acts of Parliament were passed in the Fifth and Sixth years of the reign of His said Majesty, intituled respectively

*“An Act to amend the Law relating to Securities given for considerations arising out of Gaming, Usurious, and certain other illegal Transactions,”*⁵ and

“An Act to render certain Marriages valid, and to alter the Law with respect to certain voidable Marriages,”^{6*} and

*“An Act for abolishing Capital Punishment in cases of Letter Stealing and Sacrilege”;*⁷

and whereas also certain other Acts of Parliament were passed in the Sixth and Seventh years of the reign of His said Majesty, intituled respectively

*“An Act to amend an Act of the last Session for abolishing Capital Punishment in cases of Letter Stealing and Sacrilege,”*⁸ and

“An Act for declaring the Law as to the day on which it is requisite to present for payment to the acceptor or acceptors supra protest for honour, or to the referees or referee, in case of need, Bills of Exchange which had been dishonoured,”^{9*} and

*“An Act to repeal so much of two Acts of the Ninth and Tenth years of King George the Fourth as directs the period of Execution, and the prison discipline of persons convicted of the crime of murder,”*¹⁰ and

*“An Act to prevent the fact of a previous conviction being given in evidence to the Jury on the case before them, except when evidence to character is given,”*¹¹ and

*“An Act for enabling persons indicted of Felony to make their defence by Counsel or Attorney”;*¹²

and whereas also certain other Acts of Parliament were passed in the First and Second years of the reign of Her present Majesty Queen Victoria, intituled respectively

“An Act to remove doubts respecting Conveyances of Estates vested in Heirs and Devisees of Mortgages,” ¹³ and

“An Act to facilitate the recovery of possession of Tenements after due determination of the Tenancy,” ¹⁴ and

“An Act for permitting affirmation to be made instead of an oath in certain cases,” ^{15*} and

“An Act to remove doubts as to the validity of certain Oaths”; ^{16*}

and whereas also certain other Acts of Parliament were passed in the Second and Third years of the reign of Her said Majesty, intituled respectively

“An Act to amend the Law relating to the Custody of Infants,” ¹⁷ and

“An Act to explain and extend the provisions of an Act passed in the First year of His late Majesty King William the Fourth, intituled ‘An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estates’ ^{18*}”; ^{19*}

and whereas also certain other Acts of Parliament were passed in the Fifth and Sixth years of the reign of Her said present Majesty, intituled respectively

“An Act to amend the Law relating to advances bonâ fide made to agents entrusted with goods,” ^{20*} and

“An Act for perpetuating testimony in certain cases”; ^{21*}

And whereas it is expedient to adopt and apply the said several recited Acts of Parliament in the Administration of Justice in Western Australia:

1. Recited Acts adopted

Be it therefore enacted, by His Excellency the Governor of Western Australia, by and with the advice and consent of the Legislative Council thereof, that the said recited Acts of

s. 2

Parliament, and every clause, provision, and enactment therein respectively contained, shall be, and the same are and is hereby adopted and directed to be applied in the Administration of Justice, so far as they can be applied respectively to the circumstances of this Colony.

2. Powers and duties of Civil Court and Advocate-General

And be it enacted, that all and every the powers and duties conferred and imposed in and by any of the aforesaid Acts on the Court of Chancery in England shall be exercised and discharged by the Civil Court of this Colony; and that the functions ascribed by any of the said Acts to the Attorney-General in England shall be discharged by the Advocate-General in this Colony.

3. Commencement of Act

And be it enacted, that this Act shall commence and take effect from the date of its passing the Legislative Council.

4. Act may be amended in this session

And be it enacted, that this Act may be altered, amended, or repealed by any Act to be passed during the present Session.

5. Short title

This Act may be cited as the *Imperial Acts Adopting Act 1844*.
[Section 5 inserted by No. 10 of 1970 s.3.]

Notes

¹ This is a compilation of the *Imperial Acts Adopting Act 1844* and includes all amendments effected by the other Acts referred to in the following Table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Imperial Acts Adopting Act 1844</i>	7 Vict., No. 13 (1844)	30 May 1844	30 May 1844
<i>Statute Law Revision Act 1970 s. 3</i>	No. 10 of 1970	29 Apr 1970	29 Apr 1970

² This adopted Act (3 & 4 Will. IV c. 49) (1833), [the *Quakers and Moravians Act 1833* (Imp)], so far as it was a part of the law of WA, was subsequently repealed by the *Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2005* (No. 24 of 2005) s 4.

³ This adopted Act (4 & 5 Will. IV c. 23) (1834), [the Escheat and forfeiture of real and personal property (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.

⁴ This adopted Act (4 & 5 Will. IV c. 26) (1834), so far as it was a part of the law of WA, was subsequently repealed by the *Sentencing (Consequential Provisions) Act 1995*, s 146 [Assent 16 January 1996; Commencement 4 November 1996].

⁵ This adopted Act (5 & 6 Will. IV c. 41) (1835), so far as it was a part of the law of WA, was subsequently repealed by the *Acts Amendment (Gaming and related provisions) Act 1985*, s 4 [Assent 24 April 1985; Commencement 1 June 1985].

⁶ This adopted Act (5 & 6 Will. IV c. 54) (1835), [the *Marriage Act 1835* (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.

⁷ This adopted Act (5 & 6 Will. IV c. 81) (1835), so far as it was a part of the law of WA, was subsequently repealed by the *Sentencing (Consequential Provisions) Act 1995*, s 146 [Assent 16 January 1996; Commencement 4 November 1996].

⁸ This adopted Act (6 & 7 Will. IV c. 4) (1836), so far as it was a part of the law of WA, was subsequently repealed by the *Sentencing (Consequential Provisions) Act 1995*, s 146 [Assent 16 January 1996; Commencement 4 November 1996].

⁹ This adopted Act (6 & 7 Will. IV c. 58) (1836), [the Bills of exchange (day for payment) (1836) (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.

- ¹⁰ This adopted Act (6 & 7 Will. IV c. 30) (1836), so far as it was a part of the law of WA, was subsequently repealed by the *Criminal Law Consolidation Ordinance 1865* (29 Vict. No. 5) s 5 [Assent 7 July 1865].
Subsequently it was purportedly also repealed by the *Prisons Act 1903*, s 3 [Assent 31 December 1903; Commencement 1 January 1904].
- ¹¹ This adopted Act (6 & 7 Will. IV c. 111) (1836), so far as it was a part of the law of WA, was subsequently repealed by the *Criminal Code Act 1902* (1 & 2 Edw. VII No. 14) s 3 [Assent 19 February 1902; Commencement 1 May 1902].
- ¹² This adopted Act (6 & 7 Will. IV c. 114) (1836), so far as it was a part of the law of WA, was subsequently repealed by the *Criminal Code Act 1902* (1 & 2 Edw. VII No. 14) s 3 [Assent 19 February 1902; Commencement 1 May 1902].
- ¹³ This adopted Act (1 & 2 Vict. c. 69) (1838), so far as it was a part of the law of WA, was subsequently repealed by the *Trustee Ordinance 1854* (17 Vict. No. 10) [Assent 20 June 1854].
- ¹⁴ This adopted Act (1 & 2 Vict. c. 74) (1838), [the *Small Tenements Recovery Act 1838* (Imp)], so far as it was a part of the law of WA, was subsequently repealed by the *Courts Legislation Amendment and Repeal Act 2004* (No. 59 of 2004) s. 20(c).
- ¹⁵ This adopted Act (1 & 2 Vict. c. 77) (1838), [the *Quakers and Moravians Act 1838* (Imp)], so far as it was a part of the law of WA, was subsequently repealed by the *Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2005* (No. 24 of 2005) s 4.
- ¹⁶ This adopted Act (1 & 2 Vict. c. 105) (1838), [the *Oaths Act 1838* (Imp)], so far as it was a part of the law of WA, was subsequently repealed by the *Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2005* (No. 24 of 2005) s 4.
- ¹⁷ This adopted Act (2 & 3 Vict. c. 54) (1838), so far as it was a part of the law of WA, was subsequently repealed by the *Guardianship of Infants Act 1926*, s 4(5) [Assent 19 November 1926; Commencement 1 January 1927].
- ¹⁸ I.e. 11 Geo. IV & 1 Will. IV c. 47, [the *Debts Recovery Act 1830* (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.
- ¹⁹ This adopted Act (2 & 3 Vict. c. 60) (1838), [the *Debts Recovery Act 1839* (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.
- ²⁰ This adopted Act (5 & 6 Vict. c. 39) (1842), [‘Factors (1842)’ (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.

²¹ This adopted Act (5 & 6 Vict. c. 69) (1842), [the *Perpetuation of Testimony Act 1842* (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.