



Western Australia

## **Perpetuation of Testimony Act 1842 (Imp)**

This Act was repealed by the *Statutes (Repeals) Act 2014* s. 14(1)(d) (No. 32 of 2014) as at 4 Dec 2014 (see s. 2(b)).



## **Perpetuation of Testimony Act 1842 (Imp)**

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## **Perpetuation of Testimony Act 1842 (Imp)**

### **An Act for perpetuating Testimony in certain Cases.** <sup>3</sup>

#### **Preamble**

Whereas it is expedient to extend the means of perpetuating testimony in certain cases:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same,

#### **[1.] Bills in Chancery to perpetuate testimony may be filed by persons claiming honours, titles, etc., contingent on future events**

[T]hat any person who would, under the circumstances alleged by him to exist, become entitled, upon the happening of any future event, to any honour, title, dignity, or office, or to any estate or interest in any property, real or personal, the right or claim to which cannot by him be brought to trial before the happening of such event, shall be entitled, from and after the passing of this Act, to file a bill in the High Court of Chancery to perpetuate any testimony which may be material for establishing such claim or right;

and that all laws, rules, and regulations not contrary to the provisions of this Act, now in force or in use in suits to perpetuate testimony, or respecting depositions taken in such suits, or the punishment of perjury committed in making such depositions, shall be in force and used and applied in all suits to

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be instituted under the authority of this Act, and in respect to depositions taken on such suits.

**2. Attorney General to be party defendant in all such suits in which the Queen may have any estate or interest**

And be it further enacted, that in all suits which may be so instituted under the authority of this Act, touching any honour, title, dignity, or office, or any other matter or thing, in which Her Majesty, her heirs or successors, may have any estate or interest, it shall be lawful to make the Attorney General for the time being a party defendant thereto;

and that in all proceedings in which the depositions taken in any such suit in which the Attorney General for the time being was so made a defendant may be offered in evidence, such depositions may be admissible notwithstanding any objection to such depositions upon the ground that Her Majesty, her heirs or successors, were not parties to the suit in which such depositions were taken.

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**Notes**

- <sup>1</sup> This is a compilation of the *Perpetuation of Testimony Act 1842 (Imp)*. The following table contains information about that Act and any previous reprints.

**Compilation table**

Short title	Number and year	Assent	Commencement
<i>Perpetuation of Testimony Act 1842 (Imp)</i>	1842 (5 and 6 Vict. c. 69)	30 Jul 1842	30 May 1844 (adopted by <i>Imperial Acts Adopting Act 1844</i> )

**Reprinted as at 26 Oct 1999**

**This Act was repealed by the *Statutes (Repeals) Act 2014* s. 14(1)(d) (No. 32 of 2014) as at 4 Dec 2014 (see s. 2(b))**

- <sup>2</sup> Adopted in WA by *Imperial Acts Adopting Act 1844*. (7 Vict. No. 13) [Assent 30 May 1844]
- <sup>3</sup> The short title *Perpetuation of Testimony Act 1842* was given to this Imperial Act by the *Short Titles Act 1896* (UK).