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SOUTH  AUSTRALIA

**EIGHTIETH REPORT**

of the

**LAW REFORM COMMITTEE**

of

**SOUTH AUSTRALIA**

to

**THE ATTORNEY-GENERAL**

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**RELATING TO THE INHERITED  
IMPERIAL LAW**

1984

The Law Reform Committee of South Australia was established by Proclamation which appeared in the *South Australian Government Gazette* of 19th September, 1968. The Members are:

THE HONOURABLE MR. JUSTICE ZELLING, C.B.E., *Chairman.*

THE HONOURABLE MR. JUSTICE WHITE, *Deputy Chairman.*

THE HONOURABLE MR. JUSTICE LEGOE, *Deputy Chairman*

M. F. GRAY, Q.C., S.-G.

P. R. MORGAN.

D. F. WICKS.

M. J. DETMOLD.

G. F. HISKEY, S.M.

The Secretary of the Committee is Miss J. L. Hill, c/o Supreme Court, Victoria Square, Adelaide 5000.

**EIGHTIETH REPORT OF THE LAW REFORM COMMITTEE  
OF SOUTH AUSTRALIA RELATING TO THE INHERITED  
IMPERIAL LAW**

To:

The Honourable C. J. Sumner, M.L.C.,  
Attorney-General for South Australia.

Sir,

This is the third of a series of reports dealing with the general body of Imperial Law inherited by us on December 28, 1836. In the Seventy-Eight Report of this Committee we dealt with the statutes from 1225 to 1557 and in the Seventy-Ninth Report of this Committee we dealt with the statutes from 1558 to 1702. We now deal with the statutes for the period from 1702 to 1750.

*Statutes 1 Anne (1702) cc. 1-27:*

Chapter 1 deals with Crown lands. It was partly repealed by 19 Geo. III c.45 s.1, 34 Geo. III c.75 s.1 and 52 Geo. III c.161 s.1. Since 1836 it has been partly repealed by statutes from 1862 to 1979 and is still partly in force in England. It is possible that we inherited sections 5 and 6 in South Australia but the matters dealt with in those sections appear to be covered by our Crown Lands Act 1939. Chapter 2 is an important statute dealing with the demise of the Crown. On the face of it it applies throughout the Queen's Dominions and accordingly is caught by the Colonial Laws Validity Act. It was partly repealed by statutes from 1867 to 1888. We shall deal with it both in the separate report now being prepared on the demise of the Crown and in the report relating to Imperial statutes to which the Colonial Laws Validity Act applies. Chapter 3, dealing with the hallmarking of plate, was partly repealed by 2 & 3 Will. IV c.34 s.1 and partly by statutes from 1888 to 1973 and is still partly in force in England. Chapter 4, dealing with public accounts, chapter 5 dealing with apothecaries, chapters 6 and 7 dealing with taxation, and chapter 8 dealing with the union with Scotland were all repealed in 1867. Chapter 9 dealing with sale of fruit was repealed by 5 Geo. IV c.74 s.23. Chapter 10 dealing with the Greenland trade and chapter 11 dealing with gold and silverware were both repealed in 1867. Chapter 12 dealing with bridges was repealed by statutes from 1959 to 1963. Chapter 13 is a local Act which was repealed by 7 & 8 Geo. IV c. lxxviii. Chapter 14 is also a local Act which was repealed in 1935. Chapter 15 deals with salt duties and was repealed in 1856. Chapter 16 dealing with the oaths of recognition of the Queen, chapter 17 dealing with militia, chapter 18 dealing with sheriffs, and chapter 19 dealing with insolvent debtors relief, were all repealed in 1867. Chapter 20 dealing with the Port of London was repealed by 6 Geo. IV c.105. Chapters 21 and 22 dealing with imports and 23 dealing with traitors were repealed in 1867. Chapter 24 requiring Jewish parents to maintain their Protestant children was repealed in 1846. Chapters 25 and 26 dealing with Ireland were repealed in 1950 and 1871. Chapter 27 is a local Act. Accordingly of the statutes of that year, chapter 1 so far as unrepealed, chapter 30 so far as unrepealed, chapters 4-8, chapters 10-12, chapters 14-19 and chapters 21-27 ought now to be repealed in South Australia.

*Statutes 1 Anne Statute 2 (1702) cc.1-24:*

Chapters 1, 3, 4 and 5 dealing with taxation and 2 dealing with a settlement on the Queen's husband, Prince George of Denmark, were repealed in 1867. Chapter 6 dealing with prison escape was dealt with

by statutes from 1893 to 1948 and is covered by our present Act and our Criminal Law Consolidation Act in South Australia.

*Statutes 1 Anne Statute 2 (1702) cc. 1-24:*

Chapters 1, 3, 4 and 5 dealing with taxation and 2 dealing with a settlement on the Queen's husband, Prince George of Denmark were repealed in 1867. Chapter 6 dealing with prison escape was dealt with by statutes from 1893 to 1948 and is covered by our present Act and our Criminal Law Consolidation Act in South Australia. Chapter 7 is a local Act which was repealed in 1948. Chapter 8 dealing with imports was repealed in 1867. Chapter 9 dealing with treason was partly repealed by 7 & 8 Geo. IV c.27 s.1 and the remainder by statutes from 1911 to 1948 and is dealt with in the Fifty-Ninth Report of this Committee. Chapters 10, 11 and 12 are local Acts. Chapter 13 dealing with Acts continuance, chapter 14 dealing with distillation, chapter 15 dealing with militia, were all repealed in 1867 as was chapter 16 which is a private Act and chapter 17 dealing with taxation. Chapter 18 dealing with Ireland was partly repealed by 18 Geo. III c.61 and & 8 Geo. IV c.68 s.3 and the remainder in 1950. Chapter 19 dealing with stamp duty was repealed in 1870. Chapter 20 dealing with mutiny was repealed in 1867. Chapter 21 dealing with treason is still partly in force in England and partly repealed by statutes from 1871 to 1948. It is dealt with in the Fifty-Ninth Report of this Committee as chapter 17 of 1 Anne statute 2. That is its numbering in Ruffhead but its numbering in the Statutes of the Realm is chapter 21 and we make this correction now. Chapter 22 dealing with woollen manufactures was repealed in 1889 and chapter 23 dealing with public accounts and chapter 24 dealing with debts due to the Army were repealed in 1867. Therefore of this statute, chapters 1-8, 10-17, 18 so far as not already repealed, 19-20, and 22-23 ought to be repealed at this stage in South Australia.

*Statutes 2 & 3 Anne (1703) cc. 1-21:*

Chapters 1-3 dealing with taxation were repealed in 1867. Chapter 4 dealing with the Yorkshire land registry was repealed in 1884. Chapter 5 dealing with wills in York was repealed in 1867. Chapter 6 dealing with navigation was repealed by 5 & 6 Will. IV c.19 s.1. Chapter 7 dealing with Dover Harbour was repealed by 9 Geo. IV c. xxxi. Chapter 8 is a local Act. Chapters 9 dealing with bankers and 10 dealing with insolvent debtors' relief were repealed in 1867. Chapter 11 dealing with public accounts is dealt with in the Sixty-Fifth Report of this Committee. Chapter 12 deals with privilege of Parliament. It was repealed in England in 1867 but was no doubt carried forward into South Australia by the adoption of the law and custom of Parliament in 1857 when our bicameral Parliament was set up. It is dealt with in *Anson: The Law and Custom of the Constitution (1896) Volume 1 page 145*. We think it will have to be carried forward into our Constitution Act and will deal with it in our report on Constitutional statutes. Chapter 13 dealing with recruiting, chapter 14 dealing with militia, chapter 15 dealing with imports, chapter 16 dealing with salt duty, chapter 17 dealing with mutiny, chapter 18 dealing with taxation and chapter 19 dealing with Ireland, were all repealed in 1867. Chapter 20 dealing with Queen Anne's bounty was repealed by statutes from 1926 to 1960. Chapter 21 dealing with forfeited estates in Ireland was repealed in 1867. It is therefore necessary to repeal at this stage of the statutes of that year, chapters 1-5, 8-10 and 13-21.

*Statutes 3 & 4 Anne (1704) cc. 1-19:*

Chapters 1 relating to taxation, 2 relating to annuities and 3 relating to taxation, were all repealed in 1867. Chapter 4 is a personal Act. Chapters 5 dealing with mutiny, and 6 dealing with union with Scotland,

were repealed in 1867. Chapter 7 dealing with export was repealed by 6 Geo. IV c.105. Chapter 8 dealing with bills of exchange was dealt with in the Sixty-First Report of this Committee. Chapters 9 dealing with imports and 10 dealing with recruiting were repealed in 1867. Chapter 11, a personal Act, was repealed in 1948. Chapter 12 dealing with France, chapter 13 dealing with corresponding with the enemy, chapter 14 dealing with annuities, chapter 15 dealing with militia, chapter 16 dealing with Acts continuance and chapters 17 and 18 dealing with taxation, were all repealed in 1867. Chapter 19 is a private Act. Therefore of the statutes of that year, chapters 1-6 and 9-19 need to be repealed in South Australia today.

*Statutes 4 & 5 Anne (1705) cc. 1-26:*

Chapter 1 dealing with land tax was repealed in 1867. Chapter 2 is a local Act. Chapter 3 dealing with the administration of justice was repealed in England in 1965. Parts of this statute were declared to be in force in South Australia by Ordinance No. 9 of 1848 where it is referred to as chapter 16, which is its number in Ruffhead. The Ordinance 9 of 1848 was repealed by our Act 13 of 1861 and is dealt with in the Fifty-Fifth Report of this Committee. Chapter 4 dealing with bankrupts was repealed in 1867. Chapter 5 is a local Act. Chapter 6 dealing with the Navy and chapter 7 dealing with Eddystone Lighthouse were repealed in 1867. Chapter 8 dealing with fish was repealed in 1861. Chapter 9 dealing with the Mint, chapter 10 with militia, chapters 11 and 13 with Ireland and chapter 12 with payment of troops were all repealed in 1867. Chapters 14 and 16 dealing with the naturalization of the Princess Sophia were repealed by statutes of 1867 and 1948, but the rights conferred by the statutes would appear to be still in force at least in England and as they deal with the succession to the Crown, no doubt also in force in South Australia: see *Attorney-General v. Prince Ernest Augustus of Hanover* [1957] A.C. 436, and this statute can therefore only be repealed with a reservation. Chapter 15 dealing with union with Scotland, chapters 17 and 18 dealing with taxation chapter 19 dealing with export, chapter 20 dealing with succession to the Crown, chapter 21 dealing with recruiting, chapter 22 dealing with mutiny, and chapter 23 dealing with taxation, were all repealed in 1867. Chapter 20 is dealt with in our Eighty-First Report under demise of the Crown. Chapter 24 dealing with Thames watermen was repealed by 7 & 8 Geo. IV c. lxxv s.1. Chapter 25 dealing with charity collections was repealed by 9 Geo. IV c.42 s.1. Chapter 26 is a local Act. Of the statutes of that year therefore, there remain to be repealed at the moment in South Australia chapters 1-2, 4-13, 14 and 16 but with the reservation referred to, 15, 17-19, 21-23 and 26.

*Statutes 6 Anne (1706) cc. 1-34:*

Chapters 1, 2 and 5 relating to taxation and 3 a personal Act, were all repealed in 1867. Chapter 4 is a local Act. Chapters 6 and 7 are personal Acts. Chapters 8 and 11 should be read together as they deal partly with relation to the maintenance of the Church of England in relation to the impending union with Scotland. Chapter 8 was repealed in England by statutes from 1950 to 1973. Chapter 11 is still partly in force and was partly repealed by statutes from 1867 to 1973. In relation to both chapters 8 and 11 there will need to be a reservation in favour of the Church of England. Chapter 11 however which deals with the union with Scotland is a constitutional statute which, until the ending of the Imperial ties, still affects South Australia and we will deal with it in our report on constitutional statutes. Chapter 12 dealing with prisons was repealed by statutes from 1887 to 1948. Chapter 13, a local Act, was repealed by 1 & 2 Geo. IV c. lxxxv. Chapter 14 was repealed by 6 Geo. II c.24. Chapter

15 is also a local Act but unrepealed in England. Chapter 16 dealing with game was repealed by 1 & 2 Will. IV c.32 s.1. Chapters 17 and 18 dealing with the Army and 19 dealing with imports were repealed in 1867. Chapter 20 dealing with the Yorkshire Land Registry was repealed in 1884. Chapter 21 dealing with taxation and chapter 22 dealing with bankrupts were repealed in 1867. Chapter 23 a private Act was repealed in 1948. Chapter 24 dealing with Queen Anne's Bounty was repealed by Church Assembly Measure 1926 No. 5. Chapter 25 dealing with Ireland was repealed in 1950. Chapter 26 a local Act was repealed by 37 Geo. III c.154. Chapters 27 dealing with taxation, 28 dealing with militia and 29 dealing with salt duties were repealed in 1867. Chapter 30 dealing with the British Museum was repealed in 1948. Chapter 31 dealing with burglary was partly repealed by 58 Geo. III c.70 s.1 and 7 Geo. IV c.64 s.32 and is dealt with in our Fifty-Ninth Report. Chapter 32 dealing with vagrancy was repealed in 1867, and is dealt with in our Fifty-Eight Report. Chapter 33 is a personal Act. Chapter 34 dealing with Acts continuance by Section III extends the Piracy Act 11 & 12 Will. III c.7 which is made perpetual by 6 Geo. I c.19 and raises a Colonial Laws Validity Act question. Accordingly of the statutes of that part of the sixth year of Queen Anne's reign prior to the union with Scotland, chapters 1-7, 8 with the reservation referred to, 10, 12, 15, 17-25, 27-30 and 33 can be repealed in South Australia today.

*Statutes 6 Anne (1707) cc. 35-79:*

These are statutes of the Parliament of Great Britain made after the union with Scotland.

Chapter 35 dealing with land tax and chapter 36 dealing with the repeal of prior Scottish Acts were both repealed in 1867. Chapter 37 dealing with East India goods was repealed by 6 Geo. IV c.105. Chapters 38 and 39 dealing with taxation were repealed in 1867. Chapter 40 dealing with the union is still partly in force and was partly repealed by statutes from 1867 to 1925. This again as long as we remain subject to Imperial law remains to be kept in force, and will be dealt with under constitutional statutes. Chapter 41 dealing with the succession to the Crown is partly in force and is partly amended by 1 Geo. II stat. 1 c.5 s.2 and partly by the statutes from 1867 to 1978 and will be dealt with in our Eighty-First Report on demise of the Crown. Chapter 42 a local Act was repealed by 30 Geo. II c.65 and 33 Geo. III c.145. Chapters 43 dealing with wool, 44 with export and 45 with recruiting, were all repealed in 1867. Chapters 46 and 47 are local Acts. Chapters 48-50 dealing with taxation and chapter 51 providing an equivalent to Scotland for customs duty lost were all repealed in 1867. Chapter 52 dealing with the Duchy of Cornwall was repealed in 1948. Chapter 53 dealing with an Exchequer Court for Scotland is partly in force and partly repealed by 2 & 3 Will. IV c.103 s.1 and by statutes from 1888 to 1948. Chapter 54 dealing with Queen Anne's Bounty was repealed by Church Assembly Measure 1926 No. 5. Chapter 55 dealing with tithes was repealed in 1867. Chapter 56 is a Highways Act which was repealed by 7 Geo. III c.42 s.27. Chapter 57 dealing with coinage in America, i.e. in the American colonies, was repealed in 1870. Chapter 58 dealing with fire was repealed by 12 Geo. III c.73 s.46. Chapter 59 dealing with the Bank of England was repealed in 1892. Chapter 60 dealing with imports was repealed by 3 Geo. IV c.42 s.9. Chapter 61 dealing with forfeited estates and chapter 63 dealing with militia were both repealed in 1867. Chapter 62 dealing with the Yorkshire (East Riding) land registry was repealed in 1884. Chapter 64 dealing with trade with America and chapter 65 dealing with merchant shipping were repealed in 1864. Chapter 66 dealing with the oath of allegiance was

repealed in 1871 and is dealt with in the Sixty-Fifth Report of this Committee. Chapter 67 dealing with habeas corpus suspension was repealed in 1867. Chapter 68 a local Act was repealed in 1938. Chapter 69 also a local Act was repealed in 1857. Chapter 70 also a local Act is unrepealed in England. Chapter 71 dealing with the East India Company was repealed in 1867. Chapter 72, the *Cestui que Vie* Act, was repealed in England in 1888 and is dealt with in the Fifty-Fourth Report of this Committee. Chapter 73 dealing with taxation and chapter 74 dealing with mutiny were repealed in 1867. Chapter 75 dealing with Cathedral statutes was repealed by Church Assembly Measure 1963 No. 2 and there should be a saving for the Church of England in South Australia. Chapter 76 a local Act was repealed by 53 Geo. III c. cxxviii and again in 1871. Chapter 77 a local Act was repealed by 15 Geo. III c.73. Chapter 78 dealing with Scottish representative peers was repealed in 1963. Chapter 79 is a local Act. Accordingly of the statutes of that regnal year following the union with Scotland, chapters 35-36, 38 and 39, 43-52, 53 so far as not already repealed, 54 and 55, 57, 59, 61-65, 67-71, 73 and 74, 75 with the reservation therein referred to, and 78 and 79 should now be repealed in South Australia.

*Statutes 7 Anne (1708) cc. 1-34:*

Chapters 1 dealing with land tax, 2 with recruiting, 3 with taxation, and 4 with mutiny, were all repealed in 1867. Chapter 5 dealing with the naturalization of foreign Protestants was repealed in 1914. Chapter 6 is a local Act and was repealed in 1867. Chapter 7 a local Act was repealed by 7 & 8 Geo. IV c. lxxviii. Chapter 8 a local Act was repealed by 7 Geo. III c.76. Chapters 9 and 10 both local Acts are still in force in England today. Chapter 11 dealing with salt duties was repealed in 1867. Chapter 12 dealing with diplomatic privilege was repealed in 1964 and is dealt with in the Sixty-First Report of this Committee. Chapter 13 dealing with woollen cloths was repealed by 49 Geo. III c.109 s.1. Chapter 14 dealing with parochial libraries is partly in force and partly repealed by statutes from 1888 to 1964. It should be repealed here but with a reservation in favour of the Church of England. Chapter 15 dealing with law terms in Courts in Scotland and chapter 16 dealing with wagers were both repealed in 1867. Chapter 17 dealing with fire was repealed by 12 Geo. III c.73 s.46. Chapter 18 dealing with advowsons was repealed in 1969. Chapter 19 dealing with certain Trust estates was repealed by 6 Geo. IV c.74 s.1. Chapter 20 dealing with the Middlesex Land Registry was repealed by statutes from 1861 to 1948. Chapter 21 dealing with treason was partly repealed by 39 Geo. III c.93, 11 Geo. IV & 1 Will. IV c.66. It is still partly in force in England and partly repealed further by statutes from 1867 to 1981. Sections 1-9 only dealt with Scotland but 10 dealing with the question of attainder not to disinherit the heirs and 11 dealing with indictments in treason are of general application. Like all the treason Acts however it attracts the operation of the Colonial Laws Validity Act and we will deal with it under that heading so far as it has not already been repealed. Chapters 22 dealing with pardon, 23 with the militia and 24 and 25 dealing with the coinage were all repealed in 1867. Chapter 26 is a local Act. Chapters 27-29 are private Acts. Chapter 30 dealing with the Bank of England was repealed by statutes from 1867 to 1948. Chapter 31 dealing with taxation was repealed in 1867. Chapter 32 a local Act was repealed in England in 1953. Chapter 33 dealing with commissioners of sewers was repealed in 1930 and chapter 34 is a local Act. Accordingly of the statutes of 7 Anne, chapters 1-6, 9-11, 14 but with the reservation therein referred to, 15-16, 18, and 22-34 require to be repealed in South Australia at present.



*Statutes 8 Anne (1709) cc. 1-25:*

Chapter 1 dealing with the Bank of England was repealed by Acts from 1867 to 1946. Chapters 2 dealing with export and 3 dealing with taxation was repealed in 1867. Chapter 4 is a local Act. Chapter 5 dealing with stamp duty was repealed in 1870. Chapters 6 dealing with mutiny and 7 with export were repealed in 1867. Chapter 8 dealing with Liverpool Docks was repealed in 1858. Chapter 9 dealing with Northampton Highways was repealed by 37 Geo. III c.177. Chapter 10 dealing with taxation was repealed in 1867. Chapter 11 dealing with silk was repealed in 1856. Chapters 12 and 14 dealing with taxation and 13 with recruiting were all repealed in 1867. Chapter 15 dealing with the Oath of Abjuration was repealed in 1871 and is dealt with in the Sixty-Fifth Report of this Committee. Chapter 16 dealing with Circuit Courts for Scotland is partly in force and was partly repealed by 9 Geo. IV c.29 s.5 and by statutes from 1867 to 1948. Chapter 18 dealing with landlord and tenant was probably in force in South Australia (see our Act 5 of 1850 Section 32) and is dealt with in the Fifty-Fourth Report of this Committee. Chapter 19 dealing with bread was repealed by 31 Geo. II c.29 s.1. Chapter 20 a private Act was repealed by 54 Geo. III c. clxxiv. Chapter 21 dealing with copyright was repealed in England in 1842. It was probably in force in South Australia but is now covered by Commonwealth legislation. Chapter 22 dealing with the militia was repealed in 1867. Chapter 23 is a local Act. Chapter 24 dealing with poor law in Hull was repealed by 5 Geo. IV c. xiii. Chapter 25 dealing with highways was repealed by 11 Geo. IV & 1 Will. IV c. xxxiii. Accordingly of the statutes of that year, chapters 1-8, 10-12, 16 so far as not already repealed, and 21-23 need to be repealed in South Australia at present.

*Statutes 9 Anne (1710) cc. 1-34:*

Chapters 1 dealing with land tax, 2 dealing with quarantine, 3 dealing with taxation and 4 dealing with recruiting were all repealed in 1867. Chapter 5 dealing with members of Parliament's qualifications was repealed in 1858 and is not of any importance in South Australia today nor would it stand with either our Constitution Act or our Electoral Act. Chapter 6 dealing with lotteries was repealed in 1934 and is dealt with in the Sixty-Eighth Report of the Committee. Chapters 7 dealing with the Bank of England, 8 dealing with trade with France and 9 dealing with mutiny were all repealed in 1867. Chapter 10 is a private Act. Chapter 11 dealing with the post office was repealed by statutes from 1871 to 1908. Chapters 12 and 13 dealing with highways was repealed by 55 Geo. III c. xxxv and 3 Geo. IV c. lxxviii. Chapters 15 and 16 dealing with stamp duties were repealed in 1870. Chapter 17 dealing with the erection of new Churches is still partly in force and was partly repealed in 1889. Chapter 18 dealing with public accounts was repealed in 1867. Chapter 19 dealing with gaming was partly amended by 5 & 6 Will. IV c.41 ss.1 and 3 and was repealed by statutes from 1845 to 1968 and is dealt with in the Sixty-Eighth Report of this Committee. Chapter 20 dealing with fuel was repealed in 1867. Chapter 21 dealing with assaults on Privy Councillors was repealed by 9 Geo. IV c.31 s.1. Chapter 22 the first of the White Pine laws for America was repealed in 1867. Chapter 23 dealing with highways was repealed by 7 Geo. III c.48 s.57. Chapter 24 is a local Act and was repealed in 1948. Chapter 25 dealing with mandamus and quo warranto was repealed by statutes from 1840 to 1939 and is dealt with in the Fifty-Fifth Report of this Committee. Chapter 26 is a private Act. Chapter 27 dealing with game was repealed by 1 & 2 Will. IV c.32 s.1. Chapter 28 dealing with the Thames Fishery was repealed in 1868. Chapter 29 dealing with trade with America was repealed in 1864. Chapters 30 dealing with the coal trade, 31 dealing with the

militia, and 32 dealing with wool, were all repealed in 1867. Chapter 33 dealing with highways was repealed by 12 Geo. III c.108. Chapter 34 is a private Act. Accordingly of the statutes of 1710, chapters 1-5, 7-13, 15-18, 20, 22, 24, 26, 28-32 and 34 all need to be repealed in South Australia today.

*Statutes 10 Anne (1711) cc. 1-45:*

Chapter 1 dealing with land tax was repealed in 1867. Chapter 2 is a private Act. Chapter 3 dealing with highways was partly repealed by 19 Geo. III c.120 and the remainder by 7 Geo. IV c. cxlii. Chapter 4 dealing with Middlesex highways was repealed by 55 Geo. III c.1. Chapter 5 dealing with fuel and chapter 7 dealing with taxation were both repealed in 1867. Chapter 6 a Toleration Act was repealed in 1871. Chapter 8 dealing with the precedence of the Princess Sophia is still in force in England but is not of any relevance in South Australia. Chapter 9, a Naturalization Act which repeals 7 Anne c.5, was repealed in 1867. chapter 10 dealing with the Episcopal Church of Scotland was partly repealed by 32 Geo. III c.63, partly by statutes from 1871 to 1888 and is partly in force. Chapter 11 dealing with public accounts, chapter 12 dealing with recruiting and chapter 13 dealing with mutiny were all repealed in 1867. Chapter 14 is a private Act. Chapter 15 dealing with the Norwich Workhouse was repealed by 1 & 2 Will. IV c. 11. Chapter 16 dealing with Rochester highways was repealed by 3 Geo. IV c. lxx. Chapter 17 is a private Act. chapter 18 dealing with taxation was repealed by statutes of 1870 and 1874. Chapter 19 dealing with customs and with gaming was repealed in 1870 and is dealt with in the Sixty-Eighth Report of this Committee. Chapter 20 dealing with London and Westminster churches was repealed in 1889. Chapter 21 dealing with church patronage in Scotland is an Act that the Parliament of Great Britain had no power to pass because it was expressly forbidden to do so by the Treaty of Union from which the Parliament of Great Britain derived its powers in relation to Scotland. It caused the Disruption of 1843 and was ultimately repealed in 1874. Chapter 22 dealing with the Yule vacation was repealed by 1 Geo. I stat. 2 c.28. Chapter 23 dealing with linen was repealed by 4 Geo. IV c.40 s.1. Chapter 24 dealing with Acts continuance was repealed in 1897. Chapter 25 dealing with bankrupts was repealed by 6 Geo. IV c.16 s.1. Chapter 26 dealing with wool was repealed by 49 Geo. III c.109 s.1. Chapter 27 dealing with the Greenwich Hospital was repealed by 4 & 5 Will. IV c.34 s.1. Chapter 28 dealing with enrolment of leases was repealed in 1924. Chapter 29 dealing with insolvent debtors was repealed in 1867. Chapter 30 dealing with the import of prize goods was repealed in 1863. Chapter 31 dealing with elections was repealed by statutes from 1867 to 1918. It is not part of our law of Parliament. It dealt with the fraudulent practice of conveying land to electors so that they could vote and taking the conveyances back the moment after they had cast their vote. Chapter 32 dealing with Minehead Harbour was partly repealed by 4 Geo. IV c. cxiii and partly in 1856. Chapters 33 dealing with the militia, 34 dealing with the African Company and 35 dealing with the East India Company were all repealed in 1867. Chapter 36 dealing with imports was repealed by 6 Geo. IV c.105. Chapters 37 dealing with the South Sea Company, 38 dealing with debts to the Army, 39 dealing with Oaths, 40 dealing with Circuit Courts and 41 dealing with the West Indies were all repealed in 1867. Chapter 42 dealing with Suffolk Highways was repealed by 33 Geo. III c.128. Chapter 43 a local Act was amended in 1973 and again in 1981 and is partly still in force. Chapter 44 dealing with the Boston water supply was repealed in 1948. Chapter 45 dealing with the Regius professorships of Divinity at Oxford and Cambridge is still in force in England. Therefore of the statutes of 1711, chapters 1 and 2, 5-

9, 10 so far as not already repealed, 11-14, 17-21, 24, 28-31, 32 so far as not already repealed, 33-35, 37-41 and 43-45 require to be repealed in South Australia today.

*Statutes 12 Anne (1712) cc. 1-19:*

Chapters 1 and 2 relating to taxation and 3 relating to public accounts were repealed in 1867. Chapter 4 is a local Act. Chapters 5 and 6 relate to the British Parliament and deal with fraudulent voting and Scottish elections respectively and were both repealed in 1867. Chapter 7 relating to robbery was repealed by 7 & 8 Geo. IV c.27 s.1. Chapters 8 dealing with the militia, 9 dealing with imports, 10 dealing with moss troopers, 11 dealing with public debt, 12 dealing with sailcloth, 13 dealing with mutiny, and 14 dealing with various trades for soldiers, were all repealed in 1867. Chapter 15 dealing with Hackney chairs was repealed by 1 & 2 Will. IV c.22 s.1. Chapter 16 relating to Parliament is a continuation of the statute 7 & 8 Will. III c.7 and was repealed in 1867. Chapter 17 is a private Act. Chapter 18 relating to the poor law was repealed in 1867 and is dealt with in the Fifty-Eighth Report of this Committee. Chapter 19 dealing with highways was repealed by 29 Geo. III c.96 and 55 Geo. III c. lix. Of the statutes of that year, chapters 1-6, 8-14 and 16-17 need to be repealed in South Australia today.

*Statutes 13 Anne (1713) cc. 1-33:*

Chapters 1 and 2 dealing with taxation were repealed in 1867. Chapter 3 dealing with excise was repealed by 55 Geo. III c.179 s.4. Chapter 4 dealing with mutiny and chapter 5 dealing with duties on books were both repealed in 1867. Chapter 6 is a local Act which was repealed in 1924. Chapter 7 dealing with tutors and schoolmasters was repealed by 5 Geo. I c.4 s.1. Chapter 8 dealing with the tobacco trade, chapter 9 dealing with the militia, and chapter 10 dealing with enlistment in foreign service were all repealed in 1867. Chapter 11 dealing with simony was repealed in 1971. It is one of the statutes which concern the Church of England and should be repealed here with a saving in favour of that Church. Chapter 12 dealing with payment to Scotland was repealed in 1867. Chapter 13 dealing with recusancy was repealed by a series of statutes from 1887 to 1965. Chapter 14 dealing with longitude at sea was repealed by 58 Geo. III c.20 s.1. Chapter 15 dealing with usury was repealed in 1854. Chapter 16 dealing with a chapel at Yarmouth was repealed by 7 Geo. I st.1 c.11. Chapter 17 dealing with highways was repealed by 2 Geo. II c.12. Chapter 18 dealing with stamp duty was repealed in 1870. Chapter 19 is a private Act was repealed in 1852. Chapter 20, another private Act, was repealed by statutes of 1871 and 1948. Chapter 21 dealing with stranded ships was repealed by the Merchant Shipping Act 1854. Chapter 22 dealing with taxation was repealed in 1867. Chapter 23 dealing with linen cloth was repealed by 4 Geo. IV c.40 s.1. Chapter 24 dealing with taxation was repealed in 1867. Chapter 25 dealing with the Duchy of Cornwall was repealed in 1948. Chapter 26 dealing with vagrancy was repealed by 13 Geo. II c.24 s.36. Chapter 27 dealing with highways was repealed by 33 Geo. III c.175. Chapter 18 dealing with highways in Berkshire was repealed by 11 Geo. III c.70. Chapter 29 is a local Act. Chapter 30 dealing with Scotland was repealed by statutes of 1879 and 1889. Chapter 31 dealing with Stafford Highways was repealed by 19 Geo. III c.119 and 3 Geo. IV c. lxxviii. Chapter 32 dealing with poor relief was repealed by 3 Geo. IV c. xxiv. Chapter 33 dealing with highways was repealed by 55 Geo. III c. xxv and 3 Geo. IV c. lxxviii. Therefore of the statutes of 1713, chapters 1-2, 4-6, 8-10, 11 with the reservation there referred to, 12 and 13, 15, 18-22, 24-25 and 29-30 need to be repealed in South Australia today.

*Statutes 1 Geo. I stat. 1 (1714) cc. 1-3:*

Chapter 1 dealing with the civil list was repealed in 1867. Chapter 2 dealing with the national debt was repealed in 1870. Chapter 3 dealing with oaths for service in Ireland was repealed in 1867. Those three chapters can all be repealed now in this State.

*Statutes 1 Geo. I stat. 2 (1714) cc. 1-29:*

Chapter 1 dealing with land tax, chapter 3 dealing with mutiny and chapter 4 dealing with naturalization and capacity to hold office, were all repealed in 1867. Chapter 2 dealing with the malt duties was repealed in 1880. Chapter 5 dealing with riot was partly repealed by 7 & 8 Geo. IV c.27 s.1, and partly in 1973. The sections are now contained in Sections 244-245 of our Criminal Law Consolidation Act 1935 and the matter is dealt with in the Fifty-Ninth Report of this Committee. Chapter 6 dealing with Quakers was repealed by statutes from 1871 to 1969 and is dealt with in the Sixty-First Report of the Committee. Chapter 7 dealing with imprisonment of traitors, chapter 8 dealing with habeas corpus suspension and chapter 9 dealing with mutiny were all repealed in 1867. Chapter 10 dealing with Queen Anne's Bounty was partly repealed by 11 Geo. IV & 1 Will. IV c.65 s.25, partly by Church Assembly Measures from 1926 to 1964 and is still partly in force in England. Chapter 11 dealing with highways was repealed by 7 Geo. III c.42 s. 57. Chapters 12, 19 and 21 dealing with the national debt were all repealed in 1870. Chapter 13 dealing with the oath of allegiance was repealed in 1871 and is dealt with in the Sixty-Fifth Report of this Committee. Chapter 14 dealing with the militia was repealed in 1867. Chapter 15 dealing with wool was partly repealed by 49 Geo. III c. 109 s.1 and is still partly in force in England. Chapters 16 and 17 are personal Acts. Chapter 18 dealing with fisheries was repealed in 1868. Chapter 20 dealing with treason in Scotland was repealed in 1871. Chapter 22 dealing with the then Princess of Wales was repealed in 1867. Chapter 23 dealing with building of churches was partly repealed in 1889 and is still partly in force in England. Chapter 24 dealing with debts due to the Army was repealed in 1867. Chapter 25 dealing with embezzlement of naval stores was repealed in England in 1867 and is dealt with in the Fifty-Ninth Report of this committee. Chapter 26 dealing with Acts continuance was repealed in 1871. Chapter 27 dealing with payments to Scotland, chapter 28 dealing with Yule vacation and chapter 29 dealing with foreign Protestants' naturalization, were all repealed in 1867. Accordingly of that part of the statutes, 1 Geo. I stat. 2, which refer to the year 1714, chapters 1-4, 7-9, so far as not already repealed, 12, 14, 15 so far as not already repealed, 16-24 and 26-29 ought to be repealed in South Australia today.

*Statutes 1 Geo. I stat. 2(1715) cc. 30-57:*

Chapter 30 dealing with habeas corpus suspension and chapter 31 dealing with land tax were repealed in 1867. Chapter 32 is a personal Act. Chapter 33 dealing with trial of rebels in the 1715 uprising, chapter 34 dealing with mutiny, chapter 35 dealing with debts due to the Army, and chapter 36 dealing with taxation, were all repealed in 1867. Chapter 37 dealing with Duchy of Cornwall was repealed in 1948. Chapter 38 dealing with Septennial parliaments was amended in 1911 but is still in force in England. It has no force in South Australia because of Section 28 of our Constitution Act, 1935. Chapter 39 dealing with indemnity, chapter 40 dealing with importation, and chapter 41 dealing with wool, were all repealed in 1867. Chapter 42 is a personal Act. Chapter 43 dealing with taxation was repealed in 1867. Chapter 44 dealing with Glasgow beer duties was repealed in 1948. Chapter 45 dealing with assizes for Cornwall was repealed in 1867. Chapter 46 dealing with tobacco was

repealed in 1840. Chapter 47 dealing with persuading soldiers to desert was repealed in 1867. Chapter 48 dealing with preservation of timber was repealed in 1887. Chapter 49 dealing with Bridlington Pier was repealed in 1837. Chapter 50 dealing with Crown lands was repealed in 1926. Chapter 51 dealing with the Sovereign's power to go abroad was repealed in 1867 and is dealt with in the Sixty-Fifth Report of this Committee. Chapter 52 dealing with highways was repealed by 7 Geo. III c.42 s.57. Chapter 53 is a personal Act. Chapter 54 dealing with the Highlands of Scotland was repealed by statutes from 1867 to 1975. Chapter 55 dealing with recusants was repealed by 31 Geo. III c.32 s.21. Chapter 56, the Crown Pensioners Disqualification Act, is an Act relating to the law and custom of Parliament. It was explained by 22 Geo. III c.82 s.30 and was amended in 1869 by 32 & 33 Vict. c.15 and 32 & 33 Vict. c.43 s.17 (see *Anson: Law and Custom of the Constitution (1892) Vol. I page 80*) and was repealed in England in 1957. It is probably still in force in South Australia and it will be dealt with by us in our report on constitutional statutes. Chapter 57 dealing with Hackney coaches was repealed in 1867. Accordingly of the statutes of 1715 being part of 1 Geo. I stat. 2, chapters 30-50, 53, 54 and 57 need to be repealed in South Australia today.

*Statutes 3 Geo. I (1716) cc. 1-21:*

Chapters 1 dealing with commerce with Sweden, 2 with mutiny, 3 with land tax and 4 dealing with taxation, were all repealed in 1867. Chapter 5 dealing with Edinburgh beer duties and chapter 6 dealing with Dumfries beer duties were repealed in 1948. Chapter 7 and 9 dealing with the national debt were both repealed in 1870. Chapter 8 dealing with the Bank of England was partly repealed by statutes from 1870 to 1948 and is still partly in force. Chapter 10 dealing with Queen Anne's Bounty was repealed by Church Assembly measure 1926 No. 5. Chapter 11 dealing with game was repealed by 48 Geo. III c.93 s.1. Chapter 12 dealing with bankruptcy, chapter 13 dealing with pilotage, and chapter 14 dealing with the equivalent payment to Scotland were all repealed in 1867. Chapter 15 dealing with estreats was partly repealed by 3 & 4 Will. IV c.99 s.1 and partly by statutes from 1867 to 1948. It is dealt with in the Sixty-First report of this Committee and in *Lynn: Execution on Crown Judgments pages 128-9*. It was held to be in force in Victoria in *McRoberts v. Johnson (1890) 16 V.L.R. 725*. Chapter 16 dealing with sheriffs was repealed by 3 & 4 Will. IV c.99 s.1. Chapter 17 dealing with debts due to the Army was repealed in 1867. Chapter 18 dealing with recusants was repealed by 31 Geo. III c.32 s.21. Chapter 19 dealing with a general pardon was repealed in 1867. Chapter 20 dealing with forfeited estates, following the unsuccessful rebellion in the name of the Old Pretender the previous year, was repealed in 1948. Chapter 21 dealing with export was repealed in 1867. Accordingly of the statutes of that year, chapters 1-10, 12-14, 17 and 19-21 need to be repealed in this State today.

*Statutes 4 Geo. I (1717) cc. 1-14:*

Chapter 1 dealing with land tax, chapter 2 dealing with the South Sea Company, chapter 3 dealing with taxation and chapter 4 dealing with mutiny were all repealed in 1867. Chapter 5 is a local Act. Chapter 6 dealing with hawkers was repealed in 1867. Chapter 7 dealing with silk manufacture was repealed in 1856. Chapter 8 dealing with Crown lands was partly repealed by 39 & 40 Geo. III c. 78 s.1 and partly in 1948. Chapter 9 dealing with debts due to the Army was repealed in 1867. chapter 10 dealing with the national debt was repealed in 1870. Chapter 11 dealing with piracy was partly repealed by 7 & 8 Geo. IV c.27 s.1 and partly by statutes from 1837 to 1967, and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 12 dealing with stranding and wreck

was repealed by the Merchant Shipping Act 1854 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 13 dealing with Dover Harbour was repealed by 9 Geo. IV c. xxxi, and Chapter 14 is a local Act. Therefore of the statutes of 1717, chapters 1-7, 8 so far as not already repealed, 9 and 10, and 14 need to be repealed in South Australia now.

*Statutes 5 Geo. I (1718) cc. 1-32:*

Chapters 1 dealing with land tax, and 2 dealing with taxation, were repealed in 1867. Chapters 3 and 9 both dealing with the national debt were repealed in 1870. Chapter 4 dealing with dissenters was repealed in 1871. Chapters 5 dealing with mutiny, 6 dealing with corporations, and 7 with tobacco trade were all repealed in 1867. Chapter 8 dealing with the poor law was repealed in 1948. Chapter 10 dealing with Bridlington Pier was repealed in 1837. Chapter 11 dealing with the adulteration of coffee was repealed in 1958. Chapter 12 dealing with highways was repealed by 7 Geo. III c.42 s.57. Chapter 13 dealing with writs of error was repealed in 1883 and is dealt with in the Fifty-Fifth Report of this Committee. Chapter 14 dealing with debts due to the Army was repealed in 1867. Chapter 15 dealing with deer stealing was repealed by 16 Geo. III c.30 s.27. Chapter 16 dealing with Dunbar beer duties, and chapter 17 dealing with Inverness beer duties were both repealed in 1948. Chapter 18 dealing with salt duties was repealed in 1867. Chapter 19 dealing with the national debt was repealed in 1870. Chapter 20 dealing with the revenue of Scotland was partly repealed by statutes from 1854 to 1948 and is still partly in force in England. Chapter 21 dealing with trade with the East Indies was repealed by 33 Geo. III c.52 s.146. Chapter 22 dealing with Crown lands forfeited estates was repealed in 1948. Chapter 23 dealing with forfeited estates generally, chapter 24 with bankrupts and chapter 25 with Acts continuance were repealed in 1867. Chapter 26 dealing with the keeping of gunpowder was repealed by 11 Geo. III c.35 s.13. Chapter 27 dealing with artificers was repealed by 5 Geo. IV c.97. Chapter 28 dealing with deer stealing was repealed by 7 & 8 Geo. IV c.27 s.1. Chapter 29 dealing with Church patronage in Scotland was partly repealed by Acts of 1871 and 1888 and is still partly in force. Chapter 30 dealing with highways was partly repealed by 1 & 2 Will. IV c.43 s.1 and the remainder in 1948. Chapter 31 is a local Act was repealed by 51 Geo. III c. xliii. Chapter 32 dealing with relief in the West Indies was repealed in 1867. Of the statutes of that year therefore, chapters 1-11, 14, 16-20, 22-25, 29, 30 so far as not already repealed, and 32 ought to be repealed in South Australia now.

*Statutes 6 George I (1719) cc. 1-30:*

Chapters 1 dealing with land tax, 2 with taxation and 3 with mutiny were all repealed in 1867. Chapters 4 and 10 both dealing with the national debt were repealed in 1870. Chapter 5 dealing with the dependency of Ireland on Great Britain was repealed by 22 Geo. III c.53. Chapter 6 dealing with the loading of vehicles was partly repealed by 11 Geo. III c.51 s.4 and 5 & 6 Will. IV c.50 s.1 and the balance in 1948. Chapters 7 dealing with Montrose beer duties, 8 with Bruntisland beer duties and 9 dealing with Pittenween beer duties were all repealed in 1948. Chapter 11 dealing with plate duty was partly repealed in 1870 and in 1973 and is partly still in force in England. Chapters 12 dealing with customs and 13 with the manufacture of serge was each repealed in 1867. Chapters 14 and 15 dealing with imports were repealed by 3 Geo. IV c.42 sections 10 and 11 respectively. Chapter 16 dealing with timber in Scotland was repealed in 1887. Chapter 17 dealing with debts due to the Army was repealed in 1867. Chapter 18 dealing with the Royal Exchange and

London Assurance Corporation was repealed by statutes of 1891 and 1901. Chapter 19 dealing with acts perpetuation was repealed in 1867. Chapter 20 dealing with highways in Hertfordshire was repealed by 6 Geo. II c.24. Chapter 21 dealing with excise was repealed in 1870. Chapter 22 dealing with insolvent debtors relief was repealed in 1867. Chapter 23 dealing with robbery was repealed by 7 Geo. IV c.64 s.32. Chapter 24 dealing with Crown lands forfeited estates was repealed in 1948. Chapter 25 dealing with highways was repealed by 2 & 3 Will. IV c. lxxvi. Chapters 26-30 are local Acts. Accordingly of the statutes of that year, chapters 1-4, 6 so far as not already repealed, 7-13, 16-19, 21 and 22, 24 and 26-30 require to be repealed in South Australia today.

*Statutes 7 Geo. I (1720) stat. 1 cc. 1-32:*

Chapters 1 and 2 dealing with the South Sea Company were repealed in 1867. Chapter 3 dealing with quarantine was repealed by 8 Geo. I c.8 s.6. Chapters 4 dealing with land tax, 6 dealing with mutiny and 7 dealing with wool manufacture, were all repealed in 1867. Chapter 5 dealing with the national debt was repealed in 1870. Chapters 8 and 10 are local Acts. Chapter 9 dealing with Rye Harbour was repealed by 37 Geo. III c.130. Chapter 11 dealing with St. George's Chapel Yarmouth was repealed in 1848. Chapter 12 dealing with silk manufacture was repealed in 1856. Chapter 13 dealing with tailors was partly repealed by 6 Geo. IV c.129 s.2 and partly in 1875. Chapters 14, 15 and 17 are local Acts. Chapter 14 was repealed in 1857. Chapter 16 dealing with Bridlington Pier was partly repealed by 7 & 8 Geo. IV c. lxxviii and partly in 1837. Chapter 18 dealing with highways was repealed by 55 Geo. III c.1. Chapter 19 also dealing with highways was repealed by 30 Geo. II c.65 and 33 Geo. III c.144. Chapters 20 dealing with taxation and 21 dealing with trade to the East Indies were repealed in 1867. Chapter 22 dealing with Crown lands forfeited estates was repealed in 1948. Chapter 23 dealing with highways was repealed by 29 Geo. III c.104. Chapter 24 also dealing with highways was repealed by 46 Geo. III c. cii, 50 Geo. III c. xcix and 52 Geo. III c. xxx. Chapter 25 dealing with Jedburgh beer duties was repealed in 1948. Chapter 26 dealing with highways was repealed by 7 Geo. IV c. cxi. Chapter 27 dealing with pension duties was repealed by statutes from 1870 to 1948. Chapters 28 dealing with the South Sea Company, 29 dealing with general pardon, and 30 with the Army were all repealed in 1867. Chapter 31 dealing with bankrupts was repealed by 6 Geo. IV c.16 s.1. Chapter 32 dealing with highways was repealed by 29 Geo. III c.96. Accordingly of the statutes of 7 Geo. I statute 1, chapters 1-2, 4-8, 10-12, 13 so far as not already repealed, 14-15, 16 so far as not already repealed, 17, 20-22, 25, and 28-30 all need to be repealed in this State today.

*Statutes 7 Geo. I. (1721) stat. 2:*

There is only one chapter of that statute dealing with the national debt. It was repealed in England in 1870 and it can be repealed here.

*Statutes 8 Geo. I (1721) cc. 1-31:*

Chapters 1 dealing with land tax, 3 dealing with mutiny and 4 dealing with salt duty, were all repealed in 1867. Chapter 2 dealing with lotteries was repealed in 1934 and is dealt with in the Sixty-Eighth Report of this Committee. Chapter 5 dealing with highways was repealed by 16 Geo. III c.76 and 1 & 2 Geo. IV c. cx. Chapter 6 dealing with Quakers was repealed in 1871 and is dealt with in the Sixty-First Report of this Committee. Chapter 7 dealing with Elgin beer duties was repealed in 1948. Chapters 8 and 10 both dealing with quarantine because of the plague then raging, were repealed in 1867. Chapter 9 dealing with highways was repealed by 19 Geo. III c.120 and 7 Geo. IV c. cxlii. Chapter 11

dealing with Bridport Harbour was repealed by 4 Geo. IV c. xix. Chapter 12 dealing with imports was repealed in 1867. Chapter 13 dealing with highways was repealed by 18 Geo. III c.112. Chapter 14 dealing with tolls in Cumberland was repealed in 1948. Chapter 15 dealing with silk was repealed in 1867 and 1948. Chapter 16 dealing with salt duties was repealed in 1867. Chapter 17 dealing with ship-wrecked mariners was repealed by 6 Geo. IV c.87 s.16. Chapter 18 dealing with customs was repealed in 1867. Chapter 19 dealing with game was repealed by 1 & 2 Will. IV c.32 s.1. Chapters 20 and 22 both dealing with the national debt were repealed in 1870. Chapters 21 and 23 both dealing with the South Sea Company were repealed in 1887 and 1867 respectively. Chapter 24 dealing with piracy is partly repealed and partly still in force. Section 5 was repealed by 4 & 5 Will. IV c. 34 s.1 and sections 8 and 9 by 22 Geo. II c.33 ss. 1, 2 and 18. It is dealt with in the Fifty-Ninth Report of this Committee. Chapter 25 dealing with Wales and the Counties Palatine was repealed in 1879. Chapters 26-31 are all local statutes. Chapter 26 was repealed in 1852, chapter 27 in 1948 and chapter 30, a highways act, by 12 Geo. III c.102. Therefore of the statutes of 8 George I there remain to be repealed in South Australia today, chapters 1, 3-4, 7 and 8, 10, 12, 14-16, 18, 20-23, 25, 26-29 and 31.

*Statutes 9 Geo. I (1722) cc. 1-32:*

Chapter 1 dealing with habeas corpus suspension, chapters 2 and 3 dealing with taxation, chapter 4 dealing with mutiny, were all repealed in 1867. Chapters 5, 6 and 12 dealing with the national debt were all repealed in 1870. Chapter 7 dealing with poor relief was repealed by statutes of 1927 and 1948 and is dealt with in the Fifty-Eighth Report of this Committee. chapter 8 dealing with Acts continuance was repealed in 1867. Chapter 9 dealing with Norwich magistracy was repealed in 1948. Chapter 10 dealing with Great Yarmouth Pier was repealed by 23 Geo. II c.6 and 12 Geo. III c.14. Chapter 11 dealing with highways was repealed by 26 Geo. III c.130. chapter 13 dealing with toll roads in Buckinghamshire was repealed by 37 Geo. III c.177. Chapter 14 dealing with Edinburgh beer duties was repealed in 1948. Chapters 15-17 are three Acts of attainder. Chapter 18 dealing with taxation was repealed in 1867. Chapter 19 dealing with lotteries was repealed by statutes from 1867 to 1948 and is dealt with in the Sixty-Eighth Report of this Committee. Chapter 20 dealing with Linlithgow beer duties was repealed in 1948. Chapter 21 dealing with the customs was repealed in 1867. Chapter 22, the first of the Waltham Black Acts, was repealed by 7 & 8 Geo. IV c.27 s.1. Chapter 23 dealing with the South Sea Company, and chapter 24 dealing with the oaths to be taken for the security of the Crown were repealed in 1867. Chapter 25 is a local Act. Chapter 26 dealing with trade with the East Indies was repealed by 33 Geo. III c.52 s.146. Chapter 27 dealing with frauds by shoemakers was repealed in 1889. Chapter 28 dealing with a pretended existence of a right of sanctuary near the mint in Southwark was repealed in 1867. Chapter 29 dealing with copyhold tenure by infants and femes covert was repealed by 11 Geo. IV and 1 Will. IV c.65 s.1. Chapter 30 dealing with Dover Harbour was repealed by 9 Geo. IV c. xxxi. Chapter 31 dealing with Gloucester Highways was repealed by 46 Geo. III c.1. Chapter 32 is a local Act. Accordingly of the statutes of that year, chapters 1-6, 8 and 9, 12, 14-18, 20 and 21, 23-25, 27-28 and 32 need to be repealed in South Australia today.

*Statutes 10 Geo. I (1723) cc. 1-20:*

Chapter 1 dealing with land tax, chapter 2 dealing with taxation, chapter 3 dealing with mutiny, chapter 4 dealing with prescribed oaths for the security of the Crown, were repealed in 1867. Chapter 5 dealing with the national debt was repealed in 1870. Chapter 6 dealing with



Middlesex Highways was repealed by 7 Geo. III c.88 and 7 Geo. IV c. cx.ii. Chapter 7 dealing with Rye Harbour was repealed by 37 Geo. III c.130. Chapter 8 is a local Act. Chapter 9 dealing with Essex Roads was repealed by 3 Geo. IV c. xliv. Chapter 10 dealing with the excise was repealed by Acts of 1867 and 1869. Chapter 11, an Act of Indemnity, was repealed in 1867. Chapter 12 dealing with Cambridge roads was repealed by 30 Geo. III c.94. Chapter 13 is a local Act. Chapter 14 dealing with the South Sea Company was repealed in 1867. Chapter 15 dealing with Warwick roads was repealed by 5 Geo. IV c. xliii. Chapter 16 dealing with the Greenland Fisheries, chapter 17 with Acts continuance and chapter 18 with serge were all repealed in 1867. Chapter 19 dealing with the Court of Session in Scotland is partly repealed by Acts from 1867 to 1948 and is partly still in force. Chapter 20 dealing with the examination of drugs was repealed in 1867. Therefore of the statutes of 1723, chapters 1-5, 8, 10 and 11, 13 and 14, and 16-20 need to be repealed here now.

*Statutes 11 Geo. I (1724) cc. 1-30:*

Chapter 1 dealing with the land tax was repealed in 1867. Chapter 2 indemnifying the Masters in Chancery arising out of speculation investigation into the doings of Lord Macclesfield L.C. was repealed in 1867. Chapter 3 is a local Act. Chapter 4 dealing with municipal elections was repealed in 1887. Chapter 5 dealing with Kent roads was repealed by 3 Geo. IV c. lxx. Chapter 6 dealing with mutiny, chapter 7 dealing with customs and chapter 8 dealing with taxation, were all repealed in 1867. Chapter 9 dealing with national debt reduction was repealed in 1966. Chapter 10 dealing with Stamford Bridge was repealed in 1950. Chapter 11 dealing with Hertfordshire roads was repealed by 3 & 4 Will. IV c. xlii. Chapter 12 a personal Act dealing with the trusts of Thomas Guy and the founding of Guy's Hospital, is still in force. Chapter 13 dealing with Derbyshire roads was repealed by 33 Geo. III c.171. Chapter 14 dealing with Cambridge roads was repealed by 30 Geo. III c.94. Chapter 15 dealing with Kent roads was repealed by 54 Geo. III c. clxxiv. Chapters 16 and 18 are local Acts. Chapter 17 dealing with the national debt was repealed in 1870. Chapter 19 dealing with the River Nene was repealed in 1852. Chapter 20 dealing with Bedford roads was repealed by 56 Geo. III c. lii. Chapter 21 dealing with insolvent debtors and chapter 22 dealing with violent crime in Middlesex were both repealed in 1867. Chapter 23 dealing with gunpowder was repealed by 11 Geo. III c.35 s.13. Chapter 24 dealing with cloth was repealed by 5 Geo. III c.51 s.1. Chapter 25 dealing with Northamptonshire roads was repealed by 15 Geo. III c.73. Chapter 26 dealing with disarming the Highlands and with bail in criminal cases in Scotland was repealed in 1892. Chapter 27 dealing with Wiltshire roads was repealed by 37 Geo. III c.154. Chapter 28 dealing with fires in London and Westminster was repealed in England in 1867. We have looked carefully at this Act because what appear to be on the face of them local Acts of the reigns of Anne and George III relating to fires in London have been held to be in force in South Australia, but this one does not seem to state any general principle of law and we think it can be safely repealed. Chapter 29 dealing with Acts continuance was repealed in 1867. Sections 6 and 7 are probably in force in South Australia. Section 6 provides that if any owner, captain, master, officer or mariner belonging to any ship or vessel shall wilfully cast away, burn or otherwise destroy the ship or vessel with intent or design to prejudice any person or person who underwrites a policy or policy of insurance or any merchant or merchants loading goods thereon or any owner or owner of the ship or vessel he is guilty of a criminal offence. That section is probably not fully in force in South Australia. A small part of the offence is covered

by sections 118 and 119 of the Criminal Law Consolidation Act, but before section 6 is repealed it might be wise to refer the matter to the Crown in case they think that a section in terms of section 6 ought to appear in our Criminal Law Consolidation Act. Section 7 on the other hand is a jurisdiction section which gives power to courts, to enquire into any such offences committed on the high seas, and that jurisdiction section should be preserved on any repeal. Section 30 dealing with adulteration of tea and coffee was repealed in 1958. Therefore of the statutes of that year, chapters 1-4, 6-10, 12, 16-19, 21-22, 26, 28, 29 but after consideration of the matters adverted to by us, and 30 need to be repealed in South Australia today.

*Statutes 12 Geo. I (1725) cc. 1-39:*

Chapter 1 dealing with the land tax, and chapter 3 dealing with mutiny, were both repealed in 1867. Chapter 2 dealing with pension duties was repealed by statutes of 1870 and 1948. Chapter 4 dealing with malt duties was repealed in 1875. Chapter 5 dealing with Leicester roads was repealed by 11 Geo. IV & 1 Will. IV c. 111. Chapter 6 dealing with Birmingham roads was repealed by 1 & 2 Geo. IV c. lxxxi and 11 Geo. IV & 1 Will. IV c. xciv. Chapter 7 dealing with Wiltshire roads was partly repealed by 53 Geo. III c. cxxviii and the remainder in 1881. Chapter 8 dealing with Newbury roads was repealed by 10 Geo. III c. 100. Chapter 9 dealing with Shropshire roads was repealed by 4 Geo. III c. lxxv. Chapter 10 dealing with Hertfordshire roads was repealed by 1 Will. IV c. xxxvi and 2 & 3 Will. IV c. lxxvi. Chapter 11 is a local Act. Chapter 12 dealing with taxation was repealed in 1867. Chapter 13 dealing with Gloucester roads was repealed by 5 Geo. IV c. xi, 3 & 4 Will. IV c. lv and 3 & 4 Will. IV c. lxxv. Chapter 14 dealing with Worcester roads was repealed by 56 Geo. III c. xlvi. Chapter 15 is a local Act. Chapter 16 dealing with Foston Bridge was repealed by 39 Geo. III c. xxvi and 48 Geo. III c. lxxiii. Chapter 17 dealing with Tyburn Road was repealed by 7 Geo. IV c. lxxvi. Chapter 18 is a local Act. Chapter 19 dealing with the Petersfield road was repealed by 12 Geo. III c. 108. Chapter 20 dealing with Droitwich road was repealed by 33 Geo. III c. 175. Chapter 21 dealing with Liverpool roads was repealed by 11 Geo. III c. 91. Chapter 22 dealing with Norwich roads was partly repealed by 56 Geo. III c. lxxviii and the remainder in 1869. Chapters 23-25 are local Acts. Chapter 26 dealing with taxation was repealed in 1867. Chapter 27 dealing with the Glasgow beer duties was repealed in 1948. Chapter 28 dealing with customs was repealed in 1867. Chapter 29 dealing with frivolous arrests was repealed by statutes from 1867 to 1948 and is dealt with in our Fifty-Fifth Report. Chapter 30 dealing with the criminal law was partly repealed by 7 & 8 Geo. IV c. 27 s. 1 and partly in 1867 and is dealt with in our Fifty-Ninth Report. Chapter 31 dealing with nisi prius trials in Middlesex was repealed in 1871. Chapters 32 and 33 dealing with the Court of Chancery were repealed in 1872 and are dealt with in our Sixty-First Report. Chapter 34 dealing with combinations in the wool industry was repealed in 1889 and is dealt with in our Fifty-Eighth Report. Chapter 35 dealing with brickmaking was repealed in 1867. Chapter 36 is a local Act which was repealed in 1863. Chapters 37-39 are all local Acts. Therefore of the statutes of that year, chapters 1-4, 7 so far as not already repealed, 11 and 12, 15, 18, 22 so far as not already repealed, 23-28, 31 and 35-39 remain to be repealed in South Australia today.

*Statutes 13 Geo. I (1726) cc. 1-35:*

Chapter 1 dealing with land tax and chapter 2 dealing with mutiny were repealed in 1867. Chapter 3 dealing with the national debt was repealed in 1870. Chapter 4 is a local Act which was repealed in 1982.

Chapter 5 dealing with imports was repealed in 1867. Chapter 6 dealing with Sunderland Pier was repealed by 49 Geo. III c. xli. Chapter 7 dealing with taxation and chapter 8 dealing with the South Sea Company were repealed in 1867. Chapter 9 dealing with the Wigan Road was repealed by 19 Geo. III c.92. Chapter 10 dealing with Warrington roads was repealed by 3 & 4 Will. IV c. lxxiv. Chapter 11 dealing with Cirencester roads was repealed by 6 Geo. IV c. cxliii. Chapter 12 dealing with Bristol roads was repealed by 19 Geo. III c. 117. chapter 13 dealing with Chippenham roads was repealed by 58 Geo. III c. xliii. Chapter 14 dealing with Birmingham roads was repealed by 2 & 3 Will. IV c. vi and 2 & 3 Will. IV c. lxxxiv. Chapter 15 dealing with Bromsgrove roads was partly repealed by 56 Geo. III c. lxxviii and 59 Geo. III c. lxxix and 1 Will. IV c. xi and the balance in 1854. Chapter 16 dealing with Warminster roads was repealed by 55 Geo. III c. lxxxvii. Chapter 17 dealing with Luton roads was repealed by statutes of 1838 and 1867. Chapters 18-20 are local Acts. Chapter 21 dealing with the national debt was repealed in 1870. Chapter 22 dealing with the South Sea Company was repealed in 1867. Chapter 23 dealing with wool was repealed by 3 & 4 Will. IV c.28. Chapter 24 dealing with the dyeing trade was repealed by 23 Geo. III c.15 s.1. Chapter 25 dealing with imports was repealed by 3 Geo. IV c.12 s.12. Chapter 26 dealing with linen was repealed in 1906. Chapter 27 dealing with Acts continuance was repealed in 1867. Chapter 28 dealing with Crown lands—forfeited estates was repealed in 1948. Chapter 29 dealing with oaths of allegiance was repealed in 1867. Chapter 30 dealing with fisheries in Scotland was repealed in 1906. Chapter 31 dealing with Cranford roads was repealed by 7 Geo. IV c. cxxii. Chapter 32 dealing with Hertfordshire roads was repealed by 38 Geo. III c. xlvi, 55 Geo. III c. xxxv and 3 Geo. IV c. lxxviii. Chapters 33-35 are local Acts. Therefore of the statutes of that year, chapters 1-5, 7-8, 15 so far as not already repealed, 17-22, 26-30 and 33-35 remain to be repealed today.

*Statutes 1 Geo. II Stat. 1 (1727):*

Chapter 1 dealing with the civil list and chapter 2 dealing with the South Sea Company were both repealed in 1867. Chapter 3 dealing with provision for Queen Caroline and chapter 4 dealing with imprisonment for treason were both repealed in 1867. Chapter 5 dealing with the demise of the Crown was partly repealed between 1867 and 1948 and is partly still in force and will be dealt with in our separate report on the demise of the Crown. Accordingly of that statute, chapters 1-4 ought now to be repealed in South Australia today.

*Statutes 1 Geo. II Stat. 2 (1727) cc. 1-23:*

Chapters 1 dealing with taxation and 2 dealing with mutiny were both repealed in 1867. Chapter 3 dealing with Maidenhead road was amended by 9 Geo. II c.21 and repealed by 46 Geo. III c. cxlyv and 7 Geo. IV c. lxx. Chapter 4 dealing with Huntingdonshire roads was repealed by 1 Geo. IV c. lxxix. Chapter 5 dealing with land tax was repealed in 1867. Chapter 6 dealing with Egham road was repealed by 49 Geo. III c. clviii and 56 Geo. III c. cviii. Chapter 7 dealing with Reading roads was repealed by 11 Geo. III c.70. Chapter 8 dealing with the Bank of England was repealed in 1966. Chapter 9 dealing with taxation was repealed in 1867. Chapter 10 dealing with Bedford roads was repealed by 1 & 2 Geo. IV c. lxxxv. Chapter 11 dealing with Evesham roads was repealed by 3 Geo. IV c. lxxix. Chapter 12 dealing with Rochester roads was repealed by 13 Geo. III c.114, 1 & 2 Geo. IV c. cxi and the remainder in 1867. Chapter 13 dealing with quarantine was repealed in 1867. Chapter 14 dealing with the navy was repealed by 31 Geo. II c.100 s.32. Chapter 15 dealing with Millbank new church was repealed in 1901. Chapter 16

dealing with excise and chapter 17 dealing with customs were repealed in 1867. Chapter 18 dealing with Fulham Bridge was repealed in 1863. Chapter 19 dealing with the destruction of turnpikes was repealed in 1867. Chapter 20 dealing with poor relief in Canterbury was repealed in 1880. Chapter 21 dealing with Crown lands—forfeited estates was repealed in 1948. Chapter 22 dealing with Edinburgh beer duties was repealed by statutes of 1948 and 1981. Chapter 23 dealing with indemnity on a demise of the Crown was repealed in England in 1867 but as it is one of the statutes dealing with the demise of the Crown, it will be dealt with by us in a report on that topic. Therefore of the chapters of that statute, chapters 1 and 2, 5, 8 and 9, 12 so far as not already repealed, 13 and 15-22 need to be repealed in South Australia today.

*Statutes 2 Geo. II (1728) cc. 1-36:*

Chapters 1 dealing with taxation and 2 dealing with mutiny were repealed in 1867. Chapter 3 dealing with the Bank of England was repealed in 1966. Chapter 4 dealing with land tax was repealed in 1867. Chapter 5 dealing with Lichfield roads was repealed by 29 Geo. III c.83. Chapter 6 dealing with theft in the Exchequer was repealed in 1867. Chapter 7 dealing with Greenwich Hospital was repealed by 4 & 5 Will. IV c.34 s.1. Chapter 8 dealing with the South Sea Company and chapter 9 dealing with imports were repealed in 1867. Chapter 10 dealing with a parish in Stepney was repealed in 1901. Chapter 11 dealing with Westminster streets was repealed in 1948. Chapter 12 dealing with Wiltshire highways was repealed by 30 Geo. III c.98. Chapter 13 dealing with Leominster roads was repealed by 39 & 40 Geo. III c. 1xv. Chapter 14 dealing with Shoreditch roads was repealed by 29 Geo. III c. 96. Chapter 15 dealing with brickmaking was repealed in 1867. Chapter 16 is a local Act. Chapter 17 dealing with taxation was repealed by 6 Geo. II c.17 s.1. Chapter 18 dealing with customs was repealed in 1867. Chapter 19 is a local Act. Chapter 20 dealing with insolvent debtors was repealed in 1867 and is dealt with in our Sixty-First Report. Chapter 21 dealing with murder was repealed by 9 Geo. IV c.31 s.1. Chapter 22 dealing with insolvent debtors and set-off was repealed in 1883, and is dealt with in our Fifty-Fifth and Seventy-Fifth Reports. Chapter 23 dealing with solicitors was repealed in 1843 but sections 1 and 3 which provide for the oath of a solicitor or attorney, and section 23 providing for the one-sixth rule on taxation of costs and the Court's discretion as to the costs where less than a sixth is taxed off, are part of our law today and should be preserved on any repeal of the statute. One member of our Committee doubts whether the oath contained in sections 1-3 above has much efficacy today but there is no doubt that it is still part of the practice of the Court to administer the oath in those terms. Chapter 23 was continued by 12 Geo. II c.39 and made perpetual by 30 Geo. II c.19. Chapter 24 dealing with corrupt practices was partly repealed by 28 Geo. III c.52 and partly by statutes of 1854 and 1872. Sections 35 and 36 of that Act appear to have been repealed by the Electoral Act Part XV. However it may be that some of this corrupt practices law became part of the law the custom of Parliament which was inherited by us in 1857 and before it is repealed it would be wise for you to have it checked as it may touch on the law and custom of Parliament. It is dealt with in *Anson: The Law and Custom of the Constitution (1892) Volume 1 at pages 103-104*. Chapter 25 dealing with perjury was repealed in 1911 and is dealt with in our Fifty-Ninth Report. Chapter 26 dealing with Thames watermen was repealed by 7 & 8 Geo. IV c. 1xxv s.1. Chapter 28 providing for Queen Caroline to be regent during the King's absence was repealed in 1867. Chapter 28 dealing with Acts continuance was repealed in 1960. Section 8 deals with *in forma pauperis* actions on customs informations

and this still could be of importance in South Australia today and the Act should be repealed with that saving. Chapter 29 dealing with the Collegiate Church at Manchester was repealed in 1867. Chapter 30 dealing with Wapping was repealed in 1901 and chapters 31 dealing with indemnity and 32 dealing with the Fleet Prison were repealed in 1867. Chapter 33 dealing with Crown lands—*forfeited estates* was repealed in 1948. Chapter 34 dealing with the surrender of Carolina to the Crown was repealed in 1867. Chapter 35, one of the White Pine Laws in America, was also repealed in 1867. Chapter 36 dealing with merchant seamen was repealed by 5 & 6 Will. IV c.19 s.1. Therefore of the statutes of that year, chapters 1-4, 6, 8-11, 15-16, 18-19, 23 and 24 but with the reservation referred to, and 29-35 ought to be repealed in South Australia today.

*Statutes 3 Geo. II (1729) cc. 1-37:*

Chapters 1 dealing with land tax, and 2 dealing with mutiny were repealed in 1867. Chapter 3 is a local Act. Chapter 4 dealing with Buxton road was repealed by 33 Geo. III c.171. Chapter 5 dealing with the prohibition on lending money to foreign states was repealed in 1867. Chapter 6 dealing with Shropshire roads was repealed by 48 Geo. III c.lxv. Chapter 7 dealing with taxation was repealed in 1867. Chapter 8 dealing with elections in Norwich was repealed in 1948. Chapter 9 dealing with Warwick roads was repealed by 58 Geo. III c. xxxiv. Chapter 10 dealing with Middlesex roads was repealed by 1 Will. IV c. lx. Chapter 11 dealing with Thames navigation was repealed by 24 Geo. II c.8 s.26. Chapter 12 dealing with imports of salt from New York was repealed in 1867. Chapter 13 is a local Act. Chapter 14 dealing with the East India Company was repealed in 1887. Chapter 15 dealing with Kent roads was repealed by 52 Geo. III c. lxxxi. Chapter 16 dealing with the national debt was repealed in 1870. Chapter 17 is a local Act and was repealed in 1901. Chapter 18 dealing with Hereford roads was repealed by 50 Geo. III c. lxxii. Chapter 19 is a local Act. Chapter 20 dealing with salt duties was repealed in 1867. Chapter 21 dealing with Oxfordshire roads was repealed by 44 Geo. III c. lxxix and 6 Geo IV c. xciv. Chapter 22 dealing with brickmaking was repealed in 1867. Chapter 23 is a local Act. Chapter 24 dealing with Cambridgeshire roads was repealed by 17 Geo. III c.100. Chapter 25 dealing with juries was repealed by 6 Geo. IV c.62. Chapter 26 dealing with the coal trade was repealed in 1867. Chapter 27 dealing with insolvent debtors and set-off was repealed in 1867 and is dealt with in our Fifty-Fifth and Seventy-Fifth Reports. Chapter 28 dealing with trade with Carolina and chapter 29 dealing with bread were both repealed in 1867. Chapter 30 dealing with Orders of the Master of the Rolls in Chancery was repealed in 1879 and is dealt with in our Fifty-fifth Report. Chapters 31, 33, 34 and 35 are local Acts. Chapter 33 was repealed in 1901. Chapter 32 dealing with execution of sentences in Scotland was repealed by Acts of 1867 and 1948. Chapter 36 dealing with the Skerries lighthouse was repealed in 1867. Chapter 37 dealing with Cambridge roads was repealed by 30 Geo. III c.94. Therefore of the statutes of 1729, chapters 1-3, 5, 7 and 8, 12-14, 16-17, 19-20, 22-23, 26, 28-29 and 31-36 should be repealed in South Australia today.

*Statutes 4 Geo. II (1730) cc. 1-34:*

Chapters 1 dealing with taxation and 2 dealing with mutiny were repealed in 1867. Chapter 3 dealing with Cheshire roads was repealed by 1 Geo. IV c. xxxviii. Chapters 4 dealing with land tax and 6 dealing with indemnity were repealed in 1867 and 5 dealing with the national debt in 1870. Chapter 7 dealing with juries was repealed by 6 Geo. IV c.50 s.62. Chapter 8 dealing with Surrey roads was repealed by 9 Geo. IV c. cx. Chapter 9 dealing with the national debt was repealed in 1870. Chapter

10 dealing with lunatics' estates in Chancery was repealed by 6 Geo. IV c.74 s.1. Chapter 11 dealing with Dundee beer duties was repealed in 1948. Chapter 12 dealing with coinage duty was repealed in 1867. Chapter 13 dealing with Aberdeen beer duties was repealed in 1948. Chapter 14 dealing with adulteration of tea was repealed in 1958. Chapter 15 dealing with imports from America to Ireland was repealed in 1867. Chapter 16 dealing with stealing from bleaching grounds was repealed by 18 Geo. II c.27 s.4. Chapter 17 dealing with Newhaven Harbour was repealed in 1847. Chapter 18 dealing with forgery of passes to the Mediterranean was repealed in 1867 but unfortunately is stated to be in force throughout the King's Dominions and will therefore have to be dealt with by us in our report of statutes affected by the Colonial Laws Validity Act. Chapter 19 dealing with Ilfracombe Harbour was repealed in 1870. Chapter 20 is a local Act. Chapter 21 dealing with British nationality was repealed by the Status of Aliens Act 1914 and is dealt with in our Sixty-First Report. Chapter 22 dealing with Bristol Roads was repealed by 19 Geo. III c.117. Chapter 23 is a local Act. Chapter 24 dealing with Thames Watermen was repealed by 7 & 8 Geo. IV c. lxxv s.1. Chapter 25 is a local Act. Chapter 26 requiring proceedings in the Courts to be in English was amended by 6 Geo. II chapters 6 and 14 and was repealed in 1879 and is dealt with in the Fifty-Fifth Report of this Committee. Chapter 27 dealing with sail cloth was repealed in 1867. Chapter 28, the Landlord and Tenant Act 1730, is certainly partly in force in South Australia today and is dealt with in our Fifty-Fourth Report. It was repealed by statutes in England from 1867 to 1948. Chapter 29 dealing with export and chapter 30 dealing with the coal trade were repealed in 1867. Chapter 31 dealing with Lancashire roads was repealed by 19 Geo. III c.92. Chapter 32 dealing with theft was repealed in 1963. It appears to be wider than the cognate section 147 of our Criminal Law Consolidation Act and should be referred to the Crown in case they think Section 147 should be strengthened by the inclusion of the provisions of the 1730 Act. Chapter 33 dealing with postage was repealed in 1837. Chapter 34 is a local Act. So of the statutes of 1730, chapters 1 and 2, 4 and 5, 9, 11-15, 17, 19 and 20, 23, 25, 27, 29-30, 32 but with the reservation referred to by us, and 33 and 34 ought to be repealed in South Australia today.

*Statutes 5 Geo. II (1731) cc. 1-33:*

Chapters 1 dealing with taxation and 2 dealing with mutiny were both repealed in 1867. Chapter 3 a private Act was repealed in 1948. Chapter 4 is a local Act. Chapter 5 dealing with land tax and chapter 6 dealing with salt duties were repealed in 1867. Chapter 7 dealing with the recovery of debts in the American colonies was repealed in 1887. Chapter 8 is a private Act. It was repealed in 1948. Chapter 9 dealing with imports from America to Ireland was repealed in 1867. Chapter 10 dealing with Manchester roads was repealed by 33 Geo. III c.139. Chapter 11 dealing with Scarborough Harbour was repealed in 1843. Chapter 12 dealing with corn was repealed by 31 Geo. II c.30 s.1. Chapters 13-16 are local Acts. Chapter 17 dealing with the national debt was repealed in 1870. Chapter 18 dealing with the qualifications for justices of the peace was repealed in 1906 and is dealt with in the Fifty-Eighth Report of this Committee. Chapter 19 dealing with certiorari was repealed by statutes of 1938 and 1949 and is dealt with in the Sixty-First Report of this Committee. Chapter 20 dealing with pilotage, chapter 21 dealing with woollen manufacture and chapter 22 dealing with hat manufactures in America were all repealed in 1867. Chapter 23 dealing with forfeited estates was repealed in 1948. Chapter 24 dealing with the growth of coffee in America was repealed in 1867. Chapter 25 dealing with the service of process in equity was repealed by 11 Geo. IV & 1 Will. IV c.36 s.1. Chapter 26 is a local

Act. Chapter 27 dealing with process for small debts was repealed in 1881 and is dealt with in the Fifty-Fifth Report of this Committee. Chapter 28 dealing with the Greenland fishery, chapter 29 dealing with trade to the East Indies, were both repealed in 1867. Chapter 30 dealing with bankruptcy was repealed by 6 Geo. IV c.16 s.1. Chapters 31 and 32 are personal Acts and were both repealed in 1948. Chapter 33 dealing with the destruction of turnpikes and locks on rivers was repealed in 1867. Of the statutes of that year, therefore, chapters 1-9, 11, 13-17, 20-24, 26, 28-29 and 31-33 ought to be repealed in South Australia today.

*Statutes 6 Geo. II (1732) cc. 1-38:*

Chapter 1 dealing with taxation was repealed in 1867. Chapter 2 dealing with The Charitable Corporation whose affairs were very much in disarray was repealed in 1948. Chapter 3 dealing with mutiny, chapter 4 dealing with indemnity, and chapter 5 dealing with recusants' estates, were all repealed in 1867. Chapter 6 dealing with proceedings in the Exchequer was repealed by 4 & 5 Will. IV c.15 s.36. Chapter 7 dealing with imports of precious stones was repealed by 3 Geo. IV c.42 s.13. Chapters 8 and 9 are local Acts. Chapter 10 dealing with land tax was repealed in 1867. Chapter 11 dealing with Horsleydown Parish was repealed with savings in 1901. Chapter 12 dealing with Littlehampton Harbour was repealed in 1927. Chapter 13 dealing with trade with the sugar colonies in America was repealed in 1867. Chapter 14 dealing with Court process was repealed in 1879, but Section 5 is of importance today. By the statute 4 Geo. II c.26 it was enacted that proceedings of all Courts of justice should be in English, but Section V of the 1732 Act provides an exception from that general Act. It enacts that where names of writs or other process or other technical legal words are commonly used in another language (and that of course means either Law French or Latin), it is still legal to use the former descriptions and that is still the position today. Accordingly that Act should be repealed but with a saving of the provisions of Section V. Chapter 15 dealing with Hertfordshire roads was repealed by 3 & 4 Will. IV c. xlii. Chapter 16 dealing with Berkshire roads was repealed by 3 & 4 Will. IV c. xci. Chapter 17 dealing with spirit duties was repealed in 1867. Chapter 18 dealing with Linlithgow beer duties was repealed in 1948. Chapter 19 is a local Act. Chapter 20 dealing with Suffolk roads was repealed by 33 Geo. III c.128. Chapter 21 dealing with Cripplegate Church was repealed in 1901. Chapter 22 is a local Act. Chapter 23 dealing with the adjournment of county courts on election days may in one sense be an Act relating to Parliament. However as it dealt only with English county courts it seems to be local and not general in its reference and can therefore be repealed here without any effect on the law and custom of Parliament in South Australia. It was repealed in England in 1867. Chapter 24 dealing with Hertfordshire roads was repealed partly by 1 & 2 Geo. IV c. xvii and partly in 1872. Chapters 25 dealing with taxation and 26 dealing with counterfeit coin were both repealed in 1867. Chapter 27 dealing with solicitors was repealed in 1843 and is dealt with in the Fifty-Fifth Report of this Committee. Chapter 28 dealing with the South Sea company was repealed in 1870. Chapter 29 dealing with the River Thames was repealed by 43 Geo. III c. xcvi. Chapter 30 is a local Act. Chapter 31 dealing with poor relief and illegitimate children was repealed in England in 1867 and is dealt with in the Fifty-Eighth Report of this Committee. Chapter 32 is a private Act. Chapter 33 dealing with the whale fishery in Greenland and chapter 34 dealing with quarantine were both repealed in 1867. Chapter 35 dealing with lotteries was repealed in 1934 and is dealt with in the Sixty-Eighth Report of this Committee. Chapter 36 dealing further with the tangled affairs of The Charitable Corporation was repealed in 1948. Chapter 37 dealing with Acts continuance was repealed by 7 & 8 Geo. IV c.27 s.1. Chapter 38 dealing with

export was repealed in 1867. Accordingly of the statutes of that year, chapters 1-5, 8-13, 14 but with the reservation therein referred to, chapters 17-19, 21-23, 24 so far as not already repealed, 25-26, 28, 30, 32-34, 36 and 38 should be repealed in South Australia today.

*Statutes 7 Geo. II (1733) cc. 1-29:*

Chapter 1 dealing with taxation, and chapter 2 dealing with mutiny, were both repealed in 1867. Chapters 3 and 4 dealing with the naturalization of the Prince of Orange who had married George II's daughter the Princess Royal were repealed in 1867 and 1948 respectively. Chapter 5 dealing with Montrose beer duties was repealed in 1948. Chapter 6 dealing with salt duties and chapter 7 dealing with land tax was repealed in 1867. Chapter 8 dealing with stock jobbing: Sir John Barnard's Act, was held to be in force in New South Wales in *Garrett v. Overy* 88 *W.N.N.S.W. (Pt.2)* 184. It is almost certainly in force in South Australia. It should be repealed as we assume that it would be inconsistent with the uniform provisions of the Companies Code. Chapter 9 dealing with hedges adjoining highways was repealed by 7 Geo. III c.42 s.57. Chapter 10 dealing with indemnity and chapter 11 dealing with The Charitable Corporation lottery, chapter 12 dealing with supply, chapter 13 dealing with provision for the Princess Royal, and chapter 14 dealing with taxation, were all repealed in 1867. Chapter 15 dealing with merchant shipping was repealed in 1854. Chapter 16 dealing with parliamentary elections in Scotland was repealed in 1957. Chapter 17 dealing with the South Sea Company was repealed in 1867. Chapter 18 dealing with imports was repealed by 3 Geo. IV c.42 s.5. Chapter 19 dealing with adulteration of hops was repealed by statutes of 1938 and 1959. Chapter 20 dealing with the redemption and foreclosure of mortgages was repealed in 1948 and is dealt with in the Fifty-Fourth and Fifty-Fifth Reports of this committee. Chapter 21 dealing with assault with intent to rob was repealed by 4 Geo. IV c.54 s.5. Chapter 22 dealing with forgery of bills and notes was repealed by 11 Geo. IV and 1 Will. IV c.66 s.31. Chapter 23 dealing with the militia was repealed in 1867. Chapter 24 dealing with copyright was repealed in 1948. Chapter 25 dealing with cloth manufacture was repealed by 5 Geo. III c.51 s.1. Chapter 26 dealing with Middlesex roads was repealed by 16 Geo. III c.76 and 1 & 2 Geo. IV c. cx. Chapter 27 and 28 are local Acts. Chapter 29 dealing with Hertfordshire roads was repealed by 38 Geo. III c. xlvi. Therefore of the statutes of that year, chapters 1-6, 8 but with the reservation therein referred to, 10-17, 19, 23-24 and 27-28 remain to be repealed in South Australia today.

*Statutes 8 Geo. II (1734) cc. 1-30:*

Chapters 1 dealing with taxation and 2 dealing with mutiny were both repealed in 1867. Chapter 3 dealing with Yorkshire roads was repealed by 8 Geo. III c.82. Chapter 4 dealing with indemnity was repealed in 1867. Chapter 5 dealing with Staffordshire roads was repealed by 19 Geo. III c.119. Chapter 6 dealing with the Yorkshire (North Riding) Land Registry was repealed in 1884. Chapter 7 dealing with the Rochdale road was repealed by 6 & 7 Will. IV c. viii. Chapter 8 dealing with Marylebone road was repealed by 7 Geo. IV c. xlii. Chapter 9 dealing with Hertfordshire roads was repealed by 31 Geo. III c.108. Chapter 10 dealing with Whitby Harbour was repealed by 7 & 8 Geo. IV c. lxxviii. Chapters 11 dealing with supply and 12 dealing with salt duty were both repealed in 1867. Chapter 13 dealing with copyright in engraving was repealed in 1911 and is dealt with in the Sixty-First Report of this Committee. Chapter 14 dealing with the Charitable Corporation lottery was repealed in 1867. Chapter 15 dealing with the night watch at Westminster was repealed in 1901. This appears to have been the first of a series of statutes providing



for paid night watchmen instead of the previous practice under which any able-bodied person could be forced, for one year at least, to exercise the office of watchman as with other offices at common law. Chapter 16 dealing with hue and cry was repealed by 7 & 8 Geo. IV c.27 s.1. Chapter 17 dealing with indemnity, chapter 18 dealing with Acts continuance and chapter 19 dealing with trade with Carolina were all repealed in 1867. Chapter 20 dealing with turnpike destruction was repealed by 7 & 8 Geo. IV c.27 s.1. Chapter 21 dealing with Acts continuance and chapter 23 dealing with land tax were both repealed in 1867. Chapter 22 is a private Act. Chapter 24 dealing with set-off was repealed in 1883 and is dealt with in the Fifty-Fifth and Seventy-Fifth Reports of this Committee. Chapter 25 dealing with recusancy was repealed in 1867. Chapters 26 and 27 are local Acts. Chapter 28 dealing with Highgate roads was repealed by 16 Geo. III c.76 and 1 & 2 Geo. IV c. cx. Chapter 29 dealing with forfeited estates and Greenwich Hospital was repealed in 1948. Chapter 30 dealing with the quartering of soldiers during parliamentary elections would certainly have been one of the laws relating to the law and custom of Parliament, but as it was repealed in 1847 it was repealed too early to form part of the law and custom of Parliament which was inherited by us in 1857. Of the statutes of 1734 therefore, chapters 1-2, 4, 6, 11-12, 14-15, 17-19, 21-23, 25-27, 29 and 30 now remain to be repealed in South Australia.

#### *Statutes 9 Geo. II (1735) cc. 1-39*

Chapters 1 dealing with taxation, 2 dealing with mutiny, 3 dealing with land tax and 4 dealing with wool manufacture, were all repealed in 1867. Chapter 5 dealing with witchcraft was repealed by statutes from 1867 to 1951 and is dealt with in the Sixty-First Report of this Committee. Chapter 6 dealing with the Yorkshire (North Riding) Registry was repealed in 1884. Chapter 7 dealing with Kent road was partly repealed by 13 Geo. III c.114 and 1 & 2 Geo. IV c. xl and the balance in 1867. Chapter 8 dealing with watches and watchmen being set up for the parish of St. Martins in the Fields was repealed in 1901. Chapter 9 dealing with Bedfordshire roads was partly repealed by 56 Geo. III c. lii. Chapter 10 dealing with Kent roads was repealed by 44 Geo. III c. 1. Chapter 11 dealing with Buckinghamshire roads was repealed by 4 Geo. IV c. cviii. Chapter 12 dealing with Maidstone Gaol was repealed in 1948. Chapter 13 setting up a watch for the parishes of St. Paul and Covent Garden was partly repealed by 10 Geo. IV c. lxxviii and the remainder in 1901. Chapter 14 dealing with Berkshire roads was repealed by 1 & 2 Geo. IV c. xxvi and 3 Geo. IV c. xxxvi. Chapter 15 dealing with Windsor Bridge was repealed by 59 Geo. III c. cxxvi. Chapter 16 dealing with the Reading and Basingstoke road was repealed by 41 Geo. III c. lix. Chapter 17 dealing with the watch for the parishes of St. Margaret and St. John at Westminster was partly repealed by 6 Geo. IV c. cxxxiv and the remainder in 1901. Chapter 18 dealing with Acts continuance was repealed in 1867. Chapter 19 setting up a watch for Westminster was repealed in 1901. Chapter 20 dealing with street lighting in London was repealed by 17 Geo. II c.29 s.38. Chapter 21 dealing with Buckinghamshire roads was repealed by 46 Geo. III c. cxlv and 7 Geo. IV c. lxx. Chapter 22 is a local Act. Chapter 23 dealing with spirit duties and chapter 24 dealing with the Princess of Wales were both repealed in 1867. Chapter 25 dealing with the relief of shipwrecked mariners was repealed by 6 Geo. IV c.87. Chapter 26 dealing with indemnity was repealed in 1871. Chapter 27 dealing with the Irvine beer duties was repealed in 1948. Chapter 28 dealing with the naturalization of the Princess of Wales was repealed in 1948. Chapter 29 dealing with Westminster Bridge was repealed in 1853.

Chapter 30 dealing with foreign enlistment was repealed by 59 Geo. III c.69 s.1. Chapter 31 dealing with Glasgow beer duties was repealed in 1948. Chapter 32 dealing with stamp duties was repealed in 1867. Chapter 33 dealing with lobsters was repealed by statutes from 1867 to 1948. Chapter 34 dealing with customs offences was repealed by 6 Geo. IV c.105. Chapter 36 dealing with charitable uses was repealed by statutes from 1888 to 1960 and is dealt with in the Sixty-First Report of this Committee. Chapter 37 dealing with sail cloth was repealed in 1867. Chapter 38 dealing with corrupt practices was repealed in 1953. It deals with bribery at elections and without doubt was part of the law and custom of Parliament inherited by us in 1857. There are sections dealing with bribery and corruption at elections—sections 146 and 151 in the Electoral Act 1929. This statute and the statute of 2 Geo. II which it extends however appear to be wider than our sections 146 and 151 and we recommend the matter for your consideration before the statute is repealed. Chapter 39 dealing with northern roads was repealed by 55 Geo. III c. 1. Accordingly of the statutes of that year, chapters 1-4, 6, 7 so far as unrepealed, 8 12, 13 so far as unrepealed, 17 so far as unrepealed, 18, 19, 22-23, 26-29, 32-34, 37 and 38, but with the reservation therein referred to, ought to be repealed in South Australia today.

*Statutes 10 Geo. II (1736) cc. 1-37:*

Chapters 1-3 dealing with land tax were repealed in 1867. Chapter 4 dealing with Dunbar beer duties was repealed in 1948. Chapter 5 dealing with Worcester roads was repealed by 56 Geo. III c. xlvi. Chapter 6 dealing with Wiltshire roads was repealed by 55 Geo. III c. xxiii. Chapter 7 dealing with Dumfries beer duties was repealed in 1948. Chapter 8, the second of the stock jobbing Acts, was repealed in 1860. The effect of it is to make the statute 7 Geo. II c.8 perpetual. We have already referred to this matter under 7 Geo. II c.8 and we repeat our comments under that statute. Chapters 9 and 10 are local Acts. Chapter 11 dealing with Warwickshire roads was repealed by 15 Geo. III c.73. Chapter 12 dealing with Southampton roads was repealed by 59 Geo. III c. vii. Chapter 13 dealing with indemnity was repealed in 1867. Chapter 14 dealing with shipwrecked mariners was repealed by 6 Geo. IV c.87. Chapter 15 setting up a watch for the parish of St. Andrew's Holborn was repealed in 1901. Chapter 16 dealing with Westminster Bridge was repealed in 1853. Chapter 17 dealing with the national debt was repealed in 1870. Chapter 18 is a local Act. Chapter 19 dealing with plays and licensing at Universities was partly repealed in 1843 and is partly still in force. Chapter 20 dealing with the River Clyde Bridge was repealed in 1948. Chapters 21 and 23 are local Acts. Chapter 22 dealing with a watch for the City of London was repealed in 1839. Chapter 24 dealing with Bedfordshire roads was repealed by 26 Geo. III c.130. Chapter 25 also dealing with the watch in Holborn was repealed in 1901. Chapter 26 dealing with insolvent debtors and chapter 27 dealing with customs were both repealed in 1867. Chapter 28 dealing with plays was repealed in 1843. Chapter 29 dealing with the Prince and Princess of Wales was repealed in 1867, as was Chapter 30 dealing with customs. Chapter 31 dealing with Thames watermen was repealed by 7 & 8 Geo. IV c. lxxv section 1. Chapter 32 dealing with the criminal law was repealed by 1 & 2 Will. IV c.32 s.1. Chapter 33 is a local Act. Chapter 34 is a personal Act and was repealed in 1948. Chapter 35 is a personal Act and was repealed in 1867. Chapter 36 dealing with Whitechapel roads was repealed by 12 Geo. III c.102. Chapter 37 is a local Act. Therefore of the statutes of that year, chapters 1-4, 7, 8 but with the reservation referred to, 13, 15-23, 25-30, 33-35 and 37 ought to be repealed in South Australia today.

*Statutes 11 Geo. II (1737) cc. 1-39:*

Chapters 1 relating to taxation and 2 relating to mutiny were repealed in 1867. Chapter 3 dealing with Nottinghamshire roads was repealed by 30 Geo. III c.87. Chapter 4 dealing with Aberbrothock beer duties was repealed in 1948. Chapter 5 is a local Act. Chapter 6 dealing with Middlesex roads was repealed by 7 Geo. III c.88 and 7 Geo. IV c. cxlii. Chapter 7 dealing with Dover Harbour was repealed by 37 Geo. III c.130 and 9 Geo. IV c. xxxi. Chapter 8 dealing with Minehead Harbour was repealed by 4 Geo. IV c. cxiii. Chapter 9 dealing with insolvent debtors relief was repealed in 1867. Chapter 10 dealing with Hertfordshire roads was repealed by 1 Will. IV c. xxxvi. Chapter 11 dealing with recusancy was repealed in 1867. Chapter 12 dealing with the River Thames was repealed by 45 Geo. III c. xcvi. Chapter 13 is a local Act. Chapter 14 dealing with land tax was repealed in 1867. Chapter 15 dealing with sale of coal and chapter 16 dealing with Inverness beer duties were repealed in 1948. Chapter 17 dealing with Church patronage was repealed by statutes from 1846 to 1887. Chapter 18 dealing with the coffee and sugar plantations in America was repealed in 1867. Chapter 19 dealing with the general law of landlord and tenant was amended or sections repealed by a series of statutes from 1840 to 1977 and is still partly in force in England, and is dealt with in the Fifty-Fourth and Sixty-Sixth Reports of this Committee. Chapter 20 dealing with poor prisoners' relief was repealed by 53 Geo. III c.113 s.1. Chapter 21 dealing with Christ Church Surrey was repealed by 12 Geo. III c.38. Chapter 22 dealing with corn exports was partly repealed by 7 & 8 Geo. IV c.27 s.1 and 9 Geo. IV c.31 s.1 and the residue by statutes from 1867 to 1948. Chapter 23 is a local Act. As to chapter 24 dealing with Parliamentary privilege, sections 1-3 were repealed in 1867 and the remainder is still in force in England. The statute is referred to in *Anson: The Law and Custom of the Constitution (1892) Volume 1 at page 145*. The content of this statute is partly covered by Section 39 of the Constitution Act 1935 but is not totally covered, and we refer the matter to you for consideration because without doubt it was inherited by us as part of the law and custom of Parliament in 1857 and the question is whether you want it or any of it continued at the present day. Chapter 25 dealing with Westminster Bridge was repealed in 1853. Chapter 26 dealing with retailers of spirits was repealed in 1867. Chapter 27 dealing with the national debt was repealed in 1870. Chapter 28 dealing with cloth manufacture was repealed in 1856. Chapter 29 dealing with Shoreditch road was repealed by 1 & 2 Geo. IV c. cxii. Chapter 30 dealing with Crown lands—forfeited estates was repealed in 1948. Chapter 31 dealing with indemnity was repealed in 1867. Chapter 32 dealing with Liverpool Dock was repealed in 1858. Chapter 33 dealing with Derby roads was repealed by 7 & 8 Geo. IV c.1. Chapter 34 is a local Act. Chapter 35 dealing with Christchurch Middlesex Watch was repealed by 12 Geo. III c.38 s.1. Chapter 36 is a local Act. Chapter 37 dealing with Kent roads was repealed by 3 Geo. IV c. lxx. Chapter 38 a personal Act was repealed in 1948. Chapter 39 dealing with the drainage of the Fens was repealed in 1856. Accordingly of the statutes of that year, chapters 1-2, 4-5, 9, 11, 13-18, 22 so far as unrepealed, 24 but with the reservation referred to, 25-28, 30-32, 34, 36 and 38-39 remain to be repealed in South Australia today.

*Statutes 12 Geo. II (1738) cc. 1-36*

Chapters 1 dealing with taxation, 2 dealing with mutiny and 3 dealing with land tax, were all repealed in 1867. Chapters 4, 7, 9, 12 and 17 and all local Acts. Chapters 5 dealing with coinage duties and 6 dealing with indemnity were both repealed in 1867. Chapter 8 dealing with Lincoln roads was repealed by 48 Geo. III c. xii and 48 Geo. III c. lxiii. Chapter

10 dealing with Lincoln City roads was repealed by 46 Geo. III c. lxx. Chapter 11 dealing with Berkshire roads was repealed by 3 & 4 Will. IV c. xci. Chapter 13 dealing with the price of bread, 14 dealing with recusancy, and 15 dealing with provision for the Duke of Cumberland were repealed in 1867. Chapter 16 dealing with Egham and Bagshot road was repealed by 49 Geo. III c. lviii and 56 Geo. III c. xviii. Chapter 18 dealing with Warwick roads was repealed by 21 Geo. III c.106. Chapter 19 dealing with supply was repealed in 1867. Chapter 20 dealing with Bath roads was repealed by 30 Geo. II c.65 and 33 Geo. III c.144. Chapter 21 dealing with wool and chapter 22 dealing with revenue frauds were both repealed in 1867. Chapter 23 a private Act was repealed in 1948. Chapter 24 dealing with the Court of Chancery was repealed in 1869 and is dealt with in the Sixty-First Report of this Committee. Chapter 25 dealing with curriers was repealed in 1867. Chapter 26 dealing with the hallmarking of plate was partly repealed by 30 Geo. III c.31 s.1 and 38 Geo. III c.69 s.1 and the balance by statutes from 1867 to 1980. Chapter 27 dealing with Justices of Assize was repealed in 1881 and is dealt with in the Sixty-First Report of this Committee. Chapter 28 dealing with gaming was partly repealed by statutes from 1888 to 1960 and is still partly in force and is dealt with in the Sixty-Eighth Report of this Committee. Chapter 29 dealing with county rates was repealed by statutes of 1959 and 1963. Chapter 30 dealing with colonial trade from the sugar colonies in America was repealed by 34 Geo. III c.42 s.7. Chapters 31 and 32 are local Acts. Chapter 33 dealing with Westminster Bridge was repealed in 1853. Chapter 34 dealing with Lincoln roads was repealed by 39 Geo. III c. xxvi and 48 Geo. III c. lxiii. Chapter 35 dealing with Northamptonshire roads was repealed by 18 Geo. III c.112. Chapter 36 dealing with imports was repealed in 1867. Therefore of the statutes of that year, chapters 1-7, 9, 12-15, 17, 19, 21-23, 25, 26 so far as not already repealed, 29, 31-33 and 36 should be repealed in South Australia now.

*Statutes 13 Geo. II (1739) cc. 1-30:*

Chapters 1 and 2 relating to taxation and 3 relating to supply of seamen were repealed in 1867. Chapter 4 dealing with naval prize applies on the face of it throughout the Queen's Dominions, but it was repealed in 1864 by 27 & 28 Vict. c.23 and that statute is expressed to come into force on the beginning of the new Naval Prize Act 1864 chapter 25 of that year. Chapters 23, 24 and 25 of the 1864 Statutes all deal with the subject of naval prize and obviously all interlock. Chapter 25 also applies, on the face of it, throughout the Queen's Dominions and accordingly it would appear that the statute 13 Geo. II c.4 has been repealed by a statute or series of statutes having paramount force in South Australia and does not need further repeal here now. Chapter 5 dealing with Warwick roads was repealed by 15 Geo. III c.73. Chapter 6 dealing with indemnity was repealed in 1867. Chapter 7 dealing with naturalization in the colonies in America was repealed in 1870. Chapter 8 dealing with frauds by workmen was repealed by 1889. Chapter 9 dealing with Bedfordshire roads was repealed by 11 Geo. IV and 1 Will. IV c. lxxxiii. Chapter 10 dealing with mutiny was repealed in 1867. Chapter 11 dealing with the River Dun navigation was repealed in 1849. Chapters 12 and 14 are local Acts. Chapter 13 dealing with provision for the Princess Mary on her marriage was repealed in 1867. Chapter 15 dealing with Oxford roads was repealed by 18 Geo. III c.91. Chapter 16 dealing with Westminster Bridge was repealed in 1853. Chapter 17 dealing with the press gang for the Navy was repealed in 1948. Section 5 deals with a limitation of six months for applications for certiorari. It was doubted

whether this section was in force in New South Wales in *Bridie v. Messina* (1965) 66 S.R. (N.S.W.) 446. In any event, the same time is fixed by our Order 59 Rule 10. Fox J. doubted equally whether the section was in force in the Australian Capital Territory: see *R. v. Tillett, Ex parte Newton* (1969) 14 F.L.R. 101. Chapter 18 dealing with laws continuance was repealed in 1888. Chapter 19 dealing with gaming was repealed in 1960 and again in 1980 and is dealt with in the Sixty-Eighth Report of this Committee. Chapter 20 dealing with parliamentary elections was partly repealed by 19 Geo. II c.28 s.2 and the remainder in 1918. It dealt with the evil of splitting up estates to provide additional voters at an election and then taking the estates back afterwards. The partial repeal by 19 Geo. II c.28 says that the statute is not to apply to electorates which are counties. All of that suggests to us that this Act applied only in England and is not part of the law and custom of Parliament as inherited by us in 1857. Accordingly, so far as not repealed prior to 1836, it can be repealed now. Chapter 21 dealing with the destruction of coal works was repealed by 7 & 8 Geo. IV c.27 s.1. Chapter 22 dealing with Warwick roads was repealed by 5 Geo. IV c. xliii. Chapter 23 dealing with supply was repealed in 1867. Chapter 24 dealing with vagrants was repealed by 17 Geo. II c.5 s.34. Chapter 25 dealing with Staines Bridge was repealed by 31 Geo. III c.84. Chapter 26 dealing with the River Medway was repealed in 1911 and again in 1982. Chapter 27 dealing with commerce with Spain was repealed in 1864. Chapter 28 dealing with Acts continuance was repealed in 1867. Chapter 29 is a local Act. Chapter 30 dealing with the River Colne was repealed by 51 Geo. III c. xliii. Accordingly of the statutes of that year, chapters 1-3, 6-8, 10-14, 16-18, 20 so far as not already repealed, 23, and 26-29 remain to be repealed in South Australia today.

*Statutes 14 Geo. II (1740) cc. 1-43:*

Chapters 1 and 2 dealing with taxation and 3 dealing with export were repealed in 1867. Chapter 4 is a personal Act which was repealed in 1948. Chapters 5 and 8 are local Acts. Chapter 6 dealing with cattle stealing was repealed by 7 & 8 Geo. IV c.27 s.1. Chapter 7 dealing with Scottish imports was repealed in 1867, as was chapter 9 dealing with mutiny. Chapter 10 dealing with small debts recovery in London was repealed by 5 & 6 Will. IV c. xciv. Chapter 11 dealing with Gloucester water supply was repealed in 1857. Chapter 12 dealing with Kent roads was repealed by 54 Geo. III c. clxxiv. Chapter 13 dealing with Hertfordshire roads was repealed by 55 Geo. III c. xxxv and 3 Geo. IV c. lxxviii. Chapter 14 dealing with Ely roads was repealed by 1 Geo. IV c. lxxix. Chapters 15 and 16 are local Acts. Chapter 17 dealing with delays in causes after issue joined and giving power to the courts to grant nonsuits in such cases was repealed in 1879 and is dealt with in the Fifty-Fifth Report of this Committee. Chapter 18 dealing with indemnity was repealed in 1867. Chapter 19 dealing with Wakefield roads was repealed by 9 Geo. IV c. lxxix and 1 Will. IV c. xliv. Chapter 20 dealing with common recoveries was repealed in 1867 and is dealt with in the Fifty-Fifth and Sixty-Fourth Reports of this Committee. Chapters 21 dealing with recusants and 22 dealing with salt duties were both repealed in 1867. Chapter 23 dealing with Yorkshire roads was repealed by 1 Will. IV c. xliv. Chapters 24, 26, 27 and 29 are all local Acts. Chapter 25 dealing with Ellands to Leeds road was repealed by 7 & 8 Geo. IV c. xlix. Chapter 28 dealing with Doncaster roads was partly repealed by 1 & 2 Will. IV c. xv and the remainder in 1842. Chapter 30 is a private Act which was repealed in 1948. Chapter 31 dealing with Doncaster and Salter's Brook road was

repealed by 7 Geo. IV c. cxxx. Chapter 32 dealing with Leeds and Halifax road was repealed by 1 Geo. IV c. lxxv and 6 Geo. IV c. cxlix. Chapter 33 dealing with bridges was repealed by statutes of 1959 and 1963. Chapter 34 dealing with imprisoned debtors relief was repealed in 1867, and is dealt with in the Fifty-Fifth Report of this Committee. Chapter 35 dealing with cloth manufacture was repealed by 5 Geo. III c.51 s.1. Chapter 36 dealing with imports was repealed by 3 Geo. IV c.42 s.14. Chapter 37 dealing with fraudulent companies in America was repealed in 1867. Chapter 38 dealing with the Navy was repealed by 11 Geo. IV and 1 Will. IV c.20 s.1. Chapter 39 dealing with longitude and latitude in Great Britain and Ireland was repealed in 1867. Chapter 40 dealing with Westminster Bridge was repealed in 1853. Chapter 41 is a Supply Act and was repealed in 1867. Chapter 42 dealing with roads preservation was repealed by 15 Geo. II c.2, 7 Geo. III c.40 s.61 and 7 Geo. III c.42 s.57. Chapter 43 is a local Act and was repealed in 1857. Therefore of the statutes of that year, chapters 1-5, 7-9, 11, 15 and 16, 18, 21 and 22, 24, 26 and 27, 28 so far as not already repealed, 29 and 30, 33, 37, 39-41 and 43 remain to be repealed in South Australia today.

*Statutes 15 Geo. II. (1741) cc. 1-35:*

Chapters 1 dealing with taxation, 3 dealing with supply and 4 dealing with mutiny, were all repealed in 1867. Chapter 2 dealing with highways was repealed by 7 Geo. III c.42 s.57. Chapter 5 dealing with Buckinghamshire roads was repealed by 46 Geo. III c. cii, 50 Geo. III c. xcix and 52 Geo. III C. xxx. Chapter 6 also dealing with Buckinghamshire roads was repealed by 37 Geo. III c.177. Chapter 7 dealing with Worcester roads was partly repealed by 56 Geo. III c. lxxvii and the remainder in 1854. Chapter 8 dealing with Kirkcaldy beer duties was repealed in 1948. Chapter 9 dealing with Middlesex roads was repealed by 7 Geo. IV c. lxxvi. Chapter 10 dealing with poor relief in Hull was repealed by 5 Geo. IV c. xiii. Chapter 11 dealing with land tax was repealed in 1867. Chapter 12 is a local Act. Chapter 13 dealing with the Bank of England was repealed in 1973. Chapter 14 dealing with Hampshire roads was repealed by 12 Geo. III c.108. Chapter 15 dealing with Gloucester roads was repealed by 6 Geo. IV c. cxliii. Chapter 16 dealing with Cambridgeshire roads was repealed by 30 Geo. III c.94. Chapter 17 dealing with Herefordshire roads was repealed by 29 Geo. III c. 104. Chapter 18 dealing with poor law in Colchester was repealed in 1950. Chapter 19 dealing with the national debt was repealed in 1870. Chapter 20 dealing with gold and silver thread and lace was partly repealed by statutes from 1867 to 1973 and is partly still in force in England. Chapter 21 dealing with indemnity was repealed in 1867. Chapter 22 dealing with House of Commons disqualification was repealed in 1957. It deals, on the face of it, only with Great Britain, Minorca and Gibraltar so that there is some argument for saying we did not receive it in 1857 as part of the law and custom of Parliament. On the other hand it is referred to in the South Australian Index of Imperial Statutes in Volume 9 of the 1936 Reprint. Part of the same matter is covered by Sections 10 and 15 of our present Constitution Act 1935. It is also referred to in *Anson: The Law and Custom of the Constitution (1896) Volume 1 page 324*. It may be as well therefore if you were to consider the matter before the statute is actually repealed. Chapter 23 dealing with copyright in shorthand was repealed in 1948. Chapter 24 dealing with warrants of commitment in England was repealed in 1914. Chapter 25 dealing with spirit duties was repealed in 1867. Chapter 26 dealing with Westminster Bridge was repealed in 1953. Chapter 27 dealing with the theft of cloth was repealed in 1889. It

would appear only to be a special species of larceny which is dealt with in general by Section 131 of the Criminal Law Consolidation Act 1935, but it might be thought proper to refer the matter to the Crown before repealing the statute. Chapter 28 dealing with counterfeit coin was repealed by 2 & 3 Will. IV c.34 s.1. Chapter 29 dealing with customs duty was repealed by 1867. Chapter 30 dealing with the marriage of lunatics was repealed in 1873 and is dealt with in our Sixty-First Report. Chapter 31 dealing with trade with America was repealed in 1867. Chapter 32 dealing with gunpowder was repealed by 11 Geo. III c.35 s.13. Chapter 33 dealing with trade with America, and with Bent grass, which was used to stabilize sandhills, was repealed in 1968. Chapter 34 dealing with cattle stealing was repealed by 7 & 8 Geo. IV c.27 s.1. Chapter 35 dealing with sail cloth was repealed in 1867. Accordingly of the statutes of that year, chapters 1, 3-4, 7 so far as not already repealed, 8, 11-13, 18-21, 22 but with the reservation therein referred to, 23-26, 27 but with the reservation therein referred to, 29, 31, 33 and 35 remain to be repealed in South Australia today.

*Statutes 16 Geo. II (1742) cc. 1-32:*

Chapters 1 and 2 dealing with taxation were repealed in 1867. Chapter 3 dealing with Westmoreland roads was partly repealed by 53 Geo. III c. clxxxvii and the balance in 1867. Chapter 4 dealing with Bedford roads was repealed by 1 & 2 Geo. IV c. lxxxv. Chapter 5 dealing with Warminster roads was repealed by 55 Geo. III c. lxxxvii. Chapter 6 is a local Act as is chapter 9. Chapter 7 dealing with Yorkshire roads was repealed by 6 Geo. IV c. ix. Chapter 8 dealing with spirit duties was repealed by Acts of 1867 and 1948. Chapter 10 dealing with Wiltshire roads was repealed by 30 Geo. III c.96. Chapter 11 dealing with Parliamentary elections in Scotland was repealed in 1867. Chapters 12 and 13 dealing with the national debt were both repealed in 1870. Chapter 14 dealing with munity was repealed in 1867. Chapter 15 dealing with the return of offenders from transportation was repealed by 5 Geo. IV c.84 s.29. Chapter 16 dealing with Hertfordshire roads was partly repealed by 1 & 2 Geo. IV c. xvii and the balance in 1872. Chapter 17 dealing with insolvent debtors relief was repealed in 1867. Chapter 18 dealing with justices' jurisdiction is an important Act. It provides that justices, and therefore in South Australia Special Magistrates, shall not be disqualified from hearing rate and tax cases by reason of the fact that they are a ratepayer or taxpayer of the area involved. It was repealed in England by statutes from 1867 to 1979. It should be repealed here but a section in similar terms should be placed in our Justices Act. Chapter 19 dealing with Epping road was repealed by 3 Geo. IV c. xliv. Chapter 20 dealing with Warwick roads was repealed by 21 Geo. III c.106. Chapter 21 dealing with Gloucester roads was repealed by 46 Geo. III c.1. Chapter 22 also dealing with Gloucester roads was partly repealed by 52 Geo. III c. xvii and the balance in 1873. Chapter 23 dealing with Luton road was repealed by statutes of 1838 and 1857. Chapters 24 dealing with land tax, 25 with supply, 26 with Acts continuance, and 27 with bankrupts, were all repealed in 1867. Chapter 28 is a local Act and was repealed in 1901. Chapter 29 dealing with highways was repealed by 7 Geo. III c.42 s.57. Chapter 30 dealing with indemnity was repealed in 1867. Chapter 31 dealing with escape from prison was partly repealed by 4 Geo. IV c.64 s.1 and the balance in 1971 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 32 dealing with recusants was repealed in 1867. Therefore of the statutes of that year, chapters 1 and 2, 3 so far as not already repealed, 6, 8 and 9, 11-14, 16 so far as not already repealed, 17,

18 but with the reservation therein referred to, 22 so far as not already repealed, 23-28, 30 and 32 remain to be repealed in South Australia today.

*Statutes 17 Geo. II (1743) cc.1-43:*

Chapters 1 and 2 relating to taxation were repealed in 1867. Chapter 3 dealing with poor law was repealed by statutes of 1925 and 1948. Chapter 4 dealing with Kent roads was repealed by 52 Geo. III c. lxxxi. Chapter 5 dealing with rogues and vagabonds was repealed by statutes of 1867 and 1948 and is dealt with in our Fifty-Eighth Report. It was held to be in force in Victoria in *Re Sargood, ex parte Pye* : *Argus Newspaper 17th September, 1857*. Chapter 6 dealing with habeas corpus suspension was repealed in 1867. Chapter 7 dealing with affidavits in the court of the County Palatine of Lancaster was repealed in 1889. Chapter 8 dealing with abuses in weighing and packing butter was repealed in 1948. Chapter 9 dealing with Essex and Hertfordshire roads was repealed by 10 Geo. IV c. xxi. Chapter 10 is a local Act. Chapter 11 setting up a sustentation fund for the Church of Scotland was repealed by 19 Geo. III c.20 s.86. Chapter 12 dealing with Warwick roads was repealed by 58 Geo. III c.xxiv. Chapter 13 dealing with Worcester roads was repealed by 3 Geo. IV c. lxxix. Chapter 14 dealing with Middlesex roads was repealed by 1 Will. IV c. lx. Chapters 15 dealing with recruiting, 16 with mutiny and 17 with supply, were all repealed in 1867. Chapter 18 dealing with the national debt was repealed in 1870. Chapter 19 dealing with Maidenhead road was repealed by 7 Geo. IV c. cxxxiii. Chapter 20 dealing with Derby roads was repealed by 7 & 8 Geo. IV c.1. Chapter 21 dealing with beer duties in Borrowstoness was repealed in 1843. Chapter 22 dealing with Yorkshire roads was partly repealed by 54 Geo. III c. xxxi and the balance in 1875. Chapter 23 dealing with Wiltshire roads was partly repealed by 53 Geo. III c. cxxviii and the balance in 1871. Chapter 24 dealing with Litchfield road was repealed by 29 Geo. III c.83. Chapter 25 dealing with Yorkshire roads was repealed by 3 & 4 Will. IV c. xciii. Chapter 26 dealing with recruiting was repealed in 1867. Chapter 27 dealing with Wiltshire roads was repealed by 58 Geo. III c. xliii. Chapter 28 is a local Act. Chapter 29 dealing with London street lighting was repealed by 8 Geo. III c.21 s.100. Chapter 30 dealing with linen trade marks was partly repealed by 4 Geo. IV c.40 s.1 and the balance in 1959. Chapter 31 dealing with customs duties and chapter 33 dealing with supply were both repealed in 1867. Chapter 32 dealing with Westminster Bridge was repealed in 1853. Chapter 34 dealing with naval prize was repealed in 1864. The same observations apply to this repeal as to the previous Naval Prize Act. The effect of the repealing statutes is that they apply throughout the British Dominions in the same way as the original statute did and accordingly it needs no further repeal today in South Australia. Chapter 35 dealing with measures and prices of coal and Chapter 36 dealing with imports were both repealed in 1867. Chapter 37 dealing with land drainage was repealed in 1966. Chapter 38 dealing with poor relief was repealed in 1967 and is dealt with in the Fifty-Eighth Report of this Committee. Chapter 39 dealing with treason in respect to correspondence with the Pretender was repealed in 1867. Chapter 40 dealing with wine licences for the two Universities was partly repealed by statutes from 1857 to 1968 and is still partly in force. Chapter 41 dealing with Shoreditch road was repealed by 29 Geo. III c.96. Chapter 42 dealing with Bedford road was repealed by statutes of 1838 and 1857. Chapter 43 dealing with Buckingham road was repealed by 51 Geo. III c. ii. The following statutes of 1743 remain to be repealed today in South Australia, namely Chapters 1-3, 6-8, 10, 15-18, 21, 23, and 24 in each case so far as not already repealed, 26, 28, 30 so far as not already repealed, 31-33, 35-37, 39-40 and 42.



*Statutes 18 Geo. II (1744) cc. 1-38:*

Chapters 1 and 2 are taxation Acts which were repealed in 1867. Chapter 3 is a local Act. Chapter 4 dealing with Kingston-upon-Hull road was repealed by 10 Geo. IV c. xcii. Chapter 5 dealing with salt duties was repealed in 1867 as was chapter 7 dealing with mutiny. Chapter 6 dealing with Yorkshire roads was repealed in 1857. Chapter 8 dealing with Boroughbridge road was repealed by 32 Geo. III c.118. Chapter 9 dealing with the national debt was repealed in 1870. Chapter 10 dealing with recruiting and chapter 11 dealing with indemnity were both repealed in 1867. Chapter 12 dealing with Newbury road was repealed by 10 Geo. III c.100. Chapter 13 a local Act was repealed in 1982. Chapter 14 dealing with Wiltshire roads was repealed by 37 Geo. III c.154. Chapter 15 dealing with barber-surgeons in London was partly repealed in 1867 and is partly in force. Chapter 16 dealing with Yorkshire roads was repealed by 3 & 4 Will. IV c. lxxxiii. Chapter 17 dealing with the discovery of the North West Passage was repealed by 58 Geo. III c.20 s.9. Chapter 18 dealing with Parliamentary elections was repealed by statutes from 1867 to 1918. As it deals only with elections for knights of the shire and not with general parliamentary practice we do not think that we inherited this in 1857. Chapter 19 dealing with Warwick roads was repealed by 2 & 3 Will. IV c. xxxiii. Chapter 20 dealing with qualification of justices was repealed in 1906 and is dealt with in the Fifty-Eighth Report of this Committee. Chapter 21 dealing with ballast on the River Thames was repealed in 1867. Chapter 22 dealing with stamp duty was repealed in 1890. Chapter 23 dealing with Huntingdonshire roads was repealed by 53 Geo. III c. xli and 55 Geo. III c. xlix. Chapter 24 dealing with trademarks on linen was repealed in 1959. Chapter 25 dealing with bounties and chapter 26 dealing with inland duties were both repealed in 1867. Chapter 27 dealing with stealing goods from bleaching grounds was repealed in 1867. It is, we think, covered by the general section on larceny, Section 131 of the Criminal Law Consolidation Act, but it might be as well to refer the matter to the Crown before repealing the statute. Chapter 28 dealing with smuggling was repealed in 1867. Chapter 29 dealing with Westminster Bridge was repealed in 1853. Chapter 30 dealing with piracy was repealed by statutes from 1948 to 1967 and is partly in force and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 31 dealing with Greenwich Hospitals was repealed by 4 & 5 Will. IV c.34 s.1. Chapter 32 dealing with Warwick roads was repealed by 1 & 2 Geo. IV c. lxxxi and 11 Geo. IV & 1 Will. IV c. xciv. Chapter 33 dealing with carts on highways was partly repealed by 5 & 6 Will. IV c.50 and partly in 1948. Chapter 34 dealing with gaming was repealed in 1960 and is dealt with in the Sixty-Eighth Report of this Committee. Chapter 35 dealing with the Navy was repealed by 22 Geo. II c.33 s.1. Chapter 36 dealing with cambrics was repealed in 1867. Chapter 37 dealing with Crown lands—forfeited estates was repealed in 1948. Chapter 38 dealing with Bristol hospitals was repealed by 3 Geo. IV c. xxiv. Accordingly of the statutes of that year, chapters 1-3, 5-7, 9-11, 13, 15, 18, 21-22, 24-26, 27 with the reservation therein referred to, 28-29, 33 so far as unrepealed and 36-37 remain to be repealed in South Australia today.

*Statutes 19 Geo. II (1745) cc. 1-39:*

Chapters 1 dealing with habeas corpus suspension, 2 with militia, 3 and 4 with taxation, and 5 with distemper amongst cattle, were all repealed in 1867. Chapter 6 dealing with the Bank of England was repealed in 1966. Chapter 7 dealing with the Court of Session and chapter

8 dealing with acts of the Common Council of the City of London were repealed in 1867. Chapter 9 dealing with jurors in Scotland was repealed in 1945. Chapter 10 dealing with Leicester roads was repealed by 11 Geo. IV & 1 Will. IV c. iii. Chapter 11 dealing with mutiny was repealed in 1867. Chapter 12 dealing with the national debt was repealed in 1870. Chapter 13 dealing with the extension of time in which to take oaths as Justices of the Peace, and chapter 14 dealing with coinage duties, were both repealed in 1867. Chapters 15 and 18 are local Acts. Chapter 16 dealing with recusants and chapter 17 dealing with habeas corpus suspension were both repealed in 1867. Chapter 19 dealing with Lancashire roads was repealed by 11 Geo III c. 91. Chapter 20 dealing with indemnity was repealed in 1867. Chapter 21 dealing with profane oaths had Section 13 repealed by 4 Geo. IV c. 31 and the balance in 1967. It was impliedly repealed by our Act 10 of 1863 section 54 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 22 dealing with harbours is a general Act relating to much of the common law of harbours as amended by statute and was repealed in England in 1948. Sections 122, 160 and 176 of our Harbours Act 1936 reflect this fact. Before repealing the Act it might be as well to refer the Act to the relevant Minister to see whether there is any part of it which he wishes to have brought into modern legislation. Chapter 23 dealing with Acts continuance was repealed in 1867. Chapter 24 is a local Act. Chapter 25 deals with the troubles of the Forty-Five. It requires suspected persons in Scotland to find bail for their good behaviour. It was repealed in 1867. Chapter 26 is a personal Act. There are Acts of attainder of various Scottish nobles and lairds following the Forty-Five. Chapter 27 dealing with sail cloth was repealed in 1867. Chapter 28 dealing with Parliamentary elections was repealed by statutes from 1867 to 1918. It only deals with qualifications for county elections and does not appear to be part of the law and custom of Parliament inherited by us in 1857. Chapter 29 gives a pension for Butcher Cumberland and was repealed in 1867. Chapter 30 preventing the impressment of seamen in the American sugar colonies was repealed in 1864. Chapter 31 dealing with supply was repealed in 1867. Chapter 32 dealing with bankrupts was repealed by 6 Geo. IV c. 16 s. 1. Chapter 33 dealing with indemnity was repealed in 1867. Chapter 34, one of the Waltham Black Acts, was repealed in 1867 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 35 dealing with coal trade with London was repealed by 26 Geo. III c. 108 s. 27. Chapter 36 dealing with naval stores was repealed in 1867. Chapter 37 dealing with marine insurance was repealed in England by the Marine Insurance Act 1967. It was modified in South Australia by the Act 1867 No. 4 which was repealed by Act 2285 of 1936, but the modification is now contained in the Mercantile Law Act 1936 Section 19 and accordingly this Act should only be repealed with a saving of the law in Section 19 of the Mercantile Law Act. Chapter 38 dealing with episcopal meeting houses in Scotland was repealed in 1867. Chapter 39, the Act disarming the Clans and forbidding the wearing of the tartan, was repealed in 1871. Therefore of the statutes of that year, chapters 1-9, 11-18, 20, 22 but with the reservation therein referred to, 23-31, 33, 36, 37 but with the reservation therein referred to, 38 and 39 should be repealed in South Australia today.

*Statutes 20 Geo. II (1746) cc. 1-52:*

Chapters 1 dealing with habeas corpus suspension and 2 dealing with land tax were both repealed in 1867. Chapter 3 dealing with the national debt was repealed in 1870. Chapter 4 dealing with distemper among cattle and chapter 5 dealing with taxation were both repealed in 1867. Chapter 6 dealing with Berkshire roads was repealed by 11 Geo. III c.70. Chapter

7 is a local Act. Chapter 8 dealing with Warrington road was repealed by 53 Geo. III c. xxxi and 3 & 4 Will. IV c. lxxiv. Chapter 9 dealing with Northumberland roads was repealed by 26 Geo. III c.160. Chapter 10 dealing with the national debt was repealed in 1870. Chapter 11 dealing with mutiny was repealed in 1867. Chapter 12 dealing with Durham road was repealed by 5 Geo. IV c. xii. Chapter 13 dealing with Sunderland road was repealed by 1 & 2 Will. IV c. lxiv. Chapter 14 dealing with Southwold Harbour was repealed by 11 Geo. IV & 1 Will. IV c. xlvi. Chapter 15 dealing with Southampton water supply was repealed by 6 & 7 Will. IV c. xciv. Chapter 16 dealing with Norwich road was partly repealed by 56 Geo. III c. lxxviii and partly in 1869. Chapter 17 dealing with Dundee beer duties was repealed in 1948. Chapter 18 dealing with the navigation of the River Wear was repealed by 49 Geo. III c. xli. Chapter 19 dealing with servants' wages was repealed in 1875 and is dealt with in the Fifty-Eighth Report of this Committee. Chapter 20 dealing with title deeds lost in the Forty-Five was repealed in 1867. Chapter 21 dealing with Norwich Assizes and chapter 22 dealing with the Walton-Shepperton Bridge were both repealed in 1948. Chapter 23 dealing with Gloucester roads was repealed by 6 Geo. IV c. cxliii. Chapter 24 dealing with naval prize was repealed in 1864. Like the other Naval Prize Acts it was repealed by an Act having effect throughout the British Dominions and does not need further repeal here now. Chapter 25 dealing with Stockton road was repealed by 45 Geo. III c. xvii. Chapter 26 dealing with Bruntisland beer duties was repealed in 1948. Chapter 27 is a local Act. Chapter 28 dealing with Yorkshire and Durham roads was repealed by 28 Geo. III c.90. Chapter 29 dealing with the Parish of St. James Westminster was repealed in 1901. Chapter 30 dealing with treason was repealed in 1973 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 31 dealing with Gloucester and Hereford roads was repealed by 5 Geo. IV c. xi and 3 & 4 Will. IV cc. lv and lxxv. Chapter 32 is a personal Act. Chapter 33 dealing with the Parish of St. Andrew Holborn was repealed in 1901. Chapter 34 is a personal Act and deals with the eccentric will made by Sir Joseph Jekyll, Master of the Rolls leaving his entire estate to the sinking fund for the reduction of the national debt. The will was set aside by statute. "He might as well", said Lord Mansfield, "have attempted to stop the middle arch of Blackfriars Bridge with his full bottomed wig". The reason why chapter 34 was passed giving up the greater part of the legacy was on the ground that Jekyll had been at great expense in rebuilding the Rolls House and the adjacent premises under the mistaken impression that he was able to grant long leases of these premises, with the result that the value of his estate was much diminished: see *Holdsworth: History of English Law (1938) Volume XII pages 221-222*. Chapter 35 deals with agents for money obtained by naval prize. It was repealed in 1864 but almost certainly had expired long before then as it is a temporary Act. Chapter 36 dealing with supply was repealed in 1867. Chapter 37 dealing with sheriffs was repealed in 1887 and is dealt with in the Fifty-Fifth Report of this Committee. Chapter 38 dealing with merchant seamen was repealed in 1854. Chapter 39 dealing with distillers was repealed in 1867. Chapter 40 dealing with Yarmouth Haven was repealed in 1950. Chapter 41 dealing with Crown lands—forfeited estates was repealed in 1948. Chapter 42 dealing with Wales and the town of Berwick-on-Tweed was partly repealed by 43 Geo. III c. 161, partly by statutes of 1948 and 1967 and is partly in force. Chapter 43 dealing with the heritable jurisdictions of pit and gallows in Scotland was amended by 54 Geo. III c.67, partly repealed by statutes from 1838 to 1954 and is partly still in force. Chapter 44 dealing with the naturalization of aliens in America was repealed in 1870 as was chapter 45 dealing with stamps. Chapters 46 dealing with treason, 47 dealing with Acts continuance and 48 dealing with indemnity

were repealed in 1867. Chapter 49 a personal Act was repealed in 1948. Chapter 50 dealing with tenures in Scotland was partly repealed by statutes from 1867 to 1961 and is still partly in force. Chapter 51 dealing with sales to the Crown of land in Scotland was repealed in 1961. Chapter 52 a general pardon was repealed in 1867. Therefore of the statutes of that year, chapters 1-4, 7, 10-11, 16 so far as unrepealed, 17, 20-22, 26-27, 29, 32-34, 36, 38-41, 42 and 43 each so far as unrepealed, and 44-52 ought to be repealed in South Australia today.

*Statutes 21 Geo. II (1747) cc. 1-34:*

Chapter 1 dealing with taxation was repealed in 1867. Chapter 2 dealing with the national debt was repealed in 1870. Chapter 3 dealing with vexatious arrests was repealed in 1867 and is dealt with in the Fifty-Fifth Report of this Committee. Chapter 4 prohibiting insurance on French ships and cargoes was repealed in 1867. Chapter 5 dealing with Durham roads was repealed by 32 Geo. III c.135. Chapter 6 dealing with mutiny and chapter 7 dealing with land tax were repealed in 1867. Chapter 8 dealing with the water supply to East London was repealed in 1862. Chapter 9 dealing with indemnity was repealed in 1867. Chapter 10 dealing with window duties was repealed by 43 Geo. III c.161 s.84. Chapter 11 dealing with the Navy was repealed by 22 Geo. II c.33 s.1. Chapter 12 dealing with Buckinghamshire Assizes and chapter 13 dealing with mutiny and chapter 14 dealing with export were all repealed in 1867. Chapter 15 dealing with Lancashire roads was repealed by 11 Geo. III c.82. Chapter 16 dealing with Southampton roads was repealed by 59 Geo. III c. vii. Chapter 17 dealing with title deeds lost in the Forty-Five was repealed in 1867. Chapter 18 is a local Act. Chapter 19 dealing with sheriffs in Scotland was repealed by statutes from 1867 to 1925. Chapter 20 dealing with Warwick roads was repealed by 2 & 3 Will. IV cc. vi and lxxxiv. Chapter 21 dealing with poor law in Bury St. Edmunds was repealed in 1906. Chapter 22 dealing with Bromsgrove road was repealed by 59 Geo. III c. xli. Chapter 23 dealing with supply was repealed in 1867. Chapter 24 is a local Act. Chapter 25 dealing with Wolverhampton roads was repealed by 1 & 2 Will. IV c. xxv. Chapter 26 dealing with cambrics was repealed in 1867. Chapter 27 dealing with Durham roads was repealed by 33 Geo. III c.161. Chapter 28 dealing with highways was repealed by 7 Geo. III c.40 s.61 and 7 & 8 Geo. IV c.39. Chapter 29 is a local Act. Chapter 30 dealing with the import of indigo was repealed in 1867. Chapter 31 dealing with insolvent debtors was repealed in 1867 and is dealt with in the Sixty-First Report of this Committee. Chapter 32 is a personal Act. Chapter 33 deals with Acts continuance and was repealed in 1867. Chapter 34 dealing with cattle theft in Scotland was partly repealed by statutes from 1871 to 1948 and is partly still in force. Of the statutes of 1747 therefore, chapters 1 and 2, 4, 6-9, 12-14, 17-19, 21, 23-24, 26, 29-30 and 32-34 ought to be repealed in South Australia today.

*Statutes 22 Geo. II (1748) cc. 1-52:*

Chapters 1 and 2 relating to taxation were repealed in 1867. Chapter 3 removing objections to a particular commission for determining prize appeals from America was repealed in 1864 but it without doubt expired before that date. Chapter 4 dealing with Kent roads was repealed by 56 Geo. III c. xxxiv. Chapter 5 dealing with mutiny was repealed in 1867. Chapter 6 dealing with Maryport Harbour was repealed by 3 & 4 Will. IV c. cxliii. Chapter 7 dealing with Northumberland roads was repealed by 37 Geo. III c.163. Chapter 8 dealing with Kent roads was repealed by

13 Geo. III c.114, 1 & 2 Geo. IV c. xl and the balance in 1867. Chapter 9 dealing with Northumberland roads was repealed by 1 & 2 Will. IV c. lxxii. Chapter 10 dealing with Anstruther Easter beer duties was repealed in 1948. Chapter 11 is a local Act. Chapter 12 dealing with Buxton road was repealed by 33 Geo. III c.171. Chapter 13 dealing with Kinghorn beer duties was repealed in 1948. Chapter 14 dealing with Middlesex and Hertfordshire roads was repealed by 19 Geo. III c.120 and 7 Geo. IV c. cxlii. Chapter 15 dealing with Hereford roads was repealed by 39 & 40 Geo. III c. lxxv. Chapter 16 dealing with Denver drainage was repealed by 41 Geo. III c. xxxiv. Chapter 17 dealing with Northamptonshire roads was repealed by 1 Geo. IV c. xxii. Chapter 18 dealing with Hereford roads was repealed by 50 Geo. III c. lxxiii. Chapters 19 and 20 are local Acts. Chapter 21 an amending Act relating to the Church of Scotland Sustentation Fund which amends 17 Geo. II c.11 was repealed by 19 Geo. III c.20 s.86. Chapter 22 dealing with Weymouth Harbour was repealed by 6 Geo. IV c. cxvi. Chapter 23 dealing with the national debt was repealed in 1870. Chapter 24 dealing with hue and cry was repealed by 7 & 8 Geo. IV c.27. Chapter 25 dealing with the post office was repealed in 1837. Chapter 26 dealing with Hereford roads was repealed by 55 Geo. III c. lxi. Chapter 27 dealing with unlawful combinations of workmen was repealed by 14 Geo. III c.44 s.1, 17 Geo. III c.56 ss. 1, 3, 7 and 8, 6 Geo. IV c.129 s.2, 9 Geo. IV c.31 s.1 and the balance in 1968 and is dealt with in the Fifty-Eighth Report of this Committee. Chapter 28 dealing with Bristol roads was repealed by 19 Geo. III c.117. Chapter 29 is a local Act. Chapter 30 dealing with the settlement of Moravians in America was repealed in 1887. Chapter 31 dealing with Southwark roads was repealed by 4 Geo. IV c. lxxxiv. Chapter 32 dealing with Yorkshire roads was repealed by 32 Geo. III c.118. Chapter 33 dealing with the Navy was repealed in 1860. Chapter 34 dealing with Isle of Ely roads was repealed by 7 Geo. III c.100. Chapter 35 dealing with Surrey roads was repealed by 43 Geo. III c. cxi. Chapters 36 relating to imports and 37 relating to taxation were repealed in 1867. Chapter 38 dealing with gunpowder was repealed by 11 Geo. III c.35 s.13. Chapter 39 dealing with Yorkshire roads was repealed by 6 Geo. IV c. ix. Chapter 40 dealing with Ramsgate and Sandwich Harbours was repealed by 32 Geo. III c.74. Chapters 41 dealing with land tax and 42 dealing with supply were repealed in 1867. Chapter 43 dealing with Worcestershire roads was repealed by 33 Geo. III c.175. Chapter 44 dealing with discharged soldiers and chapter 45 dealing with whale fishery were both repealed in 1867. Chapter 46 dealing with Acts continuance including the regulation of attorneys and solicitors was repealed in 1871, and is dealt with in the Fifty-Fifth Report of this Committee. Chapter 47 dealing with small debts in Southwark was partly repealed by 4 Geo. IV c. cxxiii and the balance in 1846. Chapter 48 dealing with treason and outlawries in Scotland was partly repealed by statutes of 1888 and 1948 and is partly still in force. Chapter 49 dealing with the fishmarket at Westminster was repealed in 1867. Chapter 50 dealing with lighting and watch at Shoreditch was repealed in 1901. Chapter 51 dealing with Stockton road was repealed by 45 Geo. III c. xvii. Chapter 52 dealing with Crown lands—forfeited estates was repealed in 1948. Therefore of the statutes of that year, chapters 1-3, 5, 8 so far as not already repealed, 10 and 11, 13, 19 and 20, 23, 25, 29-30, 33, 36-37, 41, 44, 45 so far as not already repealed, 48-50 and 52 need to be repealed in South Australia today.

*Statutes 23 Geo. II (1749) cc. 1-40:*

Chapter 1 dealing with the national debt was repealed by statutes from 1892 and 1953. Chapters 2 and 3 dealing with taxation and 4 dealing with mutiny were repealed in 1867. Chapter 5 dealing with Manchester

roads was repealed by 33 Geo. III c.139. Chapter 6 dealing with Great Yarmouth Haven was repealed in 1948. Chapter 7 dealing with Lancashire roads was repealed by 19 Geo. III c.92. Chapter 8 dealing with Northamptonshire roads was repealed by 18 Geo. III c.112. Chapter 9 dealing with taxation was repealed in 1867. Chapters 10 and 12 are local Acts. Chapter 11 dealing with perjury was repealed in 1867 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 13 dealing with artisans and manufactures was repealed in 1867. Chapter 14 dealing with Westminster Market was repealed in 1948. Chapters 15 and 18 are local Acts. Chapter 16 dealing with the national debt was repealed in 1870. Chapter 17 dealing with Haddington roads was repealed by 51 Geo. III c. cxxvii. Chapter 19 dealing with the navigation of the River Colne was repealed by 51 Geo. III c. xliii. Chapter 20 dealing with silk culture in America and chapter 21 dealing with supply were both repealed in 1867. Chapter 22 dealing with the national debt was repealed by statutes of 1887, 1892 and 1953. Chapter 23 dealing with distemper among cattle, chapter 24 dealing with the herring fishery and chapter 25 dealing with a deficiency in the revenue of the Clerk of the Hanaper and augmenting the income of the Master of the Rolls were all repealed in 1867. Chapter 26 dealing with Acts continuance including practice and procedure was repealed in 1867 and is dealt with in the Fifty-Fifth Report of this Committee. Chapter 27 dealing with small debts at Westminster is repealed by 6 & 7 Will. IV c. cxxxvii. Chapter 28 dealing with uniformity of worship and the power of Archbishops and Bishops to remove impediments in appointments was repealed in 1865. It can be repealed here but with a reservation in favour of the Church of England. Chapter 29 dealing with imports was repealed in 1867. Chapter 30 dealing with small debts in the Tower Hamlets and chapter 33 dealing with small debts in Middlesex were both repealed in 1846. Chapter 31 dealing with trade to Africa and chapter 32 dealing with sail cloth were both repealed in 1867. Chapter 34 dealing with the import of raw silk was repealed by 3 Geo. IV c.42 s.14. Chapter 35 dealing with poor relief in the parish of St. Martins in the Fields was repealed in 1901. Chapter 36 dealing with the Rectory of St. George Southwark was repealed by 47 Geo. III Sess. 2 c. cxxxii. Chapter 37 dealing with Hampton Court bridge was repealed in 1948. Chapter 38 dealing with York and Boroughbridge road was partly repealed by 58 Geo. III c. ii and the balance in 1870. Chapter 39 dealing with Whitby Harbour was repealed by 7 & 8 Geo. IV c. lxxviii. Chapter 40 is a local Act. Accordingly of the statutes of that year, chapters 1-3, 6, 9 and 10, 12-16, 18, 20-25, 28 but with reservation therein referred to, 29-33, 35, 37, 38 so far as not already repealed, and 40 need to be repealed in South Australia today.

*Statutes 24 Geo. II (1750) cc. 1-59:*

Chapter 1 dealing with taxation was repealed in 1867. Chapter 2 dealing with the national debt was repealed in 1870. Chapter 3 dealing with Lincoln roads was repealed by 48 Geo. III c. lxxiii. Chapter 4 dealing with the Bank of England was repealed by statutes of 1870 and 1892. Chapters 5 dealing with indemnity, 6 with mutiny and 7 with land tax, were all repealed in 1867. Chapter 8 dealing with Thames navigation was repealed in 1894. Chapters 9, 12, 14 and 15 are all local Acts. Chapter 10 dealing with Hertfordshire roads was repealed by 31 Geo. iii c. 108. Chapter 11 dealing with the national debt was repealed in 1870. Chapter 13 dealing with Lancashire roads was repealed by 38 Geo. III c. lxxi. Chapter 16 dealing with small debts in Lincoln was repealed in 1846. Chapter 17 dealing with Richmond road was repealed by 57 Geo. III c. xxvii. Chapter 18 dealing with juries was repealed in 1867. Chapter 19 is a local Act.

Chapter 20 dealing with Lancashire roads was repealed by 4 Geo. IV cc. xiii and xxiv. Chapter 21 dealing with Oxford roads was repealed by 34 Geo. III c. lxxix and 6 Geo. IV c. lxxv. Chapter 22 dealing with Tadcaster roads was repealed by 59 Geo. III c. xciv and 1 Geo. IV c. lxxv. Chapter 23 dealing with the calendar as we have it today was partly repealed in England by statutes from 1928 to 1971 and it is partly still in force. It has been amended in South Australia by the Easter Act 1929 but that Act has never been proclaimed to this day. Section II of chapter 23 and the tables for computing Easter and movable feasts are still in force in South Australia today and it may be that this is a statute which ought to be preserved, in relation to the parts referred to at least, as a statute by force of South Australian law. Certainly calculating golden numbers and Easter days has whiled away much time in Church for many people. Chapter 24 dealing with the minority of the succession to the Crown was repealed in 1867. It is a statute dealing with demise of the Crown and will be referred to in our Eighty-First Report on that topic. Chapter 25 dealing with Carlisle road was repealed in 1877. Chapter 26 dealing with the Parish of St. Matthew, Bethnal Green was repealed in 1843. Chapter 27 dealing with the repair of Golden Square in the Parish of St. James, Westminster was repealed by 7 & 8 Geo. IV c. xlv. Chapter 28 dealing with Gloucester road was partly repealed by 1 & 2 Geo. IV c. cix and 4 & 5 Will. IV c. cxciv and the balance in 1869. Chapter 29 dealing with Ludlow road was repealed by 1 Geo. IV c. xxxiv. Chapter 30 dealing with Durham roads was repealed by 35 Geo. III c. 139. Chapter 31 dealing with linen manufacturers was repealed by statutes of 1867 and 1948. Chapter 32 dealing with Beaconsfield road was repealed by 46 Geo. III c. cii, 50 Geo. III c. xcix and 52 Geo. III c. xxx. Chapter 33 dealing with Lawton road was repealed by 1 Geo. IV c. xxxviii. Chapter 34 dealing with game was repealed by 12 Geo. III c. 54 s. 16. Chapter 35 dealing with Edinburgh and Leith road was repealed by 5 & 6 Will. IV c. lxii. Chapter 36 dealing with Fishhouse Bridge was repealed in 1912. Chapters 37 and 39 are local Acts. Chapter 38 dealing with Greenock beer duties was repealed in 1948. Chapter 40, the Tippling Act 1750, dealing with the sale of spirits was repealed in 1965. It was held to be in force in New South Wales in *Aarons v. Rees (1898) 15 W.N. N.S.W. 88*. It has been impliedly repealed in South Australia by sections 138 and 139 of the Licensing Act 1936. Chapter 41 dealing with tobacco duties was repealed in 1867. Chapter 42 dealing with small debts in Westminster was repealed by 6 & 7 Will. IV. c. cxxxvii. Chapter 43 dealing with highways was partly repealed by 7 Geo. III c. 40 s. 61 and 5 & 6 Will. IV c. 50 s. 1 and the balance in 1948. Chapter 44, the Constables Protection Act, was partly repealed in England by statutes of 1848 and 1948 and is still partly in force. Sections 1-5 and 7 were repealed in South Australia by Ordinance No. 9 of 1849. The statute was held to be probably in force in New South Wales in *Feather v. Rogers (1909) 9 S.R. N.S.W. 192*. The statute is dealt with in the Fifty-Eighth Report of this Committee. Chapter 45 dealing with robberies on rivers was repealed in 1867 and is dealt with in the Fifty-Ninth Report of this Committee. Chapters 46 dealing with taxation and 47 dealing with supply were both repealed in 1867. Chapter 48 dealing with Michaelmas Term was repealed in 1925 and is dealt with in the Sixty-First Report of this Committee. Chapter 49 dealing with the African Company was repealed in 1867. Chapter 50 dealing with the Duchy of Cornwall was repealed in 1948. Chapter 51 dealing with potash and pearl ash in America, chapter 52 dealing with Acts continuance, chapter 53 dealing with paper money in Rhode Island, Connecticut, Massachusetts and New Hampshire, chapter 54 dealing with distemper among cattle, chapter 55 dealing with the execution of warrants in another county, chapter 56 dealing with coin bounty and chapter 57 dealing with Acts continuance, were all repealed

in 1867. Chapter 58 is a local Act. Chapter 59 dealing with Huntingdonshire roads was repealed by 38 Geo. III c. xlviii. Of the statutes of 1750 therefore, chapters 1-2, 4-9, 11-12, 14-16, 18 and 19, 23 if our suggestion is not accepted, 25-26, 28 so far as not repealed, 31, 36-41, 43 so far as not already repealed, 46-47 and 49-58 all require to be repealed in South Australia today.

We have the honour to be

HOWARD ZELLING  
CHRISTOPER J. LEGOE  
M. F. GRAY  
P. R. MORGAN  
D. F. WICKS  
M. J. DETMOLD  
G. HISKEY

Law Reform Committee of South Australia.

12th March, 1984.

(At the time of signing of this report the Honourable Mr. Justice White was on circuit)