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**NINETY-FIRST REPORT**

of the

**LAW REFORM COMMITTEE**

of

**SOUTH AUSTRALIA**

to

**THE ATTORNEY-GENERAL**

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**DEALING WITH THE INHERITED  
IMPERIAL LAW BETWEEN 1821 AND  
1836**

1985

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.*

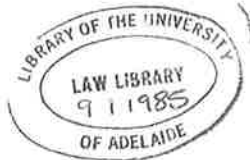
M. F. GRAY, Q.C., S.-G.

P. R. MORGAN.

D. F. WICKS.

M. J. DETMOLD.

G. F. HISKEY, S.M.



The Secretary of the Committee is Mrs Nadia Chapman, c/o Supreme Court, Victoria Square, Adelaide 5000.

**NINETY-FIRST REPORT OF THE LAW REFORM COMMITTEE  
OF SOUTH AUSTRALIA DEALING WITH THE INHERITED  
IMPERIAL LAW FOR THE PERIOD FROM 1821-1836**

To:

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

Sir,

This is the concluding report on the general inherited Imperial Law up to the date of the foundation of South Australia on 28th December, 1836.

*Statutes 1 & 2 Geo. IV (1821) cc. 1-123:*

Chapter 1 making provision for Queen Caroline was repealed in 1873. Chapter 2 dealing with the discovery of longitude at sea was repealed by 9 Geo. IV c.66. Chapters 3 dealing with malt duty, 4 with supply, 6 with transportation, 8 with the vexed question of the levying of duties in New South Wales, 9 with mutiny, 10 with marine mutiny, 11 with silk, 12 with flax, and 13 with glass duty, were repealed in 1873. Chapter 5 dealing with an indemnity was repealed in 1871. Chapter 7 dealing with imports was repealed by 3 Geo. IV c.44. Chapters 14 dealing with ports, 29 with starch and 50 with bread, were repealed in 1861. Chapter 15 dealing with the property of lunatics out of England, and Chapter 114 dealing with the property of lunatics in England, were repealed by 6 Geo. IV c.74. Chapter 16 dealing with the Court of King's Bench was repealed by 3 Geo. IV c.102. Chapter 17 dealing with solicitors in Ireland was repealed in 1849. Chapter 18 dealing with the repeal of the witchcraft laws in Ireland, Chapter 21 dealing with an indemnity, Chapter 25 dealing with quartering soldiers, and Chapter 32 dealing with the poor law, were repealed in 1873. Chapters 19, 37, 67, 84, 94, 103 and 104 dealing with the customs, and 97 dealing with the coasting trade, were repealed by 6 Geo. IV c.105. Chapter 20 dealing with horse duties were repealed in 1869. Chapter 24 dealing with treason in Ireland was partly repealed by statutes from 1890-1945 and is still partly in force there. Chapters 6 dealing with the Bank of England, and 27 with the Bank of Ireland, were repealed in 1870. Chapter 28 dealing with the winding up of the African Company and the vesting of the African possessions in the Crown was repealed in 1964. Chapter 30 dealing with Holyhead roads was partly repealed in 1861 and is partly in force. Chapter 31 dealing with the hereditary revenue of the Crown in Scotland was repealed in 1890. Chapter 33 dealing with lunacy in Ireland appears to be still in force there. Chapter 34 dealing with capital punishment in Ireland was repealed by 9 Geo. IV c.53. Chapter 35 dealing with Conway Bridge was partly repealed by 4 Geo. IV c.74 and 4 & 5 Will. IV c.66 and partly in 1840 and is partly still in force. Chapter 36 dealing with public notaries in Ireland appears to be still in force there. Chapter 38 dealing with the Court of Session was partly repealed by 6 Geo. IV c.120, partly by statutes from 1838-1933, and is partly still in force. Chapter 39 dealing with admiralty courts in Scotland was repealed in 1873. Chapter 40 dealing with frauds by bankrupts in Ireland was repealed in 1857. Chapter 41 dealing with the negligent use of furnaces powered by steam was repealed by statutes of 1968 and 1971. There is a sidenote reference to it in S.549 of the Local Government Act 1934. Chapters 42 and 43 dealing with the militia, and 56 with the poor law, were repealed in 1873. Chapter 44 dealing with House of Commons disqualification in relation to the holding of judicial offices in Ireland was repealed in 1957. Chapters

45, 72, 89 and 107 are local Acts. Chapter 46 dealing with juries was repealed by 6 Geo. IV c.50. Chapter 47 dealing with rotten boroughs and therefore with the disfranchisement of the borough of Grampound through bribery was repealed in 1873. Chapter 48 dealing with solicitors in Ireland was repealed in 1891. Chapter 49 dealing with the Navy pay was repealed by 11 Geo. IV & 1 Will. IV c.20. Chapter 51 dealing with the usury laws in Ireland and the West Indies was repealed by 3 Geo. IV c.47. Chapter 52 dealing with the land revenues of the Crown was partly repealed by statutes of 1873 and 1971 and is partly still in force. Chapter 53 dealing with common law procedure in Ireland was partly repealed by statutes from 1873-1953 and is partly still in force there. Chapter 54 dealing with the clerk of assize in Ireland was partly repealed by statutes of 1853-1953 and is partly still in force there. Chapters 55 dealing with stamp duty, 73 with transfer of public funds, and 108 with the national debt, were repealed in 1870. Chapter 57 dealing with prisons in Ireland was repealed by 3 Geo. IV c.64. Chapter 58 dealing with parliamentary elections in Ireland was repealed in 1948. Chapters 59 dealing with insolvent debtors in Ireland, 61 with the East India Company, 64 with vagrants, 68 with coal, and 71 with Exchequer bills, were repealed in 1873. Chapters 60 dealing with the South Sea trade, 70 with the national debt, 75 with frauds by boatmen, 91 with silk bounties, 96 with spirit duty, 99 with the slave trade, 102 with export, 105 with excise, and 110 with horse duties, were repealed in 1861. Chapter 62 dealing with the sessions of the peace in Ireland was repealed by 1 & 2 Will. IV c.31. Chapter 63 dealing with justices of the peace was repealed in England in 1874. It was impliedly repealed in South Australia by Ordinance 15 of 1849 which in its turn was repealed by the Justices Act 1921 but as the repeal is implied it would be as well to repeal it for greater certainty today. Chapter 65 dealing with the East India trade was repealed by 4 Geo. IV c.80. Chapter 66 dealing with the British North America Act was repealed by statutes from 1874-1950. Chapter 69 dealing with ordnance property was repealed in 1842. Chapter 74 dealing with the Treasurer of the Navy was repealed by 11 Geo. IV and 1 Will. IV c.42. Chapter 76 dealing with the Cinque Ports was partly repealed by statutes from 1854-1967 and is partly in force. Chapter 77 dealing with the abolition of gaol fees in Ireland appears still to be in force there. Chapter 78 dealing with bills of exchange was repealed in 1882 and is dealt with in the Sixty-First Report of this Committee. Chapter 79 dealing with the white herring fishery in Scotland was partly repealed by statutes from 1867-1981 and is partly still in force there. Chapters 80 dealing with treasury bills, 81 with wool, 82 and 83 with malt duty, 90 with revenue in Ireland, 95 with the consolidated fund, 100 with hops, 101 with export, 106 with customs, and 111 with public works loans, were repealed in 1873. Chapter 85 dealing with county rates was repealed in 1952. Chapter 86 dealing with Caversham Rectory was repealed in 1950. Chapter 87 dealing with imports was repealed by 7 & 8 Geo. IV c.58. Chapter 88 dealing with the rescue of persons charged with felony was repealed by statutes from 1887-1956 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 92 dealing with the exchange of charitable lands is a general statute but requires the consent of the bishop of the diocese to any such exchange and was therefore not inherited by us in South Australia. It was repealed in England in 1873. Chapter 93 dealing with property occupied for naval service was repealed in 1865. Chapter 98 dealing with Greenwich Hospital was repealed by 10 Geo. IV c.26. Chapter 109 dealing with tobacco duties was repealed in 1840. Chapter 112 dealing with stamp duty on legal proceedings in Ireland was repealed by statutes from 1873-1953. Chapter 113 dealing with taxes management was repealed in 1880. Chapter 115 dealing with the Bankruptcy Court was repealed in 1869. Chapters 116 dealing with customs, 117 with the Foundling Hos-

pital in Dublin, 118 with Police Magistrates, and 119 with provision for the Duke of Clarence on his marriage to the lady who afterwards became Queen Adelaide, was repealed in 1873. Chapter 120 dealing with lotteries was repealed in 1861 and is dealt with in the Sixty-Eighth Report of this Committee. Chapter 121 dealing with commissariat accounts was repealed in 1973. Chapters 122 dealing with appropriation and 123 with land tax commissioners were repealed in 1873.

Accordingly of the statutes for 1821, chapters 1, 3-6, 8-14, 17-18, 20-33, 35 so far as not already repealed, 36, 38 so far as not already repealed, 39-45, 47-48, 50, 52-56, 58-61, 63-64, 66, 68-73, 75-77, 79-83, 85-86, 89, 96, 99-102, 105-113, 115-119 and 121-123 remain to be repealed in South Australia today.

*Statutes 3 Geo. IV (1822) cc. 1-127:*

Chapters 1-3 and 80 dealing with an armed rising in Ireland, 6 with sugar duty, 7 with supply, 8 with exchequer bills, 11 with marine mutiny, 13 with mutiny, 14 with land tax and 15 with Acts continuance, were repealed in 1873. Chapter 4 dealing with arms in Ireland appears to be still in force there. Chapter 5 dealing with the census was repealed in 1839. Chapters 9, 17, 26, 61, 66, 68, 89 and 93 relating to the national debt, and 117 relating to stamps, were repealed in 1870. Chapter 10 dealing with judges on assize was repealed in 1925 and is dealt with in the Sixty-First Report of this Committee. Chapter 12 dealing with indemnity was repealed in 1871. Chapter 16 dealing with solicitors in Ireland was repealed in 1891. Chapters 18 dealing with malt duty, and 86 dealing with public works loans, were repealed in 1875. Chapter 19 dealing with the Commissioners of the Admiralty was repealed by 2 & 3 Will. IV c.40. Chapters 20 dealing with quartering soldiers, 21 with hospitals, 22 and 118 with trade with Ireland, 27 with excise, and 29 with creditors in Scotland, were repealed in 1873. Chapter 23 dealing with summary proceedings was repealed in 1848 and is dealt with in the Fifty-Eighth Report of this Committee. Chapter 24 dealing with the recovery of stolen goods was repealed by 7 & 8 Geo. IV c.27 and 9 Geo. IV c.53. Chapter 25 dealing with starch duty and chapter 32 dealing with silk duty were repealed in 1861. Chapters 28, 43, 44, 45, 107 and 110 dealing with trade and customs were repealed by 6 Geo. IV c.105. Chapter 30 dealing with beer duty was repealed in 1880. Chapters 31 and 36 dealing with malt duty, 34 with the poor law, 37 with revenue, and 41 and 42 with imports, were repealed in 1873. Chapter 33 dealing with riots in Scotland was partly repealed by 7 & 8 Geo. IV c.27, partly by statutes from 1873 to 1973 and is partly still in force there. Chapters 35, 58, 79, 100 and 116 are local Acts. Chapter 38 dealing with manslaughter was repealed in 1861 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 39 dealing with warrants and cognovits was repealed in 1956 and is dealt with in the Sixty-First Report of this Committee. Chapter 40 dealing with vagrancy was repealed by 5 Geo. IV c.83. Chapter 46 dealing with the levy of fines was partly repealed by 7 Geo. IV c.37, and was partly adopted in South Australia by Ordinance No. 15 of 1849 which in its turn was repealed by the Justices Act 1921, and is dealt with in the Fifty-Eighth Report of this Committee. Chapter 47 dealing with mortgages in the West Indies was repealed in 1861. Chapter 48 dealing with tonnage duties was repealed in 1873. Chapter 49 dealing with the sheriffs of Edinburgh and Lanark was repealed in 1971. Chapter 50 dealing with assessed taxes was repealed in 1869. Chapter 51 dealing with superannuation was repealed by 9 Geo. IV c.79. Chapter 52 dealing with whisky duty was repealed in 1952. Chapters 53 dealing with roast corn, coffee and cocoa and 54 dealing with taxes in Ireland were repealed in 1873. Chapter 55 dealing with police magistrates in London was repealed by 3 & 4 Will. IV c.19. Chapter 56 dealing with offices in the Irish

Exchequer and 59 with coal duties were repealed in 1873. Chapter 57 dealing with hospitals was repealed by 7 Geo. IV c.16. Chapter 60 dealing with imports was repealed by 9 Geo. IV c.60. Chapter 62 dealing with fees to be taken in the office of the Lord Register of Scotland was repealed in 1890. Chapter 63 dealing with Crown Lands in Ireland was partly repealed by statutes from 1873 to 1890 and is partly in force. Chapter 64 dealing with prisons in Ireland was repealed by 7 Geo. IV c.74. Chapters 65 dealing with the consolidated funds, 67 and 76 with excise, 78 with the Duchy of Cornwall, and 82 with salt duty, were repealed in 1873. Chapter 69 dealing with fees in the common law courts was repealed in 1874 and is dealt with in the Sixty-First Report of this Committee. Chapter 70 dealing with cruelty to animals was repealed by 5 & 6 Will. IV c.59. Chapter 72 dealing with churches was partly repealed by statutes from 1873 to 1974 and is partly in force. Chapter 73 dealing with the national debt and 74 with bankruptcy were repealed in 1861. Chapter 75 dealing with the confirmation of marriages was partly repealed by 4 Geo. IV c.5 and partly in 1873. Chapter 77 dealing with ale houses was repealed in 1873 and is dealt with in the Fifty-Eighth Report of this Committee. Chapter 81 dealing with bankruptcy was repealed by 6 Geo. IV c.16. Chapters 83 dealing with leather duty, 84 with distress in Ireland, 87 with building new courts for the Exchequer, 90 with exports, 94 with malt duty, 97 with Acts continuance, 99 with customs, 104 with bounties, and 106 with sugar duty, were repealed in 1873. Chapter 85 dealing with criminal trials in Scotland was repealed by 6 Geo. IV c.22. Chapter 88 dealing with assessed taxes was repealed in 1880. Chapter 91 dealing with Royal burghs in Scotland was repealed in 1900. Chapter 92 dealing with annuities was repealed in 1854. Chapter 95 dealing with duties on stage coaches was repealed by 2 & 3 Will. IV c.120. Chapters 96 a further statute on the vexed question of duties to be imposed in New South Wales, and 98 dealing with the grant of pensions to servants of the late Queen Caroline, were repealed in 1874. Chapter 101 dealing with lotteries was repealed in 1861 and is dealt with in the Sixty-Eighth Report of this Committee. Chapter 102 dealing with the Court of King's Bench was repealed by 11 Geo. IV & 1 Will. IV c.70. Chapter 103 dealing with constables in Ireland was repealed by 6 & 7 Will. IV c.13. Chapter 105 dealing with postage was repealed in 1837. Chapter 108 dealing with property for barrack service was repealed in 1842. Chapter 109 dealing with barilla duty and 125 with the leases of tithes in Ireland, were both repealed in 1861. Chapters 111 dealing with exports and 112 with public works in Ireland were repealed in 1873. Chapter 113 dealing with public salaries was repealed by 4 & 5 Will. IV c.24. Chapter 114 dealing with imprisonment with hard labour was partly repealed in England by 7 & 8 Geo. IV c.27 and partly by statutes of 1948 to 1949. It was held to be in force in New South Wales in *The Queen v. Thompson (1877) Knox 454*. The statute is referred to in the sidenote to Section 270 of our Criminal Law Consolidation Act 1935 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 115 dealing with coroners in Ireland was repealed in 1846. Chapter 119 dealing with the British North America Act was repealed in 1966. Chapters 120 and 121 dealing with militia pay, 122 with exchequer bills, 124 with insolvent debtors in Ireland, and 127 with appropriations, were repealed in 1873. Chapter 123 dealing with insolvent debtors in England was repealed by 7 Geo. IV c.57. Chapter 126 dealing with turnpike roads was repealed by statutes from 1890-1963 and again for good measure in 1981. Accordingly of the statutes of 3 Geo. IV, chapters 1-9, 11-18, 20-22, 25-27, 29-32, 33 so far as unrepealed, 34-37, 41 and 42, 47-50, 52-54, 56, 58-59, 61-63, 65-68, 72-74, 75 so far as unrepealed, 76, 78-80, 82-84, 86-94, 96-100, 104-106, 108-109, 111-113, 115-122, and 124 remain to be repealed in South Australia today.

*Statutes 4 Geo. IV (1823) cc. 1-100:*

Chapter 1 dealing with an indemnity was repealed in 1871. Chapters 2, 24, 26, 39, 41, 44, 66, 69 and 84 dealing with trade and customs were repealed by 6 Geo. IV c.105. Chapters 3 dealing with sugar duty, 4 with Exchequer bills, 6 with supply, 8 with creditors in Scotland, and 9 with servants in Ireland, were repealed in 1873. Chapter 5 dealing with the validation of marriages was partly repealed in 1873 and is partly in force. Chapter 7 dealing with the Chancellor of the Exchequer was repealed by statutes of 1873 and 1953. Chapters 10, 50, 74, 75 and 86 are local Acts. Chapters 11 dealing with assessed taxes, 12 with marine mutiny, 13 with mutiny, 14 with arms in Ireland, and 15 with yeomanry, were repealed in 1873. Chapter 16 dealing with turnpike roads was repealed in 1981. Chapter 17 dealing with clandestine marriages was repealed by 4 Geo. IV c.76. Chapter 18 dealing with lands of the Crown is still in force. Chapter 19 dealing with the national debt reduction was partly repealed by statutes from 1866 to 1950 and is partly still in force. Chapters 20 dealing with quartering soldiers, 21 with supply, 28 with militia, and 30 with excise, were all repealed in 1873. Chapter 22 dealing with an annuity was repealed in 1870. Chapters 23 dealing with customs, and 45 with assessed taxes, were repealed in 1861. Chapter 25 dealing with merchant seamen was repealed by 5 & 6 Will. IV c.19. Chapter 27 dealing with justices of the peace in places and towns in England which had a limited number of justices was repealed in 1890. Chapter 29 dealing with apprenticeship was repealed in 1875. Chapter 31 dealing with profane cursing is an amendment of 19 Geo. II c.21. It was repealed in 1873 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 32 dealing with charitable loan societies was repealed in 1843. Chapter 33 dealing with county treasurers in Ireland was repealed by statutes of 1873 and 1898. Chapter 34 dealing with masters and servants was repealed in 1875 and is dealt with in the Fifty-Eighth Report of this Committee. Chapter 35 dealing with statutory trustees and commissioners was repealed in 1963. Chapter 36 dealing with joint tenancies in Ireland was repealed by statutes of 1873 and 1918. Chapter 37 dealing with the levying of fines was repealed in 1967. It is dealt with in *Lynn* at page 123 and in the Fifty-Ninth Report of this Committee. Chapters 38 dealing with compensation for officers in Ireland, 47 with male convicts, and 51 with beer duty, were repealed in 1873. Chapter 40 dealing with linen manufacture in Scotland was repealed in 1890. Chapters 42 dealing with commercial credit in Ireland, and 43 dealing with county officers in Ireland, were repealed in 1873. Chapter 46 dealing with capital punishment repeal was partly repealed by 7 & 8 Geo. IV c.27 and the balance by statutes of 1873 and 1976. Chapter 48 dealing with recording sentences of death was repealed in 1971 and 1973 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 49 dealing with turnpike roads in Scotland was repealed by 1 & 2 Will. IV c.43. Chapter 52 dealing with the burial of suicides was repealed in 1882 and is dealt with in the Fifty-Ninth Report of this Committee. Chapters 53 and 54 dealing with benefit of clergy were repealed in 1873 and 1861 respectively and are dealt with in the Fifty-Ninth Report of this Committee. Chapter 55 dealing with Parliamentary elections in Ireland was partly repealed by statutes from 1890 to 1948 and is partly still in force there. Chapters 56 dealing with military roads in Scotland, 57 with barilla duty, 58 with an insurrection in Ireland, and 59 with militia pay, were repealed in 1873. Chapter 60 dealing with lotteries was repealed in 1934. It was held to be in force in Victoria by the Full Supreme Court of Victoria in *Attorney-General of Victoria v. Moses (1907) V.L.R. 130* and was held not to be in force in New South Wales by the High Court in *Quan Yick v. Hinds (1905) 2 C.L.R. 345* and is dealt with in the Fifty-Ninth Report of this Committee.



Chapter 61 dealing with the Irish Court of Chancery was partly repealed by 6 & 7 Will. IV c.74, partly by statutes from 1873 to 1963 and is partly still in force there. Chapter 62 dealing with horse duties was repealed by 2 & 3 Will. IV c.120. Chapters 63 dealing with gaols, 68 with land tax commissioners, 72 with customs, and 73 with malicious injuries to property in Ireland, were repealed in 1873. Chapter 64, a Prisons Consolidation Act, was repealed in 1865. Chapter 67 dealing with marriage confirmation in St. Petersburg, now Leningrad, was repealed in 1890. Chapter 70 dealing with a Court of Exchequer for Ireland was repealed in 1861. Chapter 71 dealing with the Indian possessions of the Crown was repealed in 1915. Chapter 76 dealing with marriage was repealed in 1949. It was held not to be in force in New South Wales in *The Queen v. Maloney (1836) Legge 74* and *The Queen v. Roberts (1850) Legge 544*. Chapters 77 dealing with imports, and 82 with convicts, were repealed in 1873. Chapter 78 dealing with stamp duty on process in the Court of Chancery in Ireland was repealed in 1890. Chapter 79 providing for the founding of additional churches in the Highlands was partly repealed by 5 Geo. IV c.90 and the balance in 1973. Chapter 80 dealing with lascars was repealed in 1963. Chapter 81 dealing with the East India Company was repealed in 1840. Chapter 83 dealing with factors was repealed in 1889 and is dealt with in the Sixty-First Report of this Committee. Chapter 85 dealing with process in Courts of law in Scotland was repealed in 1873. Chapter 87 dealing with unlawful oaths in Ireland is still in force there. Chapter 88 dealing with passenger vessels was repealed in 1854. Chapter 89 dealing with costs in Irish courts was partly repealed by statutes from 1860 to 1890 and is partly still in force. Chapter 90 dealing with linen manufacture was repealed by 6 Geo. IV c.122. Chapter 91 dealing with confirmation of marriages was repealed by statutes of 1890 and 1892. Chapter 92 dealing with an annuity to Earl St. Vincent was repealed in 1953. The Earl St. Vincent referred to therein is the son of the Earl of that name after whom St. Vincent's Gulf is named. Chapter 93 dealing with a division of the county of Cork was repealed in 1851. Chapter 94 dealing with spirit duty was repealed in 1880. Chapter 95 dealing with turnpike roads was repealed in 1981. Chapter 96 dealing with the Supreme Courts of New South Wales and Van Diemen's Land was repealed by 9 Geo. IV c.83. Chapter 97 dealing with Commissary Courts in Scotland was repealed by statutes of 1890 and 1950. Chapter 98 dealing with confirmation of executors in Scotland was repealed in 1980. Chapters 99 dealing with compensation for tithes in Scotland and 100 with appropriation were repealed in 1873. Accordingly of the statutes of 4 Geo. IV, chapters 1, 3-16, 18-23, 27-30, 32-33, 35-36, 38, 40, 42-43, 45, 46 so far as unrepealed, 47, 50-51, 55-59, 61 so far as unrepealed, 63-65, 67-68, 70-78, 79 so far as unrepealed, 80-82, 85-89, 91-95 and 97-100 remain to be repealed in South Australia today.

*Statutes 5 Geo. IV (1824) cc. 1-115:*

Chapter 1 dealing with duties on foreign vessels was repealed in 1849. Chapters 2 dealing with exchequer bills, 3 with supply, 7 with revenue, 13 with mutiny, 14 with marine mutiny, and 15 with sugar duty, were repealed in 1873. Chapters 4 dealing with legal proceedings in Ireland, 8 with the Church of Ireland, and 16 with the Court of Exchequer in Ireland, were repealed in 1861. Chapter 5 dealing with the post office was repealed in 1950. Chapters 6 and 79 dealing with indemnity were repealed in 1871. Chapters 9, 11, 24, 45 and 53 dealing with the national debt, and 41 with stamp duty, were repealed in 1870. Chapters 10 and 20 dealing with postage were repealed in 1837. Chapter 12 dealing with gaols was repealed by statutes from 1874 to 1950. Chapter 17 dealing with the slave trade was repealed in 1861 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 18 dealing with summary

convictions was repealed in 1848. It was impliedly repealed in South Australia by the Ordinance 6 of 1850, following the Imperial Statute 11 & 12 Vict. c.43. The Ordinance 6 of 1850 was in its turn repealed in 1921. The matter is dealt with in the Fifty-Eighth Report of this Committee. Chapters 19 dealing with convicts, 22 with import duties, 23 with the Board of Works in Ireland, 27 with proctors in Ireland, and 29 with county treasurers in Ireland, were all repealed in 1873. Chapters 21, 34, 35, 43, 46, 47 and 76 dealing with trade and customs and 88 with the East India Company were repealed by 6 Geo. IV c.105. Chapters 25, 49, 52, 80, 81, 91 and 101, are local Acts. Chapter 26 dealing with the Barrack Department was repealed in 1861. Chapter 28 dealing with constables in Ireland was repealed by 6 & 7 Will. IV c.13. Chapter 30 dealing with stealing records in Ireland was repealed by 9 Geo. IV c.53. Chapters 31 dealing with quartering soldiers, 33 with militia pay, 37 with aliens, 40 with glass duties, 42 with supply, and 48 with Crown lands, were repealed in 1873. Chapter 32 dealing with marriage was repealed in 1949. Chapters 36 and 77 dealing with public works loans were repealed in 1875. Chapter 38 dealing with Highland roads was repealed by statutes of 1873 to 1889. Chapters 39 and 60 dealing with the British Museum were repealed in 1963. Chapter 44 dealing with house tax was repealed in 1888. Chapters 50 dealing with bread, and 70 and 75 with customs, were repealed in 1861. Chapters 51 dealing with Newfoundland fisheries, 54 with beer, 55 with hide duties, 56 with distilleries, 57 with hides, and 58 with Acts continuance, were repealed in 1873. Chapter 59 an Act to repeal the attainder of "Bobbing John", the Earl of Mar who led the rising of the Old Pretender in 1715 and who was attainted by 1 George I statute 2 chapter 32, had the attainder repealed by this chapter and that repeal was in its turn repealed in 1873. Chapter 61 dealing with insolvent debtors was repealed by 7 Geo. IV c.57. Chapter 62 dealing with Savings Banks was repealed by 9 Geo. IV c.92. Chapters 63 dealing with tithe composition in Ireland, 65 with salt, and 66 with silk, were repealed in 1873. Chapter 64 dealing with fisheries was repealed in 1955. Chapter 67 dealing with the Supreme Court of Newfoundland is still in force. Chapter 68 dealing with marriages confirmation in Newfoundland was partly repealed in 1873 and is partly still in force. Chapter 69 dealing with turnpike roads was repealed in 1981. Chapter 71 dealing with maintenance of lunatics was repealed by 9 Geo. IV c.40. Chapter 72 dealing with banking in Ireland was repealed by 6 Geo. IV c.42. Chapter 74 dealing with weights and measures was partly repealed by statutes of 1878 and 1888 and is partly still in force. Chapter 78 dealing with the Duchy of Cornwall was repealed in 1963. Chapter 82 dealing with a particular appointment to the Clerk of Parliaments was repealed by statutes of 1873 to 1888. Chapter 83, the Vagrancy Act, was partly repealed by statutes from 1838 to 1982 and is still partly in force in England. It was held by the High Court of Australia that insofar as that Act related to proceedings before Justices it was not in force in New South Wales: see *Quan Yick v. Hinds (1905) 2 C.L.R. 345*. It can only be said that the contrary opinion was entertained in South Australia for many years. Any check of the early newspapers of South Australia will show numerous declarations of a person being idle and disorderly or being a rogue and a vagabond within the Vagrancy Act and indeed those sections were carried forward into the Police Act 1936 sections 85-88. The concepts of an idle and disorderly person and of a rogue and vagabond have since been repealed. Section 140 of the Police Act 1936 also comes from the Imperial Vagrancy Act of 1824. There is no need however for any saving of that Act in South Australia today. It was dealt with in the Fifty-Eighth Report of this Committee. Chapter 84 dealing with transportation was repealed by statutes of 1948 and 1949 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 85

dealing with gaols was repealed in 1865. Chapter 86 dealing with the Australian Agricultural Company was repealed in 1912 with a saving. The Australian Agricultural Company, so far as we know, functioned only in the Eastern States and there seems to be no need for any saving in South Australia. Chapter 87 dealing with entails in Scotland was partly repealed by statutes from 1868 to 1890 and is partly in force. Chapters 89 dealing with Church of England property, 93 with county offices in Ireland, 94 with customs prosecutions, and 97 with artificers, were repealed in 1873. Chapter 90 dealing with the building of additional churches in the Highlands of Scotland was repealed by statutes from 1890 to 1973. Chapter 92 dealing with doctors in Ireland was repealed in 1874. Chapter 95 dealing with trades unions was repealed by 6 Geo. IV c.129. Chapter 96 dealing with masters and workmen in arbitration was repealed in 1896, and is part of the history of industrial arbitration which we inherited here, but there is no need to preserve this particular statute. Chapter 98 dealing with bankruptcy was repealed by 6 Geo. IV c.16. Chapter 99 dealing with Whittlewood Forest was repealed in 1971. Chapter 100 dealing with Regents Park and Regent Street was partly repealed by 6 Geo. IV c.38 and 9 Geo. IV c.64 and is still partly in force. Chapter 102 dealing with the administration of justice in Ireland is still in force there. Chapter 103 dealing with Church buildings was repealed by statutes of 1897 and 1943 and again for good measure in 1974. Chapter 104 dealing with superannuation allowances was repealed by 4 & 5 Will. IV c.24. Chapters 105 dealing with insurrections in Ireland, 108 with the transfer of Singapore to the East India Company, and 110 with weights and measures in Ireland, were repealed in 1873. Chapter 106 dealing with the Court of Great Sessions in Wales was repealed in 1861. Chapter 107 dealing with Chelsea Hospital was repealed by 2 & 3 Will. IV c.53. Chapter 109 dealing with the oaths taken by the Earl Marshal was repealed in 1871. Chapter 111 dealing with Crown debts was repealed in 1982. Chapter 112 dealing with the boundaries of counties in Ireland was repealed by 6 Geo. IV c.99. Chapter 113 dealing with the slave trade was partly repealed by statutes from 1843 to 1913 and is still partly in force. It is dealt with in the Fifty-Ninth Report of this Committee. Chapter 114 dealing with marine assurances and bottomry was repealed in 1873. It is however an important statute for South Australia in that it gave the right generally (for the first time) to corporations to write policies of marine insurance and bottomry insurance. It should be repealed here but the relevant provision should appear in our Marine Act. Chapter 115, an appropriation Act, was repealed in 1873. Accordingly of the statutes of 5 George IV, chapters 1-16, 19-20, 22-27, 29, 31-33, 36-42, 44-45, 47-60, 63-70, 72, 74-75, 77-82, 85-87, 89-94, 96-97, 99, 100 so far as unrepealed, 101-103, 105-106, 108-112, 114 but only after you have considered the matter, and 115, should be repealed in South Australia today.

*Statutes 6 Geo. IV (1825) cc. 1-134:*

Chapters 1 dealing with supply, 2 with exchequer bills, 4 with unlawful societies in Ireland, 5 with mutiny, and 6 with marine mutiny, were repealed in 1873. Chapter 3 dealing with an indemnity was repealed in 1871. Chapter 7 dealing with house tax was repealed in 1924. Chapter 8 dealing with the exchange of Glebe lands appears on the face of it to apply only in England. The Tasmanian Church of England Act treats the Act as in force there, but for the same reasons as we gave in relation to the statute 55 George III, chapter 147, of which this is an amendment, we do not think this statute is in force in South Australia or needs to be preserved here. Chapter 9 dealing with various duties was repealed in 1958. Chapters 10 dealing with an inquiry into the Courts of Justice in Ireland, 11 with the payment of creditors in Scotland, 14 with supply, and 20 with quartering soldiers, were repealed in 1873. Chapter 12 dealing

with weights and measures was partly repealed by 5 & 6 Will. IV c.63 and the balance in 1878. Chapter 13 dealing with wine duty was repealed by 7 Geo. IV c.48. Chapters 15, 36, 38, 39, 75 and 128 are local Acts. Chapter 39 dealing with the Van Diemen's Land company was partly repealed in 1979. Chapter 16 dealing with bankruptcy was adopted in South Australia by the Ordinance 7 & 8 Vict. No. 5 and was repealed by the Act 14 of 1857-8. It was repealed in England in 1849. Chapter 17 dealing with Crown Lands was repealed in 1961. Chapter 18 dealing with Navy pay was repealed by 11 Geo. IV & 1 Will. IV c.20. Chapter 19 dealing with the sending of threatening letters was repealed in 1861 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 21 dealing with Justices of the Peace in London was repealed by 3 & 4 Will. IV c.19. Chapter 22 dealing with jurors in Scotland was partly repealed by statutes from 1873 to 1980 and is partly in force there. Chapter 23 dealing with the Sheriff Courts in Scotland was partly repealed by statutes from 1877 to 1907 and is partly still in force there. Chapters 24 dealing with small debts in Scotland, 29 with imports, and 31 with militia pay, were repealed in 1873. Chapter 25 dealing with benefit of clergy was repealed in 1873 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 26 dealing with the Royal Naval Asylum was repealed by 10 Geo. IV c.26. Chapter 27 dealing with Chelsea pensioners was repealed in 1839. Chapters 28 and 44 dealing with postage were repealed in 1837. Chapter 30 dealing with the Court of Chancery in Ireland was repealed in 1891. Chapter 32 dealing with land tax was repealed in 1880. Chapters 33 dealing with the dissolution of the Levant company, and Chapter 34 dealing with the Duke of Atholl's rights as sovereign in the Isle of Man were repealed in 1873. Chapter 35 dealing with public works in Ireland was repealed in 1875. Chapter 37 dealing with excise was repealed in 1873. Chapter 40 dealing with mortgages of county rates was repealed in 1865. Chapters 41 dealing with stamp duty, 79 with currency, and 98 with tokens, were repealed in 1870. Chapter 42 dealing with banking partnerships in Ireland was repealed in 1963. Chapter 43 dealing with levying of distress in Ireland was repealed in 1873. Chapter 45 dealing with enrolment of articles of clerkship was repealed in 1873. It is on the face of it local to Great Britain and we did not receive it here. Chapter 46 dealing with the difficulties articulated clerks faced where their principals had not taken out practising certificates for one or more years of their articles was repealed in 1888. We already have our own requirement on that topic and it is not necessary to preserve the Act here. Chapter 47 dealing with lying, sedition and blasphemy in Scotland was repealed in 1973. Chapter 48 dealing with small debts in Scotland was partly repealed by statutes from 1849 to 1924 and is partly still in force. Chapter 49 dealing with piracy was repealed in 1850 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 50 dealing with juries was partly repealed by statutes from 1888 to 1972 and is partly still in force. There are numerous sidenotes in our Juries Act to this Act and it is dealt with in the Sixty-First Report of this Committee. Chapter 51 dealing with procedure in Courts in Ireland is still in force there. Chapters 52 dealing with salaries in Ireland, and 55 with the Court of Exchequer in Ireland, were repealed in 1873. Chapter 53 dealing with lunatics was repealed in 1871 and is dealt with in the Sixty-First Report of this Committee. Chapter 54 dealing with lunatic asylums in Ireland was repealed in 1888. Chapter 56 dealing with forgery was repealed in 1861, and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 57 dealing with the poor law was repealed in 1927. Chapter 58 dealing with beer duties was repealed in 1880. Chapter 59, one of the British North America Acts, dealt with titles to land held under French law before the British conquest of Quebec and was repealed in 1959. Chapter 60 dealing with the Court of Exchequer in Equity in Ireland was repealed

in 1861. Chapter 61 dealing with the Army was repealed in 1863. Chapter 62 dealing with poor prisoners in Scotland was partly repealed by statutes from 1882 to 1990 and is partly still in force there. Chapter 63 dealing with cotton mills was repealed by 1 & 2 Will. IV c.39. Chapters 64 dealing with wheat duty, 65 with corn, 68 with postage, 70 with exchequer bills, 71 with an annuity for the Duke of Cumberland, and 72 with an annuity for the Princess Victoria (as she then was) were repealed in 1873. Chapter 66 dealing with trial by peers for offences in Scotland was repealed in 1948. Chapter 67 dealing with naturalization was repealed in 1870. Chapter 69 dealing with the punishment of convicts for offences committed during their period of transportation was repealed in 1958. Chapters 73 dealing with American and West Indies trade, 76 with duties in Mauritius, and 104 with customs, were all repealed by 7 Geo. IV c.48. Chapter 74 dealing with the property of infants and lunatics was repealed by 11 Geo. IV & 1 Will. IV cc. 60 and 65. Chapter 77 dealing with Buckingham Palace was repealed by 10 Geo. IV c.50. Chapter 78 dealing with quarantine was repealed in 1896. Chapter 80 dealing with spirit duties was repealed by statutes from 1857 to 1880. Chapter 81 dealing with excise licences was repealed in 1952. There is a sidenote to section 7 of that Act by Section 6 of our Auctioneers Act 1934. Chapter 82 dealing with the sale of offices in the Courts was repealed in 1925 and is dealt with in the Sixty-First Report of this Committee. Chapter 83 dealing with the Court of Common Pleas was repealed in 1888 and is also dealt with in the Sixty-First Report of this Committee. Chapter 84 dealing with the salaries of English Judges was repealed in 1925. Chapter 85 dealing with the salaries of Indian Judges was repealed in 1915. Chapter 86 dealing with Courts of Justice in Scotland was partly repealed by statutes from 1873 to 1888 and is partly still in force there. Chapter 87 dealing with British Consuls at foreign ports was repealed in 1973. Chapter 88 dealing with West Indian Bishops was repealed in 1874. Chapter 89 dealing with the purchase of offices was repealed in 1873. Chapter 90 dealing with civil service pensions was repealed in 1869. Chapter 91 is an important Act. It was the first Act to relax the constraints upon companies which had been imposed subsequent to the South Sea Bubble. It was repealed in England in 1873. There are two sections which we think are still of importance in South Australia today. The first is the restoration of liability at common law for wrongful transactions with regard to joint stock companies. There may well be some joint stock companies still in South Australia and there certainly are some in Australia which could be registered here. The second is that by section 2 there is a liability created for individual corporators under a Corporation erected by Royal Charter and there certainly are Corporations operating under Royal Charter in this State. Accordingly the statute should be repealed here but the sections should be put into the relevant company legislation. Chapter 92 dealing with confirmation of marriages was partly repealed by statutes from 1888 to 1890 and is partly still in force. Chapter 93 dealing with decrees made at the Court of the Master of the Rolls was repealed in 1873 and is dealt with in the Sixty-First Report of this Committee. Chapter 94 dealing with factors was repealed in 1889 and is also dealt with in the Sixty-First Report of this Committee. Chapter 95 permitting serjeants at law to be appointed in vacation was repealed in 1879. Chapter 96 dealing with writs of error was repealed in 1861 and is dealt with in the Sixty-First Report of this Committee. Chapter 97 dealing with universities was partly repealed by statutes from 1888 to 1969 and is partly still in force. Chapters 99 dealing with manors in Ireland, 101 with roads in Ireland, 102 with deserted children in Ireland, 103 with Leith naval yards, 105 with customs, 117 with glass duties, and 121 with insolvent debtors, were repealed in 1873. Chapter 100 dealing with Holyhead road was partly repealed by 7 & 8 Geo. IV c.35 and is

partly still in force. Chapters 106-115 inclusive all dealt with customs and were all repealed by 3 & 4 Will. IV c.50. Chapter 116 dealing with passenger vessels was repealed by 7 & 8 Geo. IV c.19. Chapter 118 dealing with plate duty was repealed in 1874. Chapter 119 dealing with stamp duty on newspapers was repealed by 6 & 7 Will. IV c.76. Chapter 120 dealing with the Court of Session was partly repealed by statutes from 1850 to 1873 and is partly still in force. Chapter 122 dealing with linen manufacturers in Ireland was repealed by 9 Geo. IV c.62. Chapter 123 dealing with costs on private bills promoted in Parliament was repealed in 1847. It was therefore repealed too early to be received here when Parliament was set up in 1857. Chapter 124 dealing with Marylebone rectories was repealed in 1901. Chapter 125 dealing with pilotage was repealed in 1854. Chapter 126 dealing with malicious wounding in Scotland was repealed by 10 Geo. IV c.38. Chapter 127 dealing with stealing from orchards was repealed by 7 Geo. IV c.69. Chapter 129 dealing with combinations of workmen was repealed in 1872 and is dealt with in the Fifty-Eighth Report of this Committee. Chapter 130 dealing with Church rates was repealed by 7 Geo. IV c.72. Chapters 131 dealing with partnership in Scotland, 133 with apothecaries in England, and 134 with appropriation, were repealed in 1873. Chapter 132 dealing with Salcey Forest was repealed in 1971. Accordingly of the statutes of 6 George IV, chapters 1-12, 14-17, 20, 22-24, 27-48, 51-52, 54-55, 57-72, 75, 78-81, 84-90, 91 but only after it has been considered by you, 92, 95, 97-99, 100 so far as not already repealed, 101-103, 105, 117-118, 120-121, 123-125, 128 and 131-134 remain to be repealed in South Australia today.

*Statutes 7 Geo. IV (1826) cc. 1-79:*

Chapters 1 dealing with supply, 2 with exchequer bills, 5 with shipping, 7 with the Bank of England, 10 with mutiny, and 11 with marine mutiny, were repealed in 1873. Chapter 3 dealing with an indemnity was repealed in 1871. Chapter 4 dealing with West Indian Bishops was repealed in 1874. Chapter 6 dealing with bank notes was partly repealed by statutes from 1873 to 1971 and is partly still in force. Chapter 8 dealing with juries in Scotland was partly repealed by statutes from 1890 to 1980 and is partly still in force. Chapter 9 dealing with hard labour in Ireland is still in force there. Chapters 12 and 28 are personal Acts and were repealed in 1950. Chapters 13, 72, 73, 74 and 78 are local Acts. Chapter 14 dealing with lunacy in Ireland is still in force there. Chapter 15 dealing with tithes was repealed in 1888. Chapter 16 dealing with Chelsea and Kilmainham hospitals was partly repealed by 11 Geo. IV & 1 Will. IV c.41, partly by statutes from 1846 to 1982 and is partly still in force. Chapter 17 dealing with the County Palatine of Durham, and chapter 20 with stamp duty in Ireland, were both repealed in 1861. Chapter 18 dealing with prisons was repealed in 1865. Chapter 19 dealing with assault in Scotland was repealed in 1873. Chapter 21 dealing with mandamus in Ireland was repealed in 1962. Chapter 22 dealing with assessed taxes was repealed in 1869. Chapters 23 dealing with excise, 24 with quartering soldiers, 25 with whisky duty, 26 with estate duty, 27 with militia pay, and 30 with public works loans, were repealed in 1873. Chapter 29 dealing with land tax in Ireland was repealed in 1860. Chapter 31 dealing with the Army was repealed by 11 Geo. IV & 1 Will. IV c.41. Chapter 32 dealing with the Board of Trade was repealed in 1909. Chapter 33 dealing with stage coaches was repealed by 2 & 3 Will. IV c.120. Chapter 34 dealing with fisheries was repealed in 1868. Chapter 35 dealing with Greenwich Hospital was repealed by 10 Geo. IV c.26. Chapter 36 dealing with civil bill courts in Ireland was repealed in 1851. Chapter 37 dealing with juries in the East Indies was repealed in 1873. Chapter 38 dealing with admiralty offences was repealed by statutes of 1967 and 1974. Parts

of it were repealed by our Ordinance 15 of 1849 which in its turn was repealed in 1921, and the matter is dealt with in the Fifty-Ninth Report of this Committee. Chapters 39 dealing with the national debt, and 44 with stamp duty, were repealed in 1870. Chapters 40 dealing with London Bridge, and 41 with Manor Courts in Ireland, were repealed in 1873. Chapter 42 dealing with the impounding of cattle in Ireland was repealed in 1851. Chapter 43 dealing with trust estates in Ireland was repealed by 11 Geo. IV & 1 Will. IV c.60. Chapter 45 dealing with entailed estates in Ireland was repealed by 3 & 4 Will. IV c.74. Chapter 46 dealing with banking was repealed in 1958. Chapter 47 dealing with salmon was repealed in 1873. Chapter 48 dealing with customs duty was held not to be in force in New South Wales in *The Queen v. Mann (1844) Legge's Reports 182*. It was repealed in England in 1873. Chapters 49 dealing with excise, 50 with Exchequer bills, 51 with Crown lands, and 53 with silk, were repealed in 1873. Chapter 52 dealing with naval forces in India was repealed in 1888. Chapter 54 dealing with aliens was repealed by 6 & 7 Will. IV c.11. Chapter 55 dealing with elections in Yorkshire was repealed in 1861. Chapter 56 dealing with the East India Company was repealed in 1915. Chapter 57 dealing with insolvent debtors was repealed in England in 1873. It was adopted by our Ordinance 5 Victoria No. 1 and was repealed by Act 14 of 1857-8. Chapter 58 dealing with yeomanry was repealed in 1921. Chapters 59 dealing with merchant seamen, 65 with alehouses, and 70 and 71 with corn, were repealed in 1873. Chapter 60 dealing with the destruction of dwelling houses in Ireland was repealed by 9 Geo. IV c.53. Chapter 61 dealing with justices of the peace in Ireland is still in force there. Chapter 62 dealing with land valuation was repealed by 6 & 7 Will. IV c.84. Chapter 63 dealing with county buildings was repealed in 1971. Chapter 64 dealing with the criminal law was partly repealed by Ordinance No. 15 of 1849 which in its turn was repealed in 1921, and is dealt with in the Fifty-Ninth Report of this Committee. It was repealed in England in 1976. Chapter 66 dealing with the residences of the clergy was repealed in 1971. It is dealt with in the Tasmanian Act on the Church of England as applying there but on the face of it it only applies to England and Ireland and we do not think it ever applied here. Chapter 67 dealing with bankers was repealed in 1959. Chapter 68 dealing with the Legislative Assembly for Lower Canada was repealed in 1874. Chapter 69 dealing with stealing from orchards was repealed by 7 & 8 Geo. IV c.27 and 9 Geo. IV c.53. Chapter 75 dealing with annuities was repealed in 1854. Chapter 76 dealing with Holyhead bridges was partly repealed by 7 & 8 Geo. IV c.35, and by a statute of 1861 and is partly still in force. Chapter 77 dealing with Regent Street London was partly repealed by 9 Geo. IV c.70, partly by a statute of 1961, and is partly still in force. Chapter 79 dealing with appropriation was repealed in 1873. Accordingly of the statutes of 7 George IV, chapters 1-15, 16 so far as not already repealed, 17-30, 32, 34, 36-37, 39-42, 44, 46-53, 55-56, 58-59, 61, 63, 65-68, 70-75, 76 and 77 each so far as unrepealed, and 78-79 remain to be repealed in South Australia today.

*Statutes 7 & 8 Geo. IV (1826) cc. 1-3:*

Chapters 1 dealing with supply, 2 with Exchequer bills, and 3 with import, were all repealed in 1873, and can all be repealed in South Australia today.

*Chapters 7 & 8 Geo. IV (1827) cc. 4-75:*

Chapters 4 dealing with mutiny, and 5 with marine mutiny, were repealed in 1873. Chapters 6 & 21 dealing with postage were repealed in 1837. Chapters 7 dealing with estate duty, 9 with thread, 10 a personal Act, 11 with creditors in Scotland, 12 with public works in Ireland, and

14 with quartering soldiers, were repealed in 1873. Chapter 8 dealing with pensions was repealed by 2 & 3 Will. IV c.40. Chapter 13 dealing with indemnity was repealed in 1871. Chapter 15 dealing with bills of exchange was repealed in 1882 and is dealt with in the Sixty-First Report of this Committee. Chapters 16 dealing with supply, 20 with passenger vessels, 22 with insolvent debtors, and 23 with roads in Ireland, were repealed in 1873. Chapter 17 dealing with the costs to be awarded on a distress is an amendment to 57 Geo. III c.93. It was partly repealed by statutes from 1844 to 1964 and is partly still in force. It does not appear that we received it here in 1836. Chapter 18 dealing with spring guns was repealed in 1861. Chapter 24 dealing with turnpike roads was partly repealed by 9 Geo. IV c.77 and the balance in 1981. Chapter 25 dealing with ecclesiastical law was repealed in 1873 and applies on the face of it only in England and Ireland. Chapters 26, 43 and 61 are local Acts. Chapter 27 dealing with benefit of clergy was repealed in 1873. Chapter 28 dealing with the criminal law was repealed in 1967 and is dealt with in the Fifty-Ninth Report of this Committee. There are sidenotes to this Chapter in Sections 228, 284, 310 and 314 of the Criminal Law Consolidation Act 1935 and in Section 63 of the Juries Act 1927. Chapter 29 dealing with larceny was repealed in England in 1861. It was adopted here by the Ordinance 14 of 1850 and repealed by the Act 38 of 1876. It is dealt with in the Fifty-Ninth Report of this Committee. Chapter 30 dealing with malicious injuries was repealed in England in 1861. It was likewise adopted in South Australia by the Ordinance 14 of 1850 and repealed by the Act 38 of 1876, and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 31 dealing with riot and remedies against the hundred was repealed in 1886. Chapter 32 dealing with dwelling houses in Ireland was repealed by 9 Geo. IV c.53. Chapter 33 dealing with Millbank penitentiary was repealed in 1843. Chapter 34 dealing with collecting for Churches in Ireland was repealed in 1861. Chapter 35 dealing with the London and Holyhead and London and Liverpool roads was partly repealed by 9 Geo. IV c.75 and 11 Geo. IV & 1 Will. IV c.67 and is partly still in force. Chapter 36 dealing with deserted children in Ireland was repealed in 1873. Chapter 37 dealing with corrupt practices at elections was repealed in 1854. There is a side-note reference to this Chapter in s.130 of the Local Government Act 1934. Chapter 38 dealing with presentments by constables was repealed in 1873 and is dealt with in the Fifty-Ninth Report of this Committee. Chapters 39 dealing with the rates for carriage of goods, 41 with exchequer bills, and 42 with supply, were repealed in 1873. Chapter 40 dealing with glass duty was repealed in 1838. Chapters 44 dealing with the Prerogative Court in Ireland, and 45 with an indemnity, were repealed in 1873. Chapter 46 dealing with the General Register House in Edinburgh was repealed in 1861. Chapter 47 dealing with advances for public works was repealed in 1875. Chapters 48 dealing with alehouses, 50 with militia pay, and 51 with the Court of Exchequer in Equity in Ireland, were repealed in 1873. Chapter 49 dealing with game certificates was repealed in 1860. Chapter 52 dealing with malt excise was repealed in 1880. Chapter 53 dealing with excise management was repealed by statutes of 1952 and 1957. Chapters 54 and 74 dealing with the slave trade, 57 with corn, 59 with manor Courts in Ireland, and 60 with tithes in Ireland, were repealed in 1873. Chapter 55 dealing with stamp duty was repealed in 1890. Chapter 56 dealing with customs was repealed by 3 & 4 Will. IV c.50. Chapter 58 dealing with the average price of corn was repealed by 9 Geo. IV c.60. Chapter 62 dealing with clergy reserves in Canada was repealed in 1874. Chapter 63 dealing with transportation was repealed in 1873 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 64 dealing with costs on private bills was repealed in 1847. Chapter 65 dealing with admiralty was repealed in 1964. Chapter 66



dealing with Crown lands was repealed in 1861. Chapter 67 dealing with petty sessions in Ireland was repealed in 1874. Chapters 68 dealing with Crown lands in Ireland, and 70 with Exchequer bills, were repealed in 1873. Chapter 69 dealing with distress in Ireland was repealed by 6 & 7 Will. IV c.75. Chapter 71 dealing with imprisonment for debt was repealed in 1965 and is dealt with in the Sixty-First Report of this Committee. Chapter 72 dealing with Church buildings was repealed in 1974. Chapter 73 dealing with the administration of justice in New South Wales was repealed in 1873. Chapter 75 dealing with land tax commissioners was repealed in 1963. Therefore of the statutes of 7 & 8 George IV for 1827, chapters 4-7, 9-14, 16-23, 24 so far as not already repealed, 25-27, 31-32, 33-34, 35 so far as not already repealed, 36-37, 39-55, 57, 59-62, 64-68, 70, and 72-75 remain to be repealed in South Australia today.

*Statutes 9 Geo. IV (1828) cc. 1-95:*

Chapters 1 dealing with supply, 2 with Exchequer bills, 3 with marine mutiny, 4 with mutiny, and 5 with estate duty, were repealed in 1873. Chapter 6 dealing with indemnity was repealed in 1871. Chapters 7 dealing with the lighting of cities in Ireland, 8 with quartering soldiers, 10, 19 and 30 with supply, 11 with steam boats, 12 a personal Act, and 20 with wheat, were repealed in 1873. Chapter 9 dealing with Sessions of the Peace at Westminster was repealed in 1861. Chapter 13 dealing with stamp duty on fire insurance policies was repealed in 1869. Chapter 14, Lord Tenterden's Act, was partly repealed by statutes from 1873 to 1939 and is partly still in force. It was held to be in force in South Australia in *De Garis v. Dalgety & Co. Ltd. (1915) S.A.L.R. 102* and is dealt with in the Fifty-Fifth Report of this Committee. It is referred to in the sidenote to S.43 of the Limitation of Actions Act 1936. Chapter 15 dealing with amendments in civil actions was repealed in 1890, and is dealt with in the Sixty-First Report of this Committee. Chapter 16 dealing with life annuities was repealed in 1890. Chapter 17 dealing with stamp duty on cards was repealed in 1862. Chapter 21, dealing with passengers in merchant vessels was repealed by 5 & 6 Will. IV c.36. Chapter 22 dealing with controverted elections was repealed in 1844, and so was not received by us at the beginning of Parliaments in South Australia in 1857. Chapter 23 dealing with bank notes was repealed by statutes of 1873 and 1950. Chapter 24 dealing with bills of exchange in Ireland was partly repealed by statutes from 1864-1891 and is still partly in force there. Chapter 25 instituting the office of Solicitors for the revenue was partly repealed by statutes from 1873 to 1916 and is partly still in force. Chapter 31 dealing with offences against the person was repealed in 1861 and is dealt with in the Fifty-Ninth Report of this Committee. Sections 16 and 17 were repealed by our Ordinance 1845 No. 1. It was held to be in force in New South Wales in *The Queen v. Black Peter (1863) 2 S.C.R. (N.S.W.) 207*. Chapter 32 dealing with the civil rights of convicts was repealed by statutes from 1873 to 1981 and is dealt with in the Fifty-Ninth Report of this Committee. Chapters 33 dealing with administration of estates in India, and 36 with sugar duty, were repealed in 1873. Chapter 34 dealing with lunatic asylums in Scotland was repealed in 1857. Chapter 35 dealing with the protection of purchasers against judgments in Ireland was repealed in 1891. Chapter 37 dealing with the Cinque Ports was partly repealed in 1888 and is partly still in force. Chapter 38 dealing with land tax commissioners was repealed in 1963. Chapter 39 dealing with salmon fisheries was partly repealed by statutes from 1873 to 1951 and is partly still in force. Chapter 40 dealing with county asylums was repealed in 1845. Chapter 41 dealing with lunatics was repealed by 2 & 3 Will. IV c.107. Chapter 42 dealing with the Church Building Society was partly repealed in 1873 and partly

still in force. Chapter 43 dealing with division of counties was repealed in 1949. Chapter 44 dealing with excise was repealed in 1952. Chapters 45 dealing with whisky duty, 46 with hotels, and 50 with the East India Company, were repealed in 1873. Chapter 47 dealing with excise was repealed in 1910. Chapter 48 dealing with glass duty was repealed in 1838. Chapter 49 dealing with stamp duty was repealed by statutes of 1870 and 1872. Chapters 51, 52, 62 and 80 are local Acts. Chapter 53 dealing with the criminal law in Ireland was repealed in 1873. Chapter 54 also dealing with the criminal law in Ireland was partly repealed by statutes from 1842 to 1891 and is partly still in force there. Chapter 55 dealing with larceny in Ireland, and 56 with malicious injury to property in Ireland, were repealed in 1861. Chapter 57 dealing with a Registry of Deeds for Ireland was repealed by 2 & 3 Will. IV c.87. Chapter 58 dealing with licensing in Scotland was repealed in 1903. Chapter 59 dealing with Parliamentary elections in England was repealed in 1861 but on the face of it it only applied in England and Wales. Chapter 60 dealing with the import of corn was repealed in 1842. Chapter 61 dealing with alehouses was repealed in 1910. Chapter 63 dealing with constables in Ireland was repealed by 6 & 7 Will. IV c.13. Chapter 64 dealing with Regent Street London was partly repealed in 1851 and is partly still in force. Chapter 65 dealing with bank notes was repealed in 1963. Chapter 66 dealing with the Nautical Almanack and its production was partly repealed by statutes from 1873 to 1965 and is partly still in force. Chapters 67 dealing with militia pay, and 68 with brewers, were repealed in 1873. Chapter 69 dealing with night poaching was partly repealed by statutes from 1844 to 1977 and is partly still in force, and is dealt with in the Fifty-Ninth Report of this Committee. Chapters 70 dealing with Regent Street London, 71 with the Deputy Warden of Cinque Ports, and 79 with superannuation, were repealed in 1873. Chapters 72 dealing with mutiny in India, and 76 with customs, were repealed in 1861. Chapter 73 dealing with insolvent debtors in the East Indies was repealed in 1848. Chapter 74 dealing with the criminal law in India was repealed in 1964. Chapter 75 dealing with Holyhead roads was partly repealed by 11 Geo. IV & 1 Will. IV c.67, partly by a statute of 1861 and is partly still in force. Chapter 77 dealing with turnpike roads was repealed in 1981. Chapter 78 dealing with lunatics' estates was repealed by 11 Geo. IV & 1 Will. IV c.65. Chapter 81 dealing with bank notes in Ireland was repealed in 1920. Chapter 82 dealing with lighting of towns in Ireland was repealed in 1898. Chapter 83 dealing with the Supreme Courts of New South Wales and Van Diemen's Land is still in force. It is the Third Charter of Justice and is dealt with in the Sixty-First Report of this Committee. Chapter 84 dealing with the slave trade was repealed in 1861 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 85 dealing with charitable uses was repealed by the Mortmain Act 1888. Chapter 86 dealing with Cinque Ports pilotage was repealed in 1854. Chapters 87 dealing with deserted children in Ireland, 88 with butter trade in Ireland, 89 with Exchequer bills, and 90 with the national debt, were repealed in 1873. Chapter 91 dealing with the Welland Canal in Canada was repealed in 1874. Chapter 92 dealing with the Savings Bank was repealed in 1954. It is referred to in the sidenotes to Sections 43 and 70 of the Savings Bank of South Australia Act 1929. Chapter 93 dealing with sugar in bond was repealed in 1861. Chapter 94 dealing with the resignation of the clergy was repealed by statutes of 1898 and 1923. Chapter 95 dealing with appropriation was repealed in 1873. Accordingly of the statutes of 9 George IV, chapters 1-13, 16-20, 22-30, 33-40, 42-56, 58-62, 64-68, 70-74, 75 so far as unrepealed, 76-77, 79-82, and 85-95 remain to be repealed in South Australia today.

Chapters 1 dealing with public safety in Ireland, 2 with estate duty, 3 with supply, 4 with exchequer bills, 5 with marine mutiny, and 6 with mutiny, were all repealed in 1873. Chapter 7 dealing with Roman Catholic relief was partly repealed by statutes from 1871 to 1980 and is partly still in force. As we have no established Church in the Commonwealth by Section 116 of the Constitution or in any of the States by usage, it does not seem necessary to preserve any part of the statute here. Chapters 8 dealing with elections in Ireland, 9 with quartering soldiers, 11 with creditors in Scotland, and 17 with Newfoundland fisheries, were all repealed in 1873. Chapter 10 dealing with the militia was repealed in 1875. Chapter 12 dealing with indemnity was repealed in 1871. Chapter 13 dealing with Court funds was repealed in 1981. Chapter 14 dealing with the naval officers' widows' charity was repealed by 11 Geo. IV & 1 Will. IV c.20. Chapter 15 dealing with the navy department was repealed by 2 & 3 Will. IV c.40. Chapter 16 dealing with the East India Company was repealed in 1861. Chapter 18 dealing with the care of lunatics was repealed by 2 & 3 Will. VI c.107. Chapter 19 dealing with the Register of Sasines in Scotland was partly repealed by statutes of 1873 and 1926 and is partly still in force there. Chapter 20 dealing with a Mixed Claims Commission with Spain was repealed in 1873. Chapter 21 dealing with assessed taxes was repealed in 1869. Chapter 22 dealing with the Government of Western Australia was repealed in 1873. Chapters 23 dealing with silk duty, and 43 dealing with customs, were repealed by 3 & 4 Will. IV c.50. Chapter 24 dealing with Government annuities was repealed in 1929. Chapter 25 dealing with Greenwich Hospital was partly repealed in 1865 and is partly still in force. Chapter 26 dealing with Greenwich Hospital outpensions was repealed in 1874. Chapter 27 dealing with the national debt was repealed in 1866. Chapters 28 dealing with supply, 29 with militia pay, 30 with yeomanry, 32 with excise, and 33 with fisheries in Ireland, were repealed in 1873. Chapter 31 dealing with the national debt was repealed in 1870. Chapter 34 dealing with offences against the person in Ireland was repealed in 1861. Chapter 35 dealing with arrest on mesne process in Ireland was repealed in 1888. Chapters 36 dealing with insolvent debtors' relief in Ireland, 39 with sugar duty, and 40 with roads in Ireland, were repealed in 1873. Chapter 37 dealing with Coroners in Ireland is still in force there. Chapter 38 dealing with the criminal law in Scotland was repealed in 1973. Chapter 41 dealing with the butter trade in Ireland is still in force there. Chapter 42 dealing with charitable loan societies was repealed in 1843. Chapter 44 dealing with the metropolitan police and instituting them for the first time in London was partly repealed by statutes from 1844 to 1973 and is partly still in force. There are sidenotes referring to this Chapter in many sections of the Police Act 1936 which were carried forward into later legislation on the topic. Chapters 45 dealing with justices of the peace for London, 47 with arms for Ireland, 48 with sale of stock and 49 with sugar, were repealed in 1873. Chapter 46 dealing with petty sessions high constables was repealed in 1888. Chapter 50 dealing with Crown lands was repealed by statutes from 1888 to 1971. Chapter 51 dealing with labour in cotton mills was repealed by 1 & 2 Will. IV c.39. Chapter 52 dealing with masters and servants was repealed in 1875 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 53 dealing with ecclesiastical courts was repealed in 1963. Chapters 54 dealing with gaols in Scotland, 57 with charity commissioners, and 60 with appropriation, were repealed in 1873. Chapter 55 dealing with small debts in Scotland was repealed in 1837. Chapter 56 dealing with friendly societies was repealed by statutes from 1854 to 1965. Chapters 58 and 61 are local Acts. Chapter 59 dealing with turnpike roads was repealed in 1871. Chapter 62 dealing

with the disqualification of officers of the East India Company from holding a seat in the House of Commons was repealed in 1890. This does not appear to be one of the Parliamentary statutes inherited by us. Chapter 63 dealing with labour in cotton mills was repealed by 1 & 2 Will. IV c.39. Therefore of the statutes of 10 George IV, chapters 1-13, 16-17, 19-22, 24-42, 44-50 and 53-62 remain to be repealed in South Australia today.

*Statutes 11 Geo. IV & 1 Will. IV (1830) cc. 1-75:*

Chapters 1 dealing with lunatic asylums, 2 and 4 with supply, 3 with exchequer bills, 5 with poor law in Jersey, 6 with estate duty, 7 with mutiny, 8 with marine mutiny, and 12 with a disputed election at East Retford were all repealed in 1873. Chapter 9 dealing with an indemnity was repealed in 1871. Chapter 10 dealing with smuggling was repealed in 1861. Chapter 11 dealing with process in the County Palatine of Durham was repealed in 1888. Chapter 13 dealing with the national debt was repealed in 1870. Chapter 14 dealing with markets in St. Pancras Parish Middlesex was repealed in 1931. Chapters 15 dealing with northern light-houses and 16 with leather duty were repealed in 1873. Chapter 17 dealing with malt excise was repealed in 1880. Chapter 18 dealing with marriages confirmation was partly repealed by statutes from 1890 to 1949 and is partly still in force. Chapters 19 dealing with hospitals in Ireland, and 21 dealing with linen, were repealed in 1873. Chapter 20 dealing with navy pay was repealed by statutes of 1865 and 1866. Chapters 22, 56, 59 and 67 are local Acts. Chapter 23 dealing with the Royal signature being affixed by commission was repealed in 1873 and is dealt with in the Sixty-Fifth Report of this Committee. Chapter 24 another of the statutes dealing with the Australian Agricultural Company was repealed in 1912. As we told you at page 10 of this report we do not think that these statutes have any bearing in South Australia. Chapters 25 dealing with criminal statistics, 28 with supply, 29 with militia, 30 with census, and 33 with insolvent debtors in Ireland, were repealed in 1873. Chapter 26 dealing with the national debt was repealed by statutes from 1873 to 1950. Chapter 27 dealing with lighting of parishes was repealed by 3 & 4 Will. IV c.90. Chapter 31 dealing with malt duty in Ireland was repealed in 1880. Chapter 32 dealing with banks in Ireland was repealed in 1963. Chapter 34 dealing with a canal in Nova Scotia was repealed in 1874. Chapter 35 dealing with assessed taxes was repealed in 1869. Chapter 36 dealing with contempt of Court was repealed by statutes from 1873 to 1965 and is dealt with in the Sixty-First Report of this Committee. Chapter 37 dealing with the criminal law in Scotland was partly repealed by statutes from 1873 to 1956 and is partly still in force there. Chapter 38 dealing with insolvent debtors was repealed in 1873 and is dealt with in the Sixty-First Report of this Committee. Chapter 39 dealing with transportation was repealed by statutes from 1948 to 1963 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 40 dealing with executors was repealed by statutes of 1924 and 1925 and is dealt with in the Fifty-Fourth and Sixty-Fourth Reports of this Committee. Chapter 41 dealing with Army pensions was repealed in 1967. Chapter 42 dealing with the Treasurer of the Navy was repealed in 1874. Chapter 43 dealing with the demise of the Crown was repealed in 1977 and is dealt with in the Eighty-First Report of this Committee. Chapter 44 dealing with arms in Ireland was repealed in 1843. Chapter 45 dealing with customs was repealed in 1845. Chapter 46 dealing with illusory appointments was repealed in 1925 and is dealt with in the Fifty-Fourth Report of this Committee. Chapter 47 dealing with recovery of debts in deceased estates was repealed in 1925 and is dealt with in the Sixty-First Report of this Committee. Chapter 48 dealing with spirit duty was repealed by 3 & 4 Will. IV c.50. Chapter 49 dealing with excise was

repealed in 1875. Chapters 50 dealing with sugar duty, and 52 with militia pay, were repealed in 1873. Chapter 51 dealing with beer licences was repealed in 1952. Chapter 53 dealing with the Government of Quebec was repealed in 1874. Chapter 54 dealing with fisheries in Scotland was repealed in 1970. Chapters 55 dealing with the slave trade, 61 with county cess in Ireland, 62 with Exchequer bills, and 63 with appropriation, were repealed in 1873. Chapter 57 dealing with costs in criminal prosecutions in Ireland is still in force there. Chapter 58 dealing with fees in common law courts was repealed in 1879. Chapter 60 dealing with the transfer of trust estates was repealed in 1850 and is dealt with in the Fifty-Fourth Report of this Committee. Chapter 64 dealing with beer houses was partly repealed by statutes from 1890 to 1952 and is partly still in force and is dealt with in the Fifty-Eighth Report of this Committee. Chapter 65 dealing with infants' property was repealed by statutes from 1924 to 1980 and is dealt with in the Fifty-Fourth Report of this Committee. Chapter 66 dealing with forgery was partly repealed by statutes from 1861 to 1978 and is partly still in force and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 68 dealing with carriers was partly repealed by statutes from 1865 to 1978 and appears to be partly still in force. On the face of it the statute appears to apply only in the United Kingdom. There are however references to this Chapter in the sidenotes to Sections 1-10 of the Carriers Act 1891 which expressly repeals this Chapter in its application to South Australia. Chapter 69 dealing with the Court of Session was partly repealed by statutes from 1873 to 1963 and is partly still in force. Chapter 70 dealing with law terms was partly repealed by statutes from 1873 to 1948 and is partly still in force and is dealt with in the Fifty-Fifth Report of this Committee. Chapter 71 dealing with mistakes in the Acts of that session of Parliament was repealed in 1963. Chapter 72 dealing with sugar duty was repealed in 1873. Chapter 73 dealing with libel was repealed in 1869 and is dealt with in the Fifty-Ninth Report of this Committee. Chapter 74 dealing with bribery at East Retford was repealed in 1872. Chapter 75 dealing with the insolvency of the Registrar of the Supreme Court of Madras and the consequent deficiency in the suitors' funds, was repealed in 1873. Accordingly of the statutes of 11 George IV and 1 William IV for 1830, chapters 1-22, 24-26, 28-35, 37, 41-42, 44-45, 49-59, 61-63, 67, 69, 71-72 and 74-75 remain to be repealed in South Australia today.

*Statutes 1 Will. IV (1830) cc. 1-6:*

Chapters 1 dealing with supply, 2 with a regency to take effect if the Princess Victoria should succeed to the throne under the age of 18 years, 5 with appropriation and 6 with a temporary demise of the Crown Act providing that persons holding office under George IV should continue to hold office for six months under the new King were repealed in 1874. Chapter 3 dealing with law terms was repealed in 1925 and is dealt with in the 55th report of this Committee. Chapter 4, a general demise of the Crown Act, was repealed in 1973 and is dealt with in the 81st report of this Committee. Accordingly of the Statutes of 1 Will. IV for 1830, Chapters 1, 2, 5 and 6 should be repealed in South Australia today.

*Statutes 1 Will. IV (1831) cc. 7-27:*

Chapter 7 dealing with execution of judgments was repealed in 1891 and is dealt with in the 55th report of this Committee. Chapter 8 dealing with postage was repealed in 1837. Chapters 9 and 10 dealing with supply, 11 with exchequer bills and 12 with estate duty were repealed in 1874. Chapter 13 is a local act. Chapters 14 dealing with marine mutiny, 15 with mutiny, 16 with debts in Scotland, and 17 with calico duty were repealed in 1874. Chapter 18 dealing with the poor law was repealed in



1927. Chapter 19 dealing with a census in Ireland was repealed in 1840. Chapter 21 dealing with land tenure in Lower Canada was repealed in 1888. Chapter 21 dealing with Prohibition and Mandamus was repealed in 1891 and is dealt with in the 61st report of this Committee. Chapter 22 dealing with the taking of evidence on commission in India was repealed in 1963. Unfortunately by the terms of Section 1 and 2 of the Chapter, the Colonial Laws Validity Act applies to this Statute and it cannot for the time being be repealed in South Australia until we cease to be subject to the Colonial Laws Validity Act, although the Statute could not in any event be availed of today because India gained independence in 1947. Chapters 23 dealing with sugar duties and 25 with the civil list were repealed in 1874. Chapter 24 dealing with customs duty was repealed by 3 & 4 Will. IV c.50. Chapter 26 dealing with an indemnity was repealed in 1871. Chapter 27 dealing with Post Office buildings was repealed in 1969. Therefore of the Statutes of 1 Will. IV for 1831 Chapters 8-20, 23, 25 and 26-27 remain to be repealed in South Australia today.

*Statutes 1 and 2 Will. IV (1831) cc. 1-60:*

Chapters 1 dealing with Buckingham Palace, 2 with commissions and patents in Ireland, and 3 dealing with an indemnity in Scotland were repealed in 1874. Chapter 4 dealing with excise declarations was repealed in 1952. Chapters 5 dealing with the Duchy of Cornwall and 6 with the turnpike acts were repealed in 1874. Chapter 7 dealing with assessed taxes was repealed in 1869. Chapters 8 dealing with militia, 11 with provision for Queen Adelaide and 12 with forests were repealed in 1874. Chapter 9 dealing with oaths to be taken in the House of Commons was repealed in 1874. It is dealt with in South Australia by Section 42 of our Constitution Act 1935. Chapter 10 dealing with the coinage was repealed in 1870. Chapter 13 dealing with tobacco was repealed by statutes of 1908 and 1910. Chapters 14 dealing with exchequer bills and 15 with militia were repealed in 1874. Chapters 16 dealing with coal duties, 30 with wine duty and 40 with customs were all repealed by 3 & 4 Will. IV c.50. Chapters 17, 29, 34, and 48-50 are Local Acts. Chapter 18 dealing with receipt of taxes was repealed in 1880. Chapters 19 dealing with candle duty and 20 with an annuity to the Duchess of Kent, the mother of Queen Victoria, were repealed in 1874. Chapter 21 dealing with land taxes was repealed by Statutes of 1939 and 1975. Chapter 22 dealing with hackney carriages was partly repealed by Statutes from 1869-1976 and is partly still in force. Chapter 23 dealing with Quebec was repealed in 1840. Chapter 24 dealing with advances for public works was repealed in 1875. Chapter 25 dealing with turnpikes was repealed in 1981. Chapter 26 dealing with public accounts in Ireland, Chapter 27 with County Clare presentments and Chapter 28 dealing with supply were repealed in 1874. Chapter 31 dealing with the administration of justice in Ireland was repealed by statutes from 1851-1953. Chapter 32 dealing with the game laws was partly repealed by Statutes from 1860-1976, is partly in force and is dealt with in the 58th report of this Committee. Chapter 33 dealing with public works was repealed by Statutes from 1870-1953. Chapters 34 dealing with Charity Commissioners, 35 with fees and salaries in Common Law Courts and 36 with the Truck Acts repeal were repealed in 1874. Chapter 37 the major Truck Act was partly repealed by Statutes from 1879-1977 and is partly still in force. It is of course a very great abuse to compel workmen to take their wages in goods which can only be purchased from the company store. The matter is partly dealt with by Section 153 of our Industrial Conciliation and Arbitration Act 1972, but the English Truck Act is wider than the Section in the Industrial Code and we think that the English Truck Act should not be repealed in South Australia until you have had an opportunity of considering its

provisions. Chapter 38 dealing with church building was repealed in 1974. It appears to apply only in England and Wales and not to the Church of England in South Australia. Chapter 39 dealing with labour in cotton mills was repealed by 3 & 4 Will. IV c.103. Chapter 41 dealing with special constables was repealed in 1964 and is dealt with in the 58th report of this Committee. Chapter 42 dealing with the poor law was repealed in 1927. Chapter 43 dealing with turnpike roads in Scotland was repealed by statutes from 1878-1959. Chapter 45 dealing with augmentation of benefices was repealed in England in 1971. It is not referred to in the Tasmanian Church of England Act because the Imperial statute law was received in Tasmania as in all the Eastern States in 1828. This Statute is however an amendment of the Statute 29 Car. II c.8 which we advised you was relevant to the Church of England here. Chapter 35 therefore should only be repealed with a reservation of the rights of the Church of England in South Australia. Chapters 46 dealing with customs in Barbados, and 47 with arms in Ireland were repealed in 1874. Chapter 49 dealing with oaths in Ireland was repealed in 1871. Chapter 51 dealing with valuation of lands in Ireland was repealed by 6 & 7 Will. IV c.84. Chapter 56 dealing with the Bankruptcy Court was repealed in 1869. It is referred to in Ordinance 7 & 8 Vict. No 5 which in its turn was repealed by Act 14 of 1857-8. Chapter 57 dealing with reclamation of lands in Ireland was repealed in 1890. Chapter 58 dealing with interpleader was repealed in 1883. It is one of the sources of jurisdiction in interpleader for the Supreme Court of South Australia because we inherited it in 1837. This foundation of jurisdiction point is so stated in Lynn: *Execution on Crown Judgments (1932) pp 75-76*. The Act should be repealed but with a saving of the jurisdiction conferred by the statute which was inherited by the Courts of South Australia. Chapter 59 dealing with crown land allotment was repealed in 1927. Chapter 60 relating to vestries was partly repealed by Statutes from 1855 to 1890 and is partly in force. On the face of it, it applies only to the Church of England in England and Wales. Accordingly of the Statutes of 1 and 2 Will. IV, Chapters 1-15, 17-29, 31, 33-36, 37 but only after it has been considered by you, 38, 32-34, 45 but with the reservation therein referred to 46-50, 52-57, 58 but with the saving of jurisdiction therein referred to, and 59-60 remain to be repealed in South Australia today.

*Statutes 2 and 3 Will. IV (1832) cc. 1-127:*

Chapter 1 dealing with crown lands was repealed in 1961. Chapters 2 dealing with lotteries, 3 with Buckingham Palace, 6 with supply, 8 with estate duty, 9 with hospitals, 10 and 11 with cholera prevention and 12 with exchequer bills were repealed in 1874. Chapter 4 dealing with embezzlement was repealed in 1891 and is dealt with in the Fifty-Ninth report of this Committee. Chapter 5 dealing with the Court of Session was partly repealed by statutes of 1890 and 1891 and is partly in force. Chapters 7 and 24 dealing with promissory oaths were repealed in 1871. Chapters 13 dealing with presentments in Ireland and 31 dealing with the baking trade in Ireland were repealed in 1861. Chapters 14 a local Act, 17 dealing with the assignment of leases in Ireland, 18 with mutiny, 19 and 23 with marine mutiny, and 20 with tobacco were repealed in 1874. Chapter 15 dealing with the Post Office was repealed in 1837. Chapter 16 dealing with excise permits was partly repealed by statutes from 1888 to 1952 and is partly in force. Chapter 21 dealing with coal trade in Ireland, is in force there. Chapters 22 dealing with sugar duties, 27 with cholera prevention in Scotland, 29 with whisky duty and 30 with supply were repealed in 1874. Chapter 25 dealing with the Ordnance Department was repealed in 1842. Chapter 26 dealing with colonial audit was repealed in 1866. It only applies to named colonies of which South

Australia is not one. Chapter 28 dealing with courts martial was repealed in 1874 and is dealt with in the Sixty-First report of this Committee. Chapters 32 and 33 dealing with process in Ireland were repealed in 1890. Chapter 34 dealing with the coinage was repealed in 1861 and is dealt with in the Fifty-Ninth report of this Committee. Chapters 35 dealing with payment of creditors in Scotland, 36 with imports, 38 with insolvent debtors in Ireland, and 43 and 44 dealing with insolvent debtors in England were repealed in 1874. Chapter 37 dealing with friendly societies was repealed in 1855. Chapter 39 dealing with civil procedure was repealed in 1879 and is dealt with in the Sixty-First report of this Committee. Chapter 40 dealing with the Department of the Admiralty was repealed in 1964. Chapter 41 dealing with the recovery of tithes in Ireland was repealed in 1861. Chapter 42 dealing with the poor law was partly repealed by statutes of 1873-1888 and is partly in force. Chapter 45—the Great Reform Bill of 1832 the first of the Acts reforming the parliamentary franchise—was repealed in 1948. There are sidenotes to this Chapter in Sections 114 and 145 of the Electoral Act 1929. Chapter 46, dealing with the British Museum was repealed in 1963. Chapter 47 dealing with assizes was repealed in 1890. Chapter 48 dealing with the clerk of the Crown in Ireland was partly repealed by statutes from 1874 to 1953 and is partly in force there. Chapter 49 dealing with clerks of the signet was repealed in 1861. Chapters 50 dealing with the militia, 54 with the exchequer court in Scotland and 55 with supply were repealed in 1874. Chapter 51 dealing with vice-admiralty courts was repealed by the Colonial Courts of Admiralty Act 1890 and is therefore not still in force in South Australia. Chapters 52, 60, 66, 67 and 108 are Local Acts. Chapter 53 dealing with army prize money was repealed in 1959. Chapter 56 dealing with Regent's Park was partly repealed in 1851 and is partly in force. Chapter 57 dealing with charities procedure for the English Charitable Commissioners was partly repealed by statutes from 1874-1960 and is partly in force. Chapter 58 dealing with contempt of court was repealed in 1965 and is dealt with in the Sixty-Third report of this Committee. Chapter 59 dealing with government annuities was repealed in 1929. Chapter 61 dealing with church buildings was repealed in 1974. Chapter 62 dealing with the death penalty was repealed in 1874 and is dealt with in the Fifty-Ninth report of this Committee. Chapter 63 dealing with Scottish peers was repealed in 1871. Chapter 64 dealing with electoral boundaries was repealed by statutes from 1872-1950. Chapter 65 dealing with the representation of the people in Scotland was repealed in 1981. Chapter 68 dealing with the game laws was partly repealed by statutes from 1877-1967 and is partly still in force. Chapter 69 dealing with electoral qualifications was repealed in 1949. Chapters 70 dealing with arms in Ireland, 74 with spirits, 76 with militia pay and 77 with linen were repealed in 1874. Chapter 71 dealing with prescription was held to be in force in South Australia by the judgment of Boucaut J. in *White v. McLean* (1890) 24 S.A.L.R. 97. It was mentioned in the Fifty-Fourth report of this Committee but was not dealt with there and is dealt with in a report on prescription which is in preparation and will be forwarded to you later. It is modified in its application to South Australia by section 22 of the Law of Property Act 1936. Chapter 72 dealing with Luddite riots was repealed in 1876. Chapter 73 dealing with the valuation of land in Ireland was repealed by 6 & 7 Will. IV c.84. Chapter 75 dealing with anatomy was repealed by statutes from 1874-1976 and is partly in force. There are sidenotes to this Chapter in a number of sections of our Anatomy Act 1884. Chapter 78 dealing with duties in Newfoundland is still in force there. Chapters 79 dealing with Newfoundland fisheries, 83 with gaols in Ireland and 90 with Dublin meters were repealed in 1874. Chapter 80 dealing with ecclesiastical corporations in England was partly repealed by statutes from 1888-1963



and is partly in force. Chapter 81 dealing with a loan was repealed in 1891. Chapter 82 dealing with carriage duty was repealed by 3 and 4 Will. IV Ch. 39. Chapter 84 dealing with customs was repealed by 3 and 4 Will. IV c.50. Chapter 85 dealing with charities in Ireland was repealed in 1898. Chapter 86 dealing with post roads in Ireland was repealed in 1891. Chapter 87 dealing with a registry of deeds for Ireland was partly repealed in 1957 and is partly in force. Chapter 88 dealing with the representation of the people in Ireland was repealed by statutes from 1888-1953. Chapter 89 dealing with electoral boundaries in Ireland was repealed by statutes from 1874-1950. Chapter 91 dealing with stamp duty was repealed in 1870. Chapter 92 dealing with privy council appeals in ecclesiastical and admiralty cases and abolishing the old appeal to delegates was repealed in 1963. We never inherited the ecclesiastical law in South Australia and as far as admiralty appeals are concerned, they are now covered by the Colonial Courts of Admiralty Act 1890. Chapter 93 dealing with contempt of ecclesiastical courts was repealed in 1963. Chapters 93 dealing with exchequer bills, 95 with sugar duty, 96 with agricultural labourers and 97 with the army were repealed in 1874. Chapter 98 dealing with bills of exchange was repealed in 1882 and is dealt with in the Sixty-Third report of this Committee. Chapter 99 dealing with audit commissioners was repealed in 1866. Chapter 100 dealing with tithes was partly repealed by statutes from 1874-1890 and is partly still in force. Chapters 101 dealing with the Sheriff of Selkirk, 109 a personal Act and 110 with exchequer offices were repealed in 1874. Chapter 102 dealing with glass duty was repealed in 1838. Chapter 103 dealing with audit in Scotland was repealed in 1890. Chapter 104 dealing with public accounts was repealed in 1866. Chapter 105 dealing with Mr. Speaker was principally dealing with the speaker in the house of Commons. Section 4, however, dealing with what happens to the speakership on a dissolution of parliament may have been inherited here in 1857 and we think it would be wise if you checked the statute before allowing its repeal. The Section dealing with the salary of the Speaker is now to be found in Section 58(1) of our Constitution Act 1934. It was repealed in England in 1972. Chapter 106 dealing with army allowances was repealed in 1881. Chapter 107 dealing with lunatics was repealed in 1835. Chapter 111 dealing with the Lord Chancellor's pension was partly repealed by statutes in 1874-1981 and is partly still in force. Chapter 112 dealing with crown lands in Scotland was repealed in 1961. Chapter 113 dealing with house tax was repealed in 1924. Chapter 114 dealing with bankruptcy was repealed in 1869 and is dealt with in the Sixty-First report of this Committee. Chapter 115 dealing with charities was partly repealed by statutes from 1874-1960 and is partly in force in England and is dealt with in the Sixty-First report of this Committee. Chapter 116 dealing with the salary of the Lord Lieutenant and the Lord Chancellor in Ireland was repealed in 1955. Chapters 117 dealing with justices of the peace and juries in India, 118 with processions in Ireland and 119 with tithes in Ireland were repealed in 1874. Chapter 120 dealing with stage carriages and 124, a local Act were repealed in 1981. Chapters 121 dealing with guarantee for a Greek loan and 122 with the Lord Chancellor's salary were repealed in 1874. Chapter 123 dealing with forgery was repealed in 1891 and is dealt with in the Fifty-Ninth report of this Committee. Chapter 125 dealing with loans for Jamaica and Trinidad was repealed in 1879. Chapter 126 dealing with appropriation was repealed in 1874. Chapter 127 dealing with land tax Commissioners was repealed in 1950.

Accordingly of the statutes of 2 and 3 Will. IV (1832) cc. 1 to 3, 5 to 27, 29 to 33, 35 to 38, 40-57, 59-61, 63-70, 72, 74-81, 83, 85-97, 99-104, 105 but only after it has been considered by you, 106-113, 116-122 and 124-127 remain to be repealed in South Australia today.

Chapters 1 dealing with supply, 2 with Exchequer bills, 3 with sugar duty, 4 with riots in Ireland, 5 with mutiny, 6 with marine mutiny and 11 and 12 with repeal of duties were repealed in 1874. Chapter 7 dealing with indemnity was repealed in 1871. Chapters 8, 9, 27, 33, 35, 65, 68, 78, 80 and 92 are local Acts. Chapter 80 was partly repealed in 1981. Chapters 10 dealing with customs, 16 with soap duty and 17 with starch were repealed in 1861. Chapter 14 dealing with the public revenue in Scotland was partly repealed by statutes from 1874 to 1963 and is partly in force. Chapter 14 dealing with the Savings Bank was repealed in 1954. Chapter 15 dealing with dramatic copyright was repealed in 1911. There may still be dramas in South Australia which have copyright prior to that date and the matter would need to be examined before the statute is repealed here. Chapters 18 dealing with supply, 20 with an election at Stafford and 21 with militia were repealed in 1874. Chapter 19 dealing with police magistrates in London was repealed in 1839. Chapter 22 dealing with sewerage was repealed in 1930. Chapter 22 dealing with stamp duty was repealed in 1870. Chapter 24 dealing with government annuities was repealed in 1929. Chapters 25 dealing with Exchequer bills, 26 with the River Liffey, and 28 with wool were repealed in 1874. Chapter 27 dealing with real property limitations was repealed in 1939 and is dealt with in the Fifty-Fourth report of this Committee. This chapter was dealt with as a sidenote to a number of sections in our Limitation of Actions Act 1936. Chapter 29 dealing with army pensions was partly repealed by statutes from 1874 to 1890 and is partly in force. Chapter 30 dealing with the poor rate was repealed in 1975. Chapter 31 dealing with Sunday observance was repealed by statutes from 1882 to 1890. We are doing a special report on this topic which will be forwarded to you in due course. Chapter 32 dealing with loans for public purposes was repealed in 1875. Chapters 33 dealing with roads in Scotland, and 38 with the Forest of Dean were repealed in 1874. Chapters 34 and 39 dealing with assessed taxes were repealed in 1861. Chapter 35 dealing with enclosure and drainage rates was partly repealed by statutes from 1874 to 1971 and is partly in force. Chapter 36 dealing with the Lunacy commissioners was repealed in 1853 and was dealt with in the Sixty-First report of this Committee. Chapter 40 dealing with poor removal was repealed in 1845. Chapter 41 dealing with the Judicial Committee of the Privy Council was partly repealed by statutes from 1871 to 1980 and is partly still in force. It cannot of course be repealed here until the repeal of the Colonial Laws Validity Act in its application to South Australia. Chapter 42 dealing with civil procedure was repealed in 1965 and is dealt with in the Fifty-Fifth report of this Committee. It is dealt with in the sidenotes to a number of sections in the Limitation of Actions Act. Part of the statute was adopted by Ordinance 9 of 1848 which was repealed by Act 13 of 1861. Chapter 44 dealing with criminal law was repealed in 1874 and is dealt with in the Fifty-Ninth report of this Committee. Chapter 46 dealing with burghs and police in Scotland was repealed in 1892. Chapter 47 dealing with the Court of Bankruptcy was repealed in 1849 and is dealt with in the Sixty-First report of this Committee. Chapter 48 dealing with hackney carriages in London was repealed in 1959. Chapter 49 dealing with Quakers and Moravians was partly repealed by statutes from 1838 to 1911 and is partly in force. Chapter 50 dealing with customs was repealed in 1960. Chapters 51 to 61 inclusive dealing with customs were repealed in 1845. Chapters 62 dealing with militia pay, and 66 with packages were repealed in 1874. Chapter 63 dealing with apprentices was repealed in 1927. Chapter 64 dealing with lunatics was repealed in 1845. It is an Act which does not apply generally in relation to the law of lunacy but only to lunatics in

England. Chapter 67 dealing with the writs of execution were repealed in 1879 and is dealt with in the Fifty-Fifth report of this Committee. Chapter 69 dealing with Crown lands in Scotland was partly repealed by statutes from 1852 to 1969 and is partly still in force. Chapter 70 dealing with Public notaries was partly repealed by statutes from 1843 to 1890 and is partly still in force and is dealt with in the Sixty-First report of this Committee. Chapter 71 dealing with criminal assizes was repealed in 1925. Chapter 72 dealing with the slave trade was repealed in 1873. Chapter 73 dealing with slavery abolition was partly repealed by statutes from 1874 to 1890 and is partly still in force and is dealt with in the Fifty-Ninth report of this Committee. Chapter 74, dealing with fines and recoveries was repealed in England in 1976. It is expressly declared to be in force in South Australia by the Estates Tail Act 1881. As we still have estates tail in South Australia, this statute will have to remain in force until we deal with the general report with relation to Real property. Chapters 75 dealing with cholera prevention was repealed in 1874. Chapter 76 dealing with royal burghs in Scotland, and 77 dealing with parliamentary burghs in Scotland were both repealed in 1900. Chapters 79 dealing with the trial of offences in Ireland, and 81 with Buckingham Palace were both repealed in 1874. Chapter 82 dealing with affirmations made by Separatists was repealed in 1890. Chapter 83 dealing with banknotes was repealed in 1973. Chapter 84 dealing with the Lord Chancellor's offices was repealed in 1890. Chapter 85 dealing with the Government of India and the East India Company was partly repealed by statutes from 1888-1950 and is partly in force. Chapter 86 dealing with crown lands annuities was repealed in 1950. Chapter 87 dealing with enclosures was repealed in 1950. Chapter 88 dealing with merchant seamen was repealed by 5 and 6 Will. IV Ch 19. Chapter 89 dealing with the metropolitan police was repealed in 1868. Chapter 90 dealing with lighting in streets was repealed in 1957. It is dealt with as a sidenote to section 82 of our Police Act 1936. Chapter 91 dealing with juries in Ireland was repealed in 1888. Chapter 93 dealing with trade with China was repealed by statutes from 1842 to 1950. Chapter 94 dealing with the Court of Chancery was repealed in 1888 and is dealt with in the Sixty-First report of this Committee. Chapter 95 dealing with Land Tax commissioners was repealed in 1850. Chapter 96 dealing with appropriation was repealed in 1874. Chapter 97 dealing with stamp duty was repealed in 1874 and is dealt with in the Fifty-Ninth report of this Committee. Chapter 98 dealing with the Bank of England was repealed in 1973. Chapter 99 dealing with fines was partly repealed by statutes from 1874 to 1967 and is partly still in force. It is dealt with in the Fifty-Fifth report of this Committee. It is referred to as a sidenote to the now repealed Section 300 of the Criminal Law Consolidation Act 1935 and is referred to in *Lynn: Execution on Crown Judgments page 123*. Chapters 100 dealing with tithes and 102 dealing with marriages were repealed in 1874. Chapter 101 dealing with tea duties was repealed in 1859. Chapter 103 dealing with child labour in factories was repealed in 1878 and is dealt with in the Fifty-Ninth report of this Committee. Chapter 104 dealing with the administration of estates was repealed in 1925 and is dealt with in the Fifty-Fourth report of this Committee. Chapter 105 dealing with dower was repealed in 1925. It was declared to be in force in South Australia by ordinance 25 of 1852 s.11. The ordinance was repealed by Act 2328 of 1936 but the effect of such a repeal on a merely declaratory section is obscure. We doubt whether there are any rights of dower remaining in South Australia today but it might be wise to repeal this statute with a saving of any existing rights. Chapter 106 dealing with inheritance was repealed by statutes from 1859 to 1924 and is dealt with in the Fifty-Fourth report of this Committee.

Accordingly the statutes 3 and 4 Will. IV for 1833 cc. 1-14, 15 with the saving of rights referred to, 16-26, 28-30, 32-35, 37-40, 43, 45-46, 48, 49-66, 68, 71-72, 75-87, 89-93, 95-96, 98, 100-102, and 105 but with the reservation made therein referred to should be repealed in South Australia today.

*Statutes 4 and 5 Will. IV (1834) cc. 1-96:*

Chapter 1 dealing with registration of factories was repealed in 1874 and is dealt with in the Fifty-Eighth report of this Committee. Chapters 2 dealing with supply, 3 with exchequer bills, 4 with marine mutiny, 5 with sugar duty, 6 with mutiny and 7 with postage were repealed in 1874. Chapters 8 dealing with juries in Ireland and 9 with an indemnity were repealed in 1871. Chapters 10 dealing with turnpike Acts, 12 with supply and 14 with bounty were repealed in 1874. Chapter 11 dealing with Land Tax was repealed in 1890. Chapter 13 dealing with smuggling was repealed in 1845 and is dealt with in the Fifty-Ninth report of the Committee. Chapter 15 dealing with receipts of the Exchequer was repealed in 1866. Chapter 16 dealing with the Exchequer in Scotland was partly repealed by statutes of 1874 and 1890 and is partly still in force there. Chapter 17 dealing with Warwick election and Chapter 18 dealing with Liverpool election were both repealed in 1874. Chapter 19 dealing with house tax was repealed by statutes from 1874 to 1950. Chapter 20 dealing with sea fisheries was repealed in 1861. Chapter 21 dealing with the sale of hay and straw was repealed in 1968. Chapter 22 dealing with apportionment was repealed in 1977 and is dealt with in the Fifty-Fourth report of this Committee. This statute is referred to in the sidenotes to sections 64-68 inclusive of the Law of Property Act 1936. Chapter 23 dealing with the escheat of trust property was repealed in 1850 and is dealt with in the Fifty-Fourth report of this Committee. Chapter 24 dealing with superannuation was repealed in 1965. It is referred to as a sidenote to section 39 of the Superannuation Act 1926. Chapter 25 dealing with navy pay was repealed in 1865. Chapter 26 dealing with hanging in chains was repealed in 1874 and is dealt with in the Fifty-Ninth report of the Committee. Chapter 27 dealing with criminal trials in boroughs was repealed in 1888. Chapter 28 dealing with marriage in Scotland was partly repealed by statutes of 1874 to 1888 and is partly still in force there. Chapter 29 dealing with loans on trust securities in Ireland was repealed in 1889. Chapter 30 dealing with exchange of common fields was repealed in 1899. Chapters 31 and 80 dealing with the National debt and 57 with stamp duty were repealed in 1870. Chapter 32 dealing with tonnage rates in the Port of London was repealed in 1894. Chapters 33 dealing with the East India Company and 35 with chimney sweeps were repealed in 1874. Chapter 34 dealing with Greenwich Hospital was repealed in 1869. Chapter 36 dealing with the Central Criminal Court was repealed in 1964. Chapters 37 dealing with a lottery and 38 with disturbances in Ireland were repealed in 1874. Chapter 39 dealing with costs in writs of quare impedit were repealed in 1888. As we did not inherit the ecclesiastical law in South Australia, this statute has no force in this State. Chapter 40 dealing with friendly societies was repealed in 1855. Chapter 41 dealing with new churches in Scotland was partly repealed by statutes of 1888 to 1890 and is partly still in force there. Chapter 42 dealing with the Stannaries Court was repealed in 1889. Chapter 43 dealing with qualifications of justices of the peace in the Scilly Isles was repealed in 1960. Chapter 44 dealing with postage was repealed in 1837. Chapter 45 dealing with superannuation was repealed in 1874. Chapters 46, 61, 66, 90, 92 and 96 are local Acts. Chapter 47 dealing with the April Quarter Sessions for 1835 was repealed in 1894. Chapter 48 dealing with county rates was repealed in 1852. Chapter 49 dealing with weights and measures was repealed by 5 and 6 Will. IV ch. 63. Chapter 50 dealing with Irish

roads was repealed in 1850. Chapter 51 dealing with excise was repealed in 1952. Chapter 52 dealing with widows of merchant seamen was repealed by statutes of 1851 and 1854. Chapter 53 dealing with arms in Ireland was repealed in 1874. Chapter 54 dealing with assessed taxes was repealed in 1869. Chapters 55 dealing with valuations in Ireland, 56 with insolvent debtors in Ireland, 58 with exchequer bills and 59 with the Forest of Dean Boundary Commission was repealed in 1874. Chapter 60 dealing with land rates was repealed in 1949. Chapter 62 dealing with the Court of Common Pleas of the County Palatine of Lancaster was repealed in 1879. Chapters 63 and 64 dealing with the militia were repealed in 1874. Chapter 65 dealing with the criminal Court at Norfolk Island was repealed in 1890. Chapter 67 dealing with transportation was repealed in 1948. Chapters 68 dealing with Courts of Justice in Ireland, and 69 with Mumbles Head Lighthouse were repealed in 1874. Chapter 70 dealing with officers in the House of Commons was repealed in 1978 and is dealt with in the Fifty-Ninth report of this Committee. Chapters 71 dealing with newspapers in Ireland, 73 with assessed taxes, and 74 with payment of creditors in Scotland were repealed in 1874. Chapter 72 dealing with public works was repealed in 1875. Chapter 75 dealing with excise was repealed by statutes from 1874 to 1950. Chapter 76 dealing with the poor law was repealed in 1966. Chapter 77 dealing with confectionery was repealed in 1885. Chapter 78 dealing with the Court of Chancery in Ireland was partly repealed by Statutes from 1874 to 1891 and is partly still in force there. Chapter 79 dealing with insolvent debtors in India was repealed in 1848. Chapter 81, a local Act, was repealed in 1981. Chapter 82 dealing with service of process out of the jurisdiction was repealed in 1890 and is dealt with in the Sixty-First report of this Committee. Chapters 83 dealing with tithes and 84 with appropriation were repealed in 1974. Chapter 85 dealing with beer houses was repealed in 1952. Chapters 86 dealing with burghs in Scotland, 87 with royal burghs in Scotland, and 88 with Parliamentary elections in Scotland were repealed in 1872. Chapter 89 dealing with the customs was repealed in 1861. Chapter 91 dealing with turnpike roads in Ireland was repealed in 1874. Chapter 93 dealing with summary convictions in Ireland was repealed in 1874. Chapter 94 dealing with chartered companies was repealed in 1837. Chapter 95: the South Australia Act 1834 which set up this State as the Province of South Australia was repealed but with a saving in 1842. Section 2 of the 1842 Act refers to "All things heretofore lawfully done in virtue of the said Acts (i.e. 4 and 5 Will. IV c. 95 and 1 and 2 Vict. c.60) or both of them shall hereafter be of the same validity as if the said Acts had not been repealed". Accordingly this Act is still of importance in regard to major institutions created prior to 1842. They include the Executive Council, the Supreme Court, and the Corporation of the City of Adelaide. The Statute will be dealt with in detail in our report on constitutional statutes. Accordingly the statutes of 4 and 5 Will. IV (1834) Chapters 2-12, 14-21, 24-25, 27-48, 50-69, 71-81, 83-94, and 96 remain to be repealed at present in South Australia today.

*Statutes 5 and 6 Will. IV (1835) cc. 1-84:*

Chapters 1 dealing with the criminal law in Chester, 3 with supply, 4 with exchequer bills and 5 with mutiny were repealed in 1874. Chapter 2 dealing with newspapers was repealed by 6 and 7 Will. IV Ch. 76. Chapters 6 dealing with an indemnity to the Governor General of India and other officers, 7 with marine mutiny, 9 with supply and 10 and 12 with customs were repealed in 1874. Chapter 8 dealing with declarations was repealed by 5 and 6 William IV Ch. 62. Chapters 11 and 28 dealing with indemnity were repealed in 1871. Chapter 13 dealing with imports from the Isle of Man was repealed in 1842. Chapters 14 dealing with the

Government of Western Australia and 15 with soap duty were repealed in 1874. Chapter 16 dealing with the Irish Court of Chancery was partly repealed by statutes from 1888 to 1953 and is partly still in force there. Chapter 17 dealing with infants, lunatics and femmes covert in Ireland is still in force in that country. Chapter 18 dealing with turnpike tolls was repealed in 1981. Chapter 19 dealing with merchant seamen was repealed by statutes of 1844 and 1854. Chapter 20 dealing with stamp duty was repealed in 1890. Chapter 21 dealing with the Shrewsbury-Bangor road was repealed in 1884. Chapter 22 dealing with lunatics was repealed in 1935. Chapter 23 dealing with friendly societies was repealed in 1874. Chapter 24 dealing with naval enlistment was repealed by statutes from 1853 to 1969. Chapter 25 dealing with the Post Office was repealed in 1837. Chapter 26 dealing with assizes in Ireland was partly repealed by statutes from 1874 to 1973 and is partly still in force there. Chapters 27 and 84 are local Acts. Chapter 29 dealing with bankruptcy was repealed in 1869. Chapters 30 dealing with vacant ecclesiastical dignities, and 31 with roads in Ireland were repealed in 1874. Chapters 32 dealing with tea duty and 37 dealing with the militia were repealed in 1861. Chapter 33 dealing with the removal of indictments into the Court of King's Bench was repealed in 1891. It was impliedly repealed in South Australia by the Ordinance 15 of 1849 which in its turn was repealed by the Justices Act 1921. It was dealt with in the Sixty-Fifth report of this Committee. Chapters 34 dealing with larceny in Ireland and 40 dealing with wood duty were repealed in 1861. Chapter 35 dealing with the Paymaster-General was partly repealed by statutes from 1846 to 1981 and is partly still in force. Chapter 36 dealing with parliamentary elections was repealed in 1938. On the face of it it applies only in England and Wales. There are sidenotes to the statute in the Ballot Act of 1862 section 6 and the Local Government Act 1934 sections 124 and 830. Chapter 38 dealing with prisons was repealed by statutes from 1865 to 1953. There is a sidenote to it in our Prisons Act 1936 sections 11 and 19. Chapter 39 dealing with excise was repealed in 1952. Chapter 41 dealing with gaming was repealed by statutes from 1874 to 1968 and is partly still in force. There is a sidenote to it in section 50 of our Lottery and Gaming Act 1934 and the matter is dealt with in the Sixty-Eighth report of this Committee. Chapter 42 dealing with insolvency courts was repealed in 1950. Chapter 43 dealing with special constables was repealed in 1964. There is a sidenote to the statute in section 35 of the Police Act 1936. Chapters 44 dealing with exchequer bills, 46 with the Exchequer Court in Scotland, 47 with the Clerk of Crown in Chancery, 48 with peace in Ireland, and 49 with turnpikes were repealed in 1874. Chapter 45 dealing with the abolition of slavery was repealed in 1872. Chapter 50 dealing with highways was partly repealed by statutes from 1874 to 1981 and is partly still in force. There is a sidenote to the statute in our Local Government Act section 317. The matter is dealt with in the Fifty-Eighth report of this Committee. Chapter 51 dealing with the relief of Dominica was repealed in 1879. Chapter 52 dealing with the North West Provinces in India was repealed in 1915. Chapter 53 dealing with merchant vessels was repealed in 1842. Chapter 54 dealing with marriage was repealed in 1949. It was held not to be in force in Queensland in *re Kreutz (1890) 4 Q.L.J. 16*. Chapter 55 dealing with sheriffs in Ireland was partly repealed by statutes in 1973 and 1980 and is partly still in force there. Chapters 56 dealing with tonnage of ships and 66 with customs were repealed in 1845. Chapter 57 dealing with the savings bank was repealed in 1954. Chapter 58 dealing with Crown lands in Scotland was partly repealed by statutes from 1874 to 1961 and is partly still in force there. Chapter 59 dealing with cruelty to animals was repealed in 1849 and is dealt with in the Fifty-Ninth report of this Committee. Chapters 60 and 61 dealing with slave trade treaties were repealed in 1873. Chapter 62 dealing with

statutory declarations was partly repealed by statutes from 1874 to 1980 and is partly still in force. Section 23 of our Oaths Act 1936 recognizes the Statutory Declarations Act 1835 as being in force in South Australia. The matter was not dealt with in the Fifty-Fifth report of this Committee although it is mentioned there. The statute was held not to be in force in Victoria in *In the will of Baker (1915) V.L.R. 535*. Chapter 63 dealing with weights and measures was repealed in 1878. Chapter 64 dealing with stamp duty was repealed by statutes from 1860 to 1937. Chapter 65 dealing with copyright in lectures was repealed in 1911 and is dealt with in the Sixty-First report of this Committee. Chapters 67 dealing with improvements in the River Shannon and 68 with militia were repealed in 1874. Chapter 69 dealing with the poor law was repealed by statutes of 1927 and 1929. Chapter 70 dealing with imprisonment for debt in Scotland was repealed in 1890. Chapter 71 dealing with charities enquiries deals only with the English Charitable Commissioners and was repealed in 1874. Chapter 72 dealing with excise was repealed in 1950. Chapter 73 dealing with bail in Scotland was repealed in 1890. Chapters 74 and 75 dealing with tithes were repealed in 1888. Chapter 76 dealing with municipal corporations was repealed in 1882 and is dealt with in the Fifty-Eighth report of this Committee. Chapter 77 dealing with glass duty was repealed in 1838. Chapter 78 dealing with the representation of the people of Scotland was repealed in 1948. Chapters 79 dealing with tithes in Ireland and 80 with appropriations were repealed in 1874. Chapter 81 dealing with capital punishment was repealed in 1874 and is dealt with in the Fifty-Ninth report of this Committee. Chapter 82 dealing with offices in the court of Chancery was repealed in 1874. Chapter 83 dealing with letters patent for inventions was repealed in 1883. The subject matter is covered by Commonwealth law in this country.

Accordingly of the statutes 5 and 6 Will. IV (1835) cc.1, 3-7, 4-32, 34-40, 42-49, 51-58, 60-61, 63-64, 66-75, 77-80 and 82-84 need to be repealed at this time in South Australia today.

*Statutes 6 and 7 Will. IV (1836) cc. 1-117:*

Chapters 1 dealing with supply and 2 with exchequer bills was repealed in 1874. Chapter 3 dealing with the Forest of Dean was repealed in 1971. Chapter 4 dealing with the abolition of capital punishment was repealed in 1874 and is dealt with in the Fifty-Ninth report of this Committee. Chapter 5 dealing with slave compensation was repealed in 1872. Chapter 6 dealing with the slave treaty with Spain was repealed in 1873. Chapter 7 dealing with indemnity was repealed in 1871. Chapters 8 dealing with mutiny, 9 with marine mutiny and 10 with the Stafford election were repealed in 1874. Chapter 11 dealing with the registration of aliens was repealed in 1905. Chapter 12 dealing with petty sessions was repealed in 1949. Chapter 13 dealing with the Irish constabulary was repealed in 1980. Chapter 14 dealing with bankruptcy in Ireland was repealed in 1857. Chapter 15 dealing with seamen was repealed in 1851. Chapter 16 dealing with slavery abolition was repealed in 1874. Chapter 17 dealing with the administration of justice in the West Indies and 18 with supply were repealed in 1874. Chapter 19 dealing with the County Palatine of Durham was partly repealed by statutes from 1858 to 1971 and is partly still in force. Chapter 23 dealing with ecclesiastical leases was partly repealed by statutes from 1874 to 1963 and is partly in force. Chapter 21 dealing with letter stealing in Scotland was repealed in 1837. Chapter 22 dealing with bastards in Scotland was partly repealed in 1890 and is partly still in force there. Chapter 23 dealing with insolvent debtors in Ireland was repealed in 1874. Chapter 24 dealing with St Ann's Chapel Wandsworth was partly repealed in 1874 and is partly in force. Chapters 25 dealing with postage, and 26 with sugar duty were repealed in 1861. Chapters 27 dealing with bankruptcy and 45 with stamp duty were

repealed in 1869. Chapter 28 dealing with security being given for the holding of Government offices was repealed in 1974. Chapters 29, 36, 38, 99 and 108 are local acts. Chapter 30 dealing with executions for murder was repealed in 1861. Chapter 31 dealing with chapels of ease in Ireland was repealed in 1851. Chapter 32 dealing with building societies was repealed by statutes of 1874 and 1894. Chapter 33 dealing with erasures in deeds in Scotland was partly repealed by statutes of 1868 and 1890 and is partly still in force there. Chapter 34 dealing with Crown officers in Ireland was repealed by statutes of 1874 and 1977. Chapter 35 dealing with Holyhead Road was partly repealed in 1853 and is partly still in force. Chapter 37 dealing with bread was repealed in 1938. There is a sidenote to our repealed Bread Act 1936. Chapters 39 dealing with arms in Ireland and 40 with turnpike acts in Ireland were repealed in 1874. Chapter 41 dealing with the Commissary Court of Edinburgh was repealed in 1891. Chapter 42 dealing with entail powers in Scotland was partly repealed by statutes from 1838 to 1874 and is partly still in force there. Chapter 43 dealing with judicial ratifications in Scotland was partly repealed by statutes from 1890 to 1924 and is partly still in force there. Chapters 44 dealing with insolvent debtors in England and 47 with insolvent debtors in the East Indies were repealed in 1874. Chapter 46 dealing with the administration of justice in New South Wales and Van Diemen's Land was repealed in 1874 and is dealt with in the Sixty-First report of this Committee. Chapter 48 dealing with an indemnity to the Governors of certain West Indian islands was repealed in 1874. Chapter 49 dealing with the Master of the Rolls' estate was repealed in 1971. Chapter 50 dealing with horse patrols for London was repealed in 1839. Chapter 51 dealing with Richmond penitentiary was repealed in 1888. Chapters 52 dealing with excise and 53 with Prince of Wales' Island (Penang) was repealed in 1874. Chapter 54 dealing with postage was repealed in 1837. Chapter 55 dealing with loan societies in Ireland was repealed in 1843. Chapter 56 dealing with cessio in Scotland was repealed in 1913. Chapter 57 dealing with offences in South Africa was repealed in 1863. Chapter 58 dealing with bills of exchange was repealed in 1883 and is dealt with in the Sixty-First report of the Committee. Chapter 59 dealing with copyright in prints in Ireland was repealed in 1861. Chapter 60 dealing with customs was repealed in 1845. Chapter 61 dealing with shipowners' liability for damage by fire was repealed in 1861. Chapters 62 dealing with turnpikes, 63 with highway rates, 79 with lighthouses, and 84 with valuation of lands in Ireland were all repealed in 1874. Chapter 64, an amendment of Chapter 20, was partly repealed by statutes from 1892-1963 and is partly in force. Chapter 65 dealing with the game laws was repealed in 1888. Chapter 66 dealing with lotteries was repealed in 1934. It was dealt with in the Sixty-Eighth report of this Committee. It is a sidenote to sections 8 and 10 of our Lotteries and Gaming Act. Chapters 67 dealing with ecclesiastical appointments and 68 with the Government of Western Australia were repealed in 1874. Chapter 69 dealing with hall marking of plate in Scotland was partly repealed by statutes from 1888 to 1973 and is partly in force. Chapter 70 dealing with schools was repealed in 1841. Chapter 71 dealing with tithe was partly repealed by statutes from 1839 to 1966 and is partly in force. Chapters 72 dealing with spirit duty and 73 with the Court of Exchequer in Scotland were repealed in 1874. Chapter 75 dealing with Court of Chancery in Ireland was partly repealed by statutes from 1874 to 1953 and is partly in force there. Chapter 76 dealing with stamp duty on newspapers was repealed in 1870. It was held not to be in force in South Australia in *Winterbottom v. Vardon & Sons Ltd. (1921) S.A.S.R. 364*. Chapter 77 dealing with the ecclesiastical commissioners was partly repealed by statutes from 1838 to 1981 and is partly still in force. Chapter 78 dealing with Consuls in Ottoman dominions was repealed in 1843.



Chapter 80 dealing with Land Tax Commissioners was repealed in 1950. Chapter 81 dealing with the slave trade was repealed in 1873. Chapter 82 dealing with the abolition of slavery was repealed in 1872. Chapter 83 dealing with officers of the Exchequer in Ireland was repealed in 1888. Chapter 85 dealing with marriage was repealed in 1953. Chapter 86 dealing with births and deaths registration was partly repealed by statutes from 1874 to 1953 and is partly in force. Chapter 87 dealing with the abolition of the secular jurisdiction of the Archbishop of York and the Bishop of Ely was repealed in 1976. Chapters 88 and 93 dealing with the militia, 90 with the payment of creditors in Scotland, 94 with guarantee for a Greek loan, 95 with tithes in Ireland, 98 with appropriation and 100 with municipal corporations in Ireland was repealed in 1874. Chapter 89 dealing with coroners was repealed in 1887 and is dealt with in the Fifty-Ninth report of this Committee. Chapter 91 dealing with Sunk Island road was repealed in 1852. Chapter 92 dealing with St. Clement's Oxford was partly repealed in 1874 and is partly still in force. Chapter 96 dealing with parochial assessments was repealed in 1948. Chapter 97 dealing with pension duties was repealed in 1958. Chapters 101 dealing with lists of voters, 109 with the coal trade and 113 with exchequer bills were repealed in 1874. Chapter 102 dealing with county elections was repealed in 1872. Chapter 103 dealing with the boundaries of boroughs was partly repealed in 1882 and 1888 and is partly in force. Chapters 104 and 105 dealing with borough corporations was repealed in 1882. Chapter 106 dealing with the Stannaries was partly repealed by statutes from 1855 to 1896 and is partly still in force. Chapter 107 dealing with the poor law was repealed in 1897. Chapter 110 dealing with copies of books for libraries was repealed in 1911. Chapter 111 dealing with evidence of previous convictions was repealed in 1967 and is dealt with in the Fifty-Eighth report of this Committee. Chapter 112 dealing with the Court of Exchequer in Equity was repealed in 1861 and is dealt with in the Fifty-Fifth report of this Committee. Chapter 114 dealing with trials for felony was partly amended by Ordinances 15 of 1849 and 6 of 1850 which were both repealed by the Justices Act 1921. It was partly repealed in England in 1848 and 1890 and is partly in force there. It is dealt with in the Fifty-Ninth report of this Committee. It is a sidenote to section 286 of the Criminal Law Consolidation Act 1935. Chapter 115 dealing with enclosures was repealed in 1899. Chapter 116 dealing with grand juries in Ireland was partly repealed by statutes from 1973 to 1980 and is partly in force there. Chapter 117 dealing with Kingstown harbour was repealed in 1869.

Accordingly the statutes of 6 & 7 Will. IV (1836) cc. 1-3, 5-45, 47-57, 59-65, 67-88, 89-110, 113 and 115-117 remain to be repealed in South Australia today.

This completes our consideration of the general Statutes of the Realm from 1225 to 1836. It leaves only for consideration the constitutional statutes and those which cannot at present be repealed in South Australia by reason of the operation of the Colonial Laws Validity Act 1865.

We have the honour to be

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

Law Reform Committee of South Australia.