

# ORDINANCES REVISION ORDINANCE, 1913. <sup>(1)</sup>

## No. 3 of 1914.

### An Ordinance for the Revision and Amendment of the Ordinances and Adopted Laws of the Territory.

**B**E it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Ordinances Revision Ordinance, 1913.* <sup>(1)</sup> Short title.

2. The Acts of Queensland adopted in the Territory and mentioned in Part I. of the First Schedule to this Ordinance and the Ordinances mentioned in Part II. of the said schedule are repealed to the extent therein respectively expressed. Repeal.

3. The enactments mentioned in the Second Schedule hereto are amended by making therein the amendments set forth in the said schedule.

#### FIRST SCHEDULE. <sup>(2)</sup>

##### PART I.

##### ACTS OF QUEENSLAND ADOPTED IN THE TERRITORY.

Act referred to.	Short Title or Subject of Act.	Extent of Repeal.
3 Wm. IV. No. 3	Absconding Felons, etc.	The whole.
4 Wm. IV. No. 4	Relating to Forgery	The adopted portion.
5 Wm. IV. No. 10	Removing Doubts respecting English Usury Laws	The preamble and the word "therefore" before "enacted."
5 Wm. IV. No. 13	An Act for Protecting Public Wharves Piers Quays and Jetties	The whole.

(1) Particulars of this Ordinance are as follows:—

Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council published in Papua Govt. Gaz.	Date on which came into operation.
14. 8. 1913	4. 2. 1914	4. 2. 1914 (Papua Govt. Gaz. of 4. 2. 1914)

(2) In addition to printing the First Schedule in full, the amendments contained therein have been incorporated in the text of such Ordinances and adopted Acts as are still in force.

LAWS (ADOPTION AND INTERPRETATION)—

PART I.—*continued.*

ACTS OF QUEENSLAND ADOPTED IN THE TERRITORY.—*continued.*

Act referred to.	Short Title or Subject of Act.	Extent of Repeal.
2 Vic. No. 11 ..	To Facilitate the Apprehension of Offenders	The whole.
4 Vic. No. 10 ..	Amending 3 Wm. IV. No. 3	The whole.
11 Vic. No. 23 ..	Protection of Seamen	The preamble and the word "therefore" before "enacted"; the expression "And be it enacted that" wherever it occurs.
11 Vic. No. 28 ..	To Facilitate the Granting of Leases	The whole.
13 Vic. No. 27 ..	Regulating Distillation	The whole.
14 Vic. No. 4 ..	To Prevent Adulteration of Malt Liquors	The unrepealed portion.
14 Vic. No. 7 ..	Apprehension of Fugitive Offenders	In Sections 2, 3, 5, 6, 7 and 8 the words "And be it enacted that"; in Section 4 the words "And be it enacted."
14 Vic. No. 22 ..	Amending 13 Vic. No. 27	The whole.
16 Vic. No. 4 ..	Exempting Literature from provisions of 13 Vic. No. 36	The whole.
16 Vic. No. 45 ..	Amending 13 Vic. No. 27	The whole.
17 Vic. No. 36 ..	Relating to Seamen	The preamble and the word "therefore" before "enacted"; Sections 1 and 2; Section 28; in Section 31 all the words before "it shall not be lawful."
18 Vic. No. 7 ..	Amending the Law respecting Felons	The whole.
19 Vic. No. 15 ..	Duty on Colonial Spirits	The whole.
19 Vic. No. 19 ..	To Prevent Adulteration of Spirits	The whole.
25 Vic. No. 10 ..	The Streets Closing Act of 1861	The preamble and the word "therefore" before "enacted."
25 Vic. No. 11 ..	The Master and Servants Act of 1861	The whole.
25 Vic. No. 19 ..	Respecting Incorporation of Religious Educational and Charitable Institutions	The preamble and the word "therefore" before "enacted"; Section 6.
25 Vic. No. 21 ..	The Diseases in Cattle Act	The whole.
26 Vic. No. 6 ..	Suspending 25 Vic. No. 21	The whole.
28 Vic. No. 19 ..	The Enclosure of Roads Act, 1864	The whole.
29 Vic. No. 4 ..	The Coinage Offences Act of 1865	The preamble and the word "therefore" before "enacted."
30 Vic. No. 21 ..	The Distillation from Sugar Act	The whole.
30 Vic. No. 22 ..	The Carriers Act of 1866	The whole.
31 Vic. No. 14 ..	The Joinder and Revivor Act of 1867	The whole.

Ordinances Revision Ordinance, 1913.

PART I.—*continued.*

ACTS OF QUEENSLAND ADOPTED IN THE TERRITORY.—*continued.*

Act referred to.	Short Title or Subject of Act.	Extent of Repeal.
31 Vic. No. 16 ..	The Distress Replevin and Ejectment Act of 1867	The preamble; Sections 78 to 117; Section 141; Schedules Nos. 7, 9 to 12, 14 and 15.
31 Vic. No. 19 ..	The Trustees and Incapacitated Persons Act of 1867	The preamble.
31 Vic. No. 22 ..	The Statute of Frauds and Limitations of 1867	The preamble.
31 Vic. No. 24 ..	The Succession Act of 1867	The preamble.
31 Vic. No. 35 ..	The Diseases in Sheep Act of 1867	The whole.
31 Vic. No. 36 ..	The Mercantile Act of 1867	The unrepealed portion.
31 Vic. No. 42 ..	Amending 31 Vic. No. 35	The whole.
34 Vic. No. 12 ..	Amending 31 Vic. No. 36	The whole.
34 Vic. No. 16 ..	The Wages Act of 1870	The whole.
34 Vic. No. 26 ..	Amending 31 Vic. No. 35	The whole.
38 Vic. No. 2 ..	Amending 30 Vic. No. 22	The whole.
38 Vic. No. 10 ..	Amending 17 Vic. No. 36 (relating to Seamen)	The preamble and the word "therefore" before "enacted."
39 Vic. No. 3 ..	The Sheriffs Act of 1875	The preamble; Sections 1 and 8.
41 Vic. No. 3 ..	The Navigation Act of 1876	The preamble; Section 195; Schedule G.
41 Vic. No. 14 ..	Amending 31 Vic. No. 35	The whole.
44 Vic. No. 16 ..	Duty on Colonial Spirits	The whole.
46 Vic. No. 4 ..	The Corrected Title to Lands Act of 1882	Sections 3 and 5.
48 Vic. No. 9 ..	The Grants and Leases to Deceased Persons Act of 1884	The preamble and the word "therefore" before "enacted."
48 Vic. No. 10 ..	The Bills of Exchange Act of 1884	Section 98.
48 Vic. No. 14 ..	The Wages Act of 1884	The whole.
49 Vic. No. 15 ..	The Undue Subdivision of Land Prevention Act of 1885	The preamble.
50 Vic. No. 10 ..	The Mineral Oils Act of 1886	Section 2.
50 Vic. No. 13 ..	The Settled Land Act of 1886	The preamble.
51 Vic. No. 11 ..	The Distillation Act of 1849 Amendment Act of 1887	The whole.
59 Vic. No. 4 ..	The Religious Educational and Charitable Institutions Act of 1861 Amendment Act of 1895	The preamble and the word "therefore" before "enacted."

LAWS (ADOPTION AND INTERPRETATION)—

PART II.  
ORDINANCES.

Number of Ordinance.	Short Title or Subject Matter.	Extent of Repeal.
3 of 1892	The Courts and Laws Adopting Ordinance (Amended) of 1892	The whole.
10 of 1897	To Repeal the Arms Licences Ordinance of 1897	The whole.
1 of 1898	British New Guinea Syndicate (or Company) Ordinance of 1898	The whole.
8 of 1898	Chinese Immigration Restriction Ordinance of 1898	The whole.
5 of 1900	Native Labour Ordinance, No. 2 of 1900	The whole.
6 of 1900	Loan Ordinance (Surveys) of 1900	The whole.
1 of 1902	Customs Duties Ordinance of 1902	The whole.
16 of 1909	To Repeal the Ordinances relating to Hawkers Licences	The whole.
27 of 1909	To Repeal the Removal of Natives Ordinance of 1907	The whole.
4 of 1910	To Amend the Law relating to Mining	The whole.
9 of 1910	The Customs Ordinance of 1910	Section 3.

SECOND SCHEDULE. (3)

Enactment.	Amendment.
19 of 1911 (Pearl Shell) Section 23 Section 49 Schedule D	Omit the words "Five pounds" and substitute the words "One pound" therefor. Omit the words "from such natives." Omit the words "from natives" wherever they occur.
26 of 1911 (Aliens) Section 12	Omit Section 12 and substitute the following therefor:— Fee. "12. A fee of One pound shall be paid with and in respect of any application for a certificate of naturalization made after the twelfth day of August One thousand nine hundred and thirteen."
1 of 1912 (Health) Section 111 Section 127 Subsection (b)	After Section 92 insert the following new section:— "92A. The owner or occupier of every building whether erected before or after the commencement of this Ordinance shall provide such building with such means for the catchment and storage of rain water as may be prescribed." After the word "endemic" where it first occurs in the section omit the word "of" and substitute the word "or" therefor. Omit the words "in addition." After the word "not" insert the word "being." Omit the word "thereto" and substitute therefor the words "to the said model regulations if adopted by it."

(3) In addition to printing the Second Schedule in full, the amendments contained therein have been incorporated in the text of such Ordinances as are still in force.

Ordinances Revision Ordinance, 1913.

SECOND SCHEDULE.—*continued.*

Enactment.	Amendment.
3 of 1912 (Native Labour) Section 33	Omit the words "or inspector" in marginal note and in Subsection (2).
5 of 1912 (Land) Section 22 First Schedule	In marginal note for "1907" substitute "1909." Omit "(No. 30 of 1910)" and substitute "(No. 30 of 1909)."
7 of 1912 (Cemeteries) Section 37 (2)	After the word "dead" omit the word "by" and substitute the word "body" therefor.
21 of 1912 (Fire Prevention) Sections 6 and 7	At the end of each Section (6 and 7) add the words "and in default of payment thereof to imprisonment with or without hard labour for any term not exceeding three months."
24 of 1912 (Apprentices) Section 2	Omit the figures "1884" and substitute the figures "1844" therefor.
28 of 1912 (Justices) Section 1	After the words "Part VII. Record of Summary Punishment or Dismissal" add the words "of certain Indictable Offences."
Section 35	Over Section 35 insert as a sub-heading the words "Order for delivery of property stolen etc."
Section 41	Omit the whole section and insert in lieu thereof the following:—
No objection for defect or variance. Cf. N.S.W. 27 of 1902, s. 65. Cf. Q. 50 Vic. No. 17, s. 48.	"41 (1) No objection shall be taken or allowed to any complaint summons or warrant in respect of— (a) any alleged defect therein in substance or in form; or (b) any variance between any complaint summons or warrant and the evidence adduced in support of the complaint at the hearing.
	(2) No variance between any complaint and the evidence adduced in support thereof at the hearing in respect of the time or place at which the offence or act is alleged to have been committed shall be deemed to be material if it is proved that the complaint was in fact laid between the time limited by law in that behalf or that the offence or act was committed in the Territory as the case may be."
Section 46	Omit the words "within the jurisdiction of such justice."

LAWS (ADOPTION AND INTERPRETATION)—

SECOND SCHEDULE.—*continued.*

Enactment.	Amendment.
28 of 1912 (Justices) (Continued) Section 50 Subsection (1)	Omit the words "within the limits of the jurisdiction of such justice."
Section 52	Omit all the words commencing "But no such warrant" to the end of the section.
Section 65	Omit the whole section and insert in lieu thereof the following:—
Proof of negative etc. Cf. N.S.W., 27 of 1902, s. 72. Cf. Q. 50 Vic. No. 17, s. 76.	"65. If the complaint negatives any exemption exception proviso or condition in the act or Ordinance order by-law regulation or other instrument upon which it is framed it shall not be necessary for the complainant to prove such negative but the defendant may prove the affirmative in his defence if he wishes to take advantage thereof."
After Section 65 Averment that a person is a native to be proof.	After Section 65 insert the following new section:— "65A. The averment in any complaint in relation to any offence under any Ordinance or regulation that any person named or specified in such complaint is a native shall be sufficient proof that such person is a native within the meaning of such Ordinance or regulation until the contrary is shown."
Section 88	Omit the words commencing "for any jurisdiction" and ending "or suspected to be."
Second Schedule Form 34	Omit the figures "1911" and substitute "1912."
30 of 1912 (Butchers)	After Section 26 insert the following new section:— Where penalties not paid. Q. 15 Vic. No. 13, s. 18. "26A. In the event of any penalty imposed under this Ordinance not being paid or satisfied according to law the person adjudged to pay the same shall be liable to imprisonment with or without hard labour for any period not exceeding six months."
35 of 1912 Justices (Fees) Second Schedule	Omit the word "felonious" and substitute the word "indictable."
38 of 1912 (Mercantile)	After Section 3 insert the following new sub-heading and section:— "Writs of Execution. 3A. (1) A writ of execution against the goods of a debtor shall bind the property in the goods of the execution debtor as from the time when the writ was delivered to the sheriff to be executed; and for the better manifestation of such time it shall be the duty of the sheriff upon receipt of any such writ to endorse upon the back thereof the
Effect of writs of execution. Q. 17. s. 3. Q. 60 Vic. No. 6, s. 28.	

Ordinances Revision Ordinance, 1913.

SECOND SCHEDULE.—*continued.*

Enactment.	Amendment.
38 of 1912 (Mercantile) (Continued)	hour day month and year when he received it: But the delivery of such writ to the sheriff does not prejudice the title to such goods acquired by any person in good faith and for valuable consideration unless such person had at the time when he acquired his title notice that such writ or any other writ by virtue of which the goods of the execution debtor might be seized or attached had been delivered to and remained unexecuted in the hands of the sheriff. (2) In this section the term "sheriff" includes any officer charged with the enforcement of a writ of execution."
40 of 1912 (Life Policies) Section 4	Omit the word "made" in the fourth paragraph and substitute the word "paid."
43 of 1912 (Vagrancy) Sections 5, 6 and 14	At the end of each section (5, 6 and 14) add the words "and in default of payment thereof to imprisonment with or without hard labour for any term not exceeding six months."

LAWS (ADOPTION AND INTERPRETATION)—