

THE COURTS AND LAWS ADOPTING ORDINANCE (AMENDED) OF 1889.⁽¹⁾

No. 6 of 1889.

An Ordinance to adopt certain Laws as Laws of British New Guinea.

BE it enacted by the Administrator of British New Guinea with the advice and consent of the Legislative Council thereof as follows:—

1. The first second third and fourth sections of Ordinance 4 of 1888, intituled *The Courts and Laws Adopting Ordinance of 1888*,⁽²⁾ are hereby repealed and the following provisions enacted in lieu thereof. Repeal clause.

2. Those portions of the Acts and Statutes of the Colony of Queensland specified in Schedule A hereto that had not been repealed and were in force in the said Colony on the 17th day of September 1888 and those portions of every regulation or rule made under the provisions of any of the said Acts or Statutes that had not been rescinded or annulled and were in force in the said Colony on the 17th day of September 1888 are hereby adopted as Ordinances laws regulations and rules of British New Guinea so far as the same shall be applicable to the circumstances of the Possession and shall not be repugnant to or inconsistent with the provisions of any of the instruments laws or enactments specified in Schedule B hereto or of any Ordinance law regulation rule order or proclamation having the force of law that has been or may hereafter be made or promulgated in the Possession. Adopting statutes of Queensland.

(1) Particulars of this Ordinance of British New Guinea (which was continued in force in the Territory of Papua by Section 6(1) of the *Papua Act 1905*) are as follows:—

Date of assent by Administrator.	Date on which published in British N.G. <i>Govt. Gaz.</i>	Date on which took effect.
15.11.1889	23.11.1889	23.11.1889 (Supplement to British N.G. <i>Govt. Gaz.</i> of 23.11.1889)

(2) The unrepealed sections of *The Courts and Laws Adopting Ordinance of 1888* provide for the constitution and jurisdiction of the Central Court of the Territory, and that Ordinance is printed above, title COURTS.

LAWS (ADOPTION AND INTERPRETATION)—

Adopting
Imperial
statutes and
laws.

3. Those portions of the Acts Statutes and Laws of England that were in force in the Colony of Queensland on the 17th day of September 1888 and that can be put in force and become law in the Possession by being adopted by an Ordinance of the Possession are to the extent that they were on such date in force in the said Colony hereby adopted as the Ordinances and laws of British New Guinea so far as the same shall be applicable to the circumstances of the Possession and shall not be repugnant to or inconsistent with the provisions of any of the instruments laws or enactments specified in Schedule B hereto or of any Ordinance law regulation rule order or proclamation having the force of law that has been or may hereafter be made or promulgated in the Possession.

Adopting English
rules of common
law and equity.

4. The principles and rules of common law and equity that for the time being shall be in force and prevail in England shall so far as the same shall be applicable to the circumstances of the Possession be likewise the principles and rules of common law and equity that shall for the time being be in force and prevail in British New Guinea.

Adopted law to
be construed to
meet
circumstances
of the Possession.

5. All or any references to persons places or subjects in any Act Statute law regulation or rule hereby adopted shall be taken as referring to corresponding or analogous persons places or subjects in the Possession and for the purpose of facilitating the application of any of the aforesaid Acts Statutes laws regulations or rules hereby adopted it shall be lawful for any court or magistrate to construe the same with such verbal alteration not affecting the substance as may be necessary to render the same applicable to the matter before the court or magistrate.

Short Title.

6. This Ordinance shall be known and may be cited as *The Courts and Laws Adopting Ordinance (Amended) of 1889.*⁽¹⁾

SCHEDULE A.⁽³⁾

No. OF ACT.	SHORT TITLE OR SUBJECT OF ACT.
31 Vic. No. 6 ..	<i>Acts Shortening Act of 1867.</i>
31 " " 28 ..	<i>The Aliens Act of 1867.</i>
28 " " 7 ..	<i>An Act relating to Auctioneers.</i>

(1) See footnote (1) printed on p. 2765.

(3) A large number of the Queensland Acts specified in Schedule A as adopted Acts have been repealed by subsequent Ordinances of the Territory of Papua or superseded by Commonwealth or Imperial Acts, but Schedule A has not been consequentially amended. For convenience of reference, however, the short titles or subject of the Acts which have been repealed or superseded are shown in italics. For particulars of how the adopted Acts specified in Schedule A were affected by subsequent legislation of British New Guinea and the Territory of Papua, and by subsequent Commonwealth and Imperial Acts, see the Chronological Table of Adopted Queensland Acts, printed in Volume V. of this Annotated Reprint.

The Courts and Laws Adopting Ordinance (Amended) of 1889.

NO. OF ACT.	SHORT TITLE OR SUBJECT OF ACT.
14 Vic. No. 13 ..	<i>An Act for legalising Art Unions.</i>
6 Will. IV. No. 1	<i>An Act to regulate the making and sale of Bread, &c., &c.</i>
43 Vic. No. 7 ..	<i>Relating to Bankers Books evidence.</i>
14 " " 4 ..	<i>To prevent Adulteration of Malt liquors.</i>
5 Will. IV. No. 1	<i>Regulating the Slaughter of Cattle.</i>
7 Vic. No. 2 ..	<i>Amending 5 Will. IV., No. 1.</i>
14 " " 30 ..	<i>Amending 5 Will. IV., No. 1.</i>
15 " " 13 ..	<i>Amending 5 Will. IV., No. 1.</i>
41 " " 1 ..	<i>Amending 5 Will. IV., No. 1.</i>
29 " " 9 ..	<i>The Careless use of Fire prevention Act.</i>
30 " " 22 ..	<i>The Carriers Act of 1866.</i>
38 " " 2 ..	<i>Amending 30 Vic. No. 22.</i>
16 " " 23 ..	<i>An Act to prevent Cattle being driven through populous towns, &c.</i>
36 " " 2 ..	<i>The Clerks of Petty Sessions Act of 1872.</i>
29 " " 23 ..	<i>Claims against Government Act.</i>
11 " " 19 ..	<i>An Act for facilitating the winding up of Joint Stock Companies, &c.</i>
11 " " 56 ..	<i>An Act to enable any Joint Stock Co. to sue any of its own Members, &c., &c.</i>
27 " " 4 ..	<i>The Companies Act, 1863.</i>
29 " " 7 ..	<i>The Accessories Act of 1865.</i>
30 " " 6 ..	<i>Trial of offences committed within the jurisdiction of Admiralty.</i>
2 " " 10 ..	<i>Adopting certain Acts therein specified.</i>
14 " " 40 ..	<i>Cruelty to Animals.</i>
14 " " 7 ..	<i>Apprehension of fugitive Offenders.</i>
17 " " 3 ..	<i>Cattle Stealing.</i>
29 " " 4 ..	<i>The Coinage Offences Act of 1865.</i>
4 Will. IV. No. 4	<i>Relating to Forgery.</i>
29 Vic. No. 3 ..	<i>The Forgery Act of 1865.</i>
29 " " 5 ..	<i>The Injuries to Property Act of 1865.</i>
30 " " 20 ..	<i>The Arson Act of 1866.</i>
29 " " 6 ..	<i>The Larceny Act of 1865.</i>
36 " " 8 ..	<i>Relating to Larceny and Embezzlement.</i>
29 " " 11 ..	<i>The Offences against the Person Act of 1865.</i>
29 " " 13 ..	<i>The Criminal Practice Act of 1865.</i>
40 " " 2 ..	<i>The Criminal Practice Act of 1876.</i>
20 " " 3 ..	<i>Crown Suits.</i>
16 " " 15 ..	<i>Crown Survey Marks.</i>
38 " " 13 ..	<i>The Crown Remedies Act of 1874.</i>
19 Vic. No. 3 ..	<i>Regulating the Currency.</i>
37 " " 1 ..	<i>The Customs Act, 1873.</i>
34 " " 27 ..	<i>The specialty and simple Contract debts equalization Act.</i>
41 " " 25 ..	<i>The Deceased Wife's Sister Marriage Bill of 1877.</i>
34 " " 25 ..	<i>Writs of Dedimus.</i>
11 " " 13 ..	<i>Libel and Slander.</i>
13 " " 18 ..	<i>Deodands.</i>
4 " " 5 ..	<i>Deserted Wives and Children.</i>
22 " " 6 ..	<i>Amending 4 Vic. No. 5.</i>
30 " " 19 ..	<i>The Diseased Animals Act.</i>
25 " " 21 ..	<i>The Diseases in Cattle Act.</i>
26 " " 6 ..	<i>Suspending 25 Vic. No. 21.</i>
31 " " 35 ..	<i>The Diseases in Sheep Act of 1867.</i>
31 " " 42 ..	<i>Amending 31 Vic. No. 35.</i>
34 " " 26 ..	<i>Amending 31 Vic. No. 35.</i>
41 " " 14 ..	<i>Amending 31 Vic. No. 35.</i>
13 " " 26 ..	<i>Relating to Distillation.</i>
13 " " 27 ..	<i>Regulating Distillation.</i>
14 " " 22 ..	<i>Amending 13 Vic. No. 27.</i>

LAWS (ADOPTION AND INTERPRETATION)—

NO. OF ACT.	SHORT TITLE OR SUBJECT OF ACT.
16 Vic. No. 45 ..	<i>Amending 13 Vic. No. 27.</i>
30 " " 21 ..	<i>The Distillation from Sugar Act.</i>
31 " " 16 ..	<i>The Distress Replevin and Ejectment Act of 1867.</i>
31 " " 13 ..	<i>The Evidence and Discovery Act of 1867.</i>
37 " " 9 ..	<i>The Evidence further Amendment Act of 1874.</i>
4 Will. IV. No. 5	<i>Fees to be taken in Police Courts, &c.</i>
3 Will. IV. No. 3	<i>Absconding Felons, &c.</i>
2 Vic. No. 11 ..	<i>To facilitate the Apprehension of Offenders, &c.</i>
4 " " 10 ..	<i>Amending 3 Will. IV. No. 3.</i>
18 " " 7 ..	<i>Amending the law respecting Felons, &c.</i>
25 " " 12 ..	<i>The Fencing Act of 1861.</i>
31 " " 22 ..	<i>The Statute of Frauds and Limitations of 1867.</i>
14 " " 9 ..	<i>Respecting Games and Wagers.</i>
38 " " 11 ..	<i>The Gold Fields Act, 1874.</i>
42 " " 2 ..	<i>The Gold Fields Amendment Act of 1878.</i>
44 " " 7 ..	<i>Gold Mining Appeals Act of 1880.</i>
13 " " 36 ..	<i>Relating to Hawkers and Pedlers.</i>
16 " " 4 ..	<i>Exempting literature from provisions of 13 Vic. No. 36.</i>
33 " " 11 ..	<i>Amending 13 Vic. No. 36.</i>
18 " " 27 ..	<i>Protecting inclosed lands from trespass.</i>
42 " " 4 ..	<i>Amending 18 Vic. No. 27.</i>
27 " " 12 ..	<i>The Inquests on Fires Act of 1863.</i>
30 " " 3 ..	<i>The Inquests of Death Act of 1866.</i>
31 " " 11 ..	<i>The Interdict Act of 1867.</i>
41 " " 24 ..	<i>The Intestacy Act of 1877.</i>
31 " " 14 ..	<i>The Joinder and Revivor Act of 1867.</i>
11 " " 28 ..	<i>To facilitate the Granting of Leases.</i>
43 " " 8 ..	<i>The Life Insurance Act of 1879.</i>
16 " " 2 ..	<i>To prevent Lotteries.</i>
28 " " 15 ..	<i>The Marriage Act of 1864.</i>
34 " " 8 ..	<i>The Marriage Law Amendment Act of 1870.</i>
36 " " 12 ..	<i>The Justices Marrying Act of 1872.</i>
9 Geo. IV. No. 8	<i>Government Apprentices.</i>
8 Vic. No. 2 ..	<i>Respecting Apprentices.</i>
25 " " 11 ..	<i>The Master and Servants Act of 1861.</i>
34 " " 16 ..	<i>The Wages Act of 1870.</i>
31 " " 36 ..	<i>The Mercantile Act of 1867.</i>
34 " " 12 ..	<i>Amending 31 Vic. No. 36.</i>
41 " " 3 ..	<i>The Navigation Act of 1876.</i>
31 " " 12 ..	<i>The Oaths Act of 1867.</i>
40 " " 10 ..	<i>Amending 31 Vic. No. 12.</i>
13 " " 37 ..	<i>Respecting Pawnbrokers.</i>
11 " " 41 ..	<i>Respecting places for holding Courts of Petty Sessions.</i>
2 " " 2 ..	<i>Towns Police Act.</i>
11 " " 44 ..	<i>Towns Police Act.</i>
19 Vic. No. 24 ..	<i>Towns Police Act.</i>
31 " " 9 ..	<i>The Probate Act of 1867.</i>
19 " " 34 ..	<i>Registration of Births, Deaths, and Marriages.</i>
31 " " 7 ..	<i>Amending 19 Vic. No. 34.</i>
25 " " 19 ..	<i>Respecting Incorporation of Religious, Educational, and Charitable Institutions.</i>
41 " " 4 ..	<i>Respecting disorderly conduct in places of worship.</i>
25 " " 10 ..	<i>The Streets Closing Act of 1861.</i>
28 " " 19 ..	<i>The enclosure of Roads Act of 1864.</i>
11 " " 23 ..	<i>Protection of Seamen.</i>
16 " " 25 ..	<i>Seamen of Foreign Ships.</i>
17 " " 36 ..	<i>Relating to Seamen.</i>
38 " " 10 ..	<i>Amending 17 Vic. No. 36.</i>
39 " " 3 ..	<i>The Sheriffs Act of 1875.</i>
31 " " 29 ..	<i>The Small Debts Courts Act of 1867.</i>
33 " " 4 ..	<i>Amending 31 Vic. No. 29.</i>

The Courts and Laws Adopting Ordinance (Amended) of 1889.

NO. OF ACT.	SHORT TITLE OR SUBJECT OF ACT.
19 Vic. No. 19 ..	<i>To prevent Adulteration of Spirits, &c.</i>
19 " " 15 ..	<i>Duty on Colonial Spirits.</i>
44 " " 16 ..	<i>Duty on Colonial Spirits.</i>
31 " " 24 ..	<i>The Succession Act of 1867.</i>
31 " " 27 ..	<i>The Summary Ejectment Act of 1867.</i>
28 " " 5 ..	<i>The Trade Marks Act, 1864.</i>
31 " " 19 ..	<i>The Trustees and Incapacitated Persons Act of 1867.</i>
5 Will. IV. No. 10	<i>Removing doubts respecting English Usury Laws.</i>
15 Vic. No. 4 ..	<i>Vagrancy.</i>
27 " " 10 ..	<i>Amending 15 Vic. No. 4.</i>
16 " " 34 ..	<i>Weights and Measures.</i>
30 " " 18 ..	<i>Weights and Measures (Agricultural produce).</i>
5 Will. IV. No. 13	<i>Protection of Public Wharfs, &c.</i>
45 Vic. No. 6 ..	<i>The Mines' Regulation Act of 1881.</i>
45 " " 12 ..	<i>The Police Jurisdiction Extension Act of 1881.</i>
45 " " 13 ..	<i>The Sale of Food and Drugs Act of 1881.</i>
46 " " 4 ..	<i>The Corrected Title to Lands Act of 1882.</i>
46 " " 12 ..	<i>The Port Dues Revision Act.</i>
46 " " 15 ..	<i>The Sale of Food and Drugs Act Amendment Act of 1882.</i>
48 " " 5 ..	<i>Public Officers Fees Act of 1884.</i>
48 " " 8 ..	<i>The Insanity Act of 1884.</i>
48 " " 9 ..	<i>The Grants and Leases to Deceased Persons Act of 1884.</i>
48 " " 10 ..	<i>The Bills of Exchange Act of 1884.</i>
48 " " 11 ..	<i>The Succession Declaratory Act of 1884.</i>
48 " " 13 ..	<i>The Patents Designs and Trade Marks Act, 1884.</i>
48 " " 14 ..	<i>The Wages Act, 1884.</i>
48 " " 17 ..	<i>The Health Act of 1884.</i>
48 " " 19 ..	<i>The Oaths Act Amendment Act of 1884.</i>
49 " " 4 ..	<i>The Rabbit Act of 1885.</i>
49 " " 12 ..	<i>An Act to Amend The Probate Act of 1867.</i>
49 " " 15 ..	<i>The undue subdivision of Land Prevention Act of 1885</i>
49 " " 18 ..	<i>The Licensing Act of 1885.</i>
50 " " 5 ..	<i>The Patents Designs and Trade Marks Act, 1886.</i>
50 " " 10 ..	<i>The Mineral Oils Act of 1886.</i>
50 " " 12 ..	<i>The Succession Duties Act of 1886.</i>
50 " " 13 ..	<i>The Settled Land Act of 1886.</i>
50 " " 14 ..	<i>The Offenders Probation Act of 1886.</i>
50 " " 15 ..	<i>The Gold Fields Act Amendment Act of 1886.</i>
50 " " 17 ..	<i>The Justices Act of 1886.</i>
50 " " 19 ..	<i>The Mining Companies Act of 1886.</i>
50 " " 21 ..	<i>The Health Act Amendment Act of 1886.</i>
50 " " 24 ..	<i>The Employers Liability Act of 1886.</i>
50 " " 25 ..	<i>The Quarantine Act of 1886.</i>
50 Vic. No. 30 ..	<i>The Liquor Act of 1886.</i>
50 " " 31 ..	<i>The British Companies Act of 1886.</i>
51 " " 2 ..	<i>The Copyright Registration Act (Queensland), 1887.</i>
51 " " 11 ..	<i>The Distilleries Act of 1849 Amendment Act of 1887.</i>
31 " " 17 ..	<i>Clauses twenty, twenty-one, and twenty-two of "The Common Law Practice Act of 1867."</i>

SCHEDULE. B. (4)

(1) The Letters Patent given by Warrant under the Queen's Sign Manual at Westminster the eighth day of June One thousand eight hundred and eighty-eight in the fifty-first year of Her Majesty's reign under the Great

(4) The Letters Patent and the Royal Instructions referred to in Schedule B were revoked as from 1.9.1906 by Letters Patent dated 18.3.1902, published in British N.G. Govt. Gaz. of 26.5.1902, and printed on p. 69: see Proclamation dated 1.9.1906, published in *Owlth. Gaz.* of 1.9.1906, and printed on p. 75.

LAWS (ADOPTION AND INTERPRETATION)—

Seal of the United Kingdom for erecting certain British territory in New Guinea and the adjacent islands into a separate Possession and providing for the Government thereof.

(2) The Royal Instructions passed under the Royal Sign Manual and Signet to the Administrator of British New Guinea given at the Court at Balmoral the eighth day of June One thousand eight hundred and eighty-eight in the fifty-first year of Her Majesty's reign.