

LAWS REPEAL AND ADOPTING ORDINANCE 1921-1939. ⁽¹⁾

An Ordinance to provide that German Laws shall cease to extend or apply to or be in force in the Territory of New Guinea, and to adopt certain Laws of England, the Commonwealth, Queensland and Papua as Laws of the Territory.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920*, as follows:—

1. This Ordinance may be cited as the *Laws Repeal and Adopting Ordinance 1921-1939*.⁽¹⁾

Short title.
Amended by
No. 3 of 1934,
s. 50.
Commencement.

2. This Ordinance shall commence on a day to be fixed by the Minister by notice in the *Gazette*.⁽¹⁾

(1) The *Laws Repeal and Adopting Ordinance 1921-1939* comprises the *Laws Repeal and Adopting Ordinance 1921*, as amended by the other Ordinances referred to in the following Table:—

TABLE.
PART I.—ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Owlth. Gaz.</i>	Date on which took effect.
<i>Laws Repeal and Adopting Ordinance 1921</i> (No. 1 of 1921)	6.5.1921	6.5.1921	9.5.1921 (<i>Owlth. Gaz.</i> of 6.5.1921)
<i>Treasury Ordinance 1921</i> (No. 16 of 1921)	17.9.1921	26.9.1921	26.9.1921 (<i>Owlth. Gaz.</i> of 26.9.1921)
<i>Laws Repeal and Adopting Ordinance 1922</i> (No. 42 of 1922)	20.12.1922	30.12.1922	30.12.1922 (<i>Owlth. Gaz.</i> of 30.12.1922)
<i>Laws Repeal and Adopting Ordinance 1923</i> (No. 36 of 1923)	10.10.1923	18.10.1923	18.10.1923 (<i>Owlth. Gaz.</i> of 18.10.1923)
<i>Laws Repeal and Adopting Ordinance 1924</i> (No. 1 of 1924)	22.1.1924	24.1.1924	The whole except Sec. 2 on 24.1.1924 (<i>Owlth. Gaz.</i> of 24.1.1924); Sec. 2 on 9.5.1921 (Sec. 2, <i>Laws Repeal and Adopting Ordinance</i> (No. 3) 1924)
<i>Laws Repeal and Adopting Ordinance</i> (No. 2) 1924 (No. 22 of 1924)	5.6.1924	12.6.1924	12.6.1924 (<i>Owlth. Gaz.</i> of 12.6.1924)
<i>Laws Repeal and Adopting Ordinance</i> (No. 3) 1924 (No. 27 of 1924)	23.7.1924	31.7.1924	31.7.1924 (<i>Owlth. Gaz.</i> of 31.7.1924)
<i>Laws Repeal and Adopting Ordinance 1925</i> (No. 2 of 1925)	28.1.1925	29.1.1925	The whole except Sec. 5 on 29.1.1925 (<i>Owlth. Gaz.</i> of 29.1.1925); Sec. 5 on 18.10.1923 (Sec. 5(2), <i>Laws Repeal and Adopting Ordinance 1925</i>)

[Footnote continued on next page.]

LAWS (ADOPTION AND INTERPRETATION)—

(1)—*continued.*

PART I.—ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL—*continued.*

Short title, number and year.	Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwlth. Gaz.</i>	Date on which took effect.
<i>Laws Repeal and Adopting Ordinance (No. 2) 1925 (No. 21 of 1925)</i>	15.7.1925	6.8.1925	6.8.1925 (<i>Cwlth. Gaz.</i> of 6.8.1925)
<i>Laws Repeal and Adopting Ordinance (No. 3) 1925 (No. 34 of 1925)</i>	15.8.1925	20.8.1925	20.8.1925 (<i>Cwlth. Gaz.</i> of 20.8.1925)
<i>Laws Repeal and Adopting Ordinance 1927 (No. 14 of 1927)</i>	24.3.1927	26.3.1927	26.3.1927 (<i>Cwlth. Gaz.</i> of 26.3.1927)
<i>Laws Repeal and Adopting Ordinance (No. 2) 1927 (No. 17 of 1927)</i>	27.4.1927	30.4.1927	30.4.1927 (<i>Cwlth. Gaz.</i> of 30.4.1927)
<i>Laws Repeal and Adopting Ordinance 1928 (No. 23 of 1928)</i>	8.10.1928	11.10.1928	13.11.1929 (<i>N.G. Gaz.</i> of 30.11.1929)
<i>Laws Repeal and Adopting Ordinance 1929 (No. 4 of 1929)</i>	30.5.1929	13.6.1929	15.11.1929 (<i>N.G. Gaz.</i> of 15.11.1929)
<i>Laws Repeal and Adopting Ordinance 1931 (No. 4 of 1931)</i>	25.3.1931	1.4.1931	18.5.1931 (<i>N.G. Gaz.</i> of 30.4.1931)
<i>Laws Repeal and Adopting Ordinance 1932 (No. 8 of 1932)</i>	15.6.1932	16.6.1932	15.11.1932 (<i>N.G. Gaz.</i> of 15.10.1932)
<i>Laws Repeal and Adopting Ordinance (No. 2) 1932 (No. 26 of 1932)</i>	17.12.1932	22.12.1932	22.12.1932 (<i>Cwlth. Gaz.</i> of 22.12.1932)
<i>Laws Repeal and Adopting Ordinance 1933 (No. 25 of 1933)</i>	26.4.1933	27.4.1933	27.4.1933 (<i>Cwlth. Gaz.</i> of 27.4.1933)

PART II.—ORDINANCES OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Laws Repeal and Adopting Ordinance 1934 (No. 6 of 1934)</i>	6.2.1934	30.6.1934	1.6.1934 (<i>N.G. Gaz.</i> of 15.5.1934)
<i>Laws Repeal and Adopting Ordinance 1935 (No. 6 of 1935)</i>	14.1.1935	15.6.1935	14.1.1935 (<i>Laws of T.N.G., Vol. XIII, p. 139</i>)
<i>Laws Repeal and Adopting Ordinance (No. 2) 1935 (No. 24 of 1935)</i>	31.7.1935	15.2.1936	The whole except Secs. 5 and 6 on 16.1.1936 (<i>N.G. Gaz.</i> of 15.1.1936); Secs. 5 and 6(a) on 2.3.1936 (<i>N.G. Gaz.</i> of 15.1.1936); Sec. 6(b) on 13.5.1938 (<i>N.G. Gaz.</i> of 14.5.1938); Sec. 6(c) not yet notified to commence
<i>Laws Repeal and Adopting Ordinance 1936 (No. 24 of 1936)</i>	26.2.1936	31.8.1936	1.6.1936 (<i>N.G. Gaz.</i> of 19.3.1936)
<i>Laws Repeal and Adopting Ordinance (No. 2) 1936 (No. 35 of 1936)</i>	5.8.1936	14.11.1936	5.8.1936 (<i>Laws of T.N.G., Vol. XIII, p. 489</i>)
<i>Laws Repeal and Adopting Ordinance 1937 (No. 9 of 1937)</i>	3.3.1937	22.6.1937	1.1.1938 (<i>N.G. Gaz.</i> of 30.10.1937)
<i>Laws Repeal and Adopting Ordinance 1939 (No. 15 of 1939)</i>	5.9.1939	31.10.1939	The whole except Sec. 3 on 5.9.1939 (<i>Laws of T.N.G., Vol. XV, p. 46</i>); Sec. 3 not yet notified to commence

3. In this Ordinance, unless the contrary intention appears— Definitions.

“the Commonwealth” means the Commonwealth of Australia;

“the Gazette” means the *Commonwealth of Australia Gazette*;

* * * * *

Definition of
“the Minister”
omitted by
No. 2 of 1925,
s. 2.

“the Territory” means the Territory of New Guinea.

4.—(1.) Subject to this Ordinance, all acts, statutes, laws and ordinances of the German Empire and of any German State, and all laws, ordinances, regulations, rules, orders, proclamations and other legislative measures enacted issued or made in the name of the German Emperor or the German Government by the competent authority for the time being, and expressed to extend to, or applied to or in force in, the Territory shall, as from the commencement of this Ordinance, cease to extend or apply to, or be in force in, the Territory.

German laws to
cease to apply
to the
Territory.

(2.) Nothing in the preceding sub-section shall affect the validity, invalidity, effect or consequences of anything already done or suffered, or any existing status or capacity, or any right, title, obligation or liability, civil or criminal, already acquired accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of, or from, any debt, penalty, obligation, liability, claim or demand, or any indemnity, or the proof of any past act or thing; and any matter, action, prosecution, transaction or proceeding commenced under any law, ordinance or enactment affected by this section and pending or in progress at the commencement of this Ordinance may, subject to this Ordinance, be continued, completed and enforced in accordance with the provisions of such law, ordinance or enactment.

5. All Crown grants, titles, certificates, licences, orders, appointments, warrants, notifications, seals, registers, memorials, books, records, entries, instruments and generally all acts of authority which originated under any of the laws, ordinances and enactments affected by this Ordinance and are subsisting or in force at the commencement of this Ordinance shall, subject to this Ordinance, continue to be valid and subsisting, and shall be received and admissible in evidence to the same extent and in the same manner as heretofore under any law, ordinance or enactment that was in force in the Territory at the date of the commencement of this Ordinance.

Titles,
certificates
and records,
&c., to remain
valid.

LAWS (ADOPTION AND INTERPRETATION)—

Crown lands
to pass to
Commonwealth.
Section 6
amended by
No. 21 of
1925, s. 2.

6. All the right, title, estate, interest, control, privileges and prerogatives of the Government formerly exercising authority over the Territory in over and to—

- (1) Crown lands or lands vested in or subject to the authority or control of the Government;
- (2) lands designated or proclaimed as reserves for the benefit of aboriginal natives;
- (3) unclaimed lands;
- (4) land in respect of which there has been a failure of heirs;
- (5) waste lands;
- (6) confiscated lands;
- (7) lands which have reverted to the Crown by operation of law or by any deed of surrender, conveyance or transfer; and
- (8) native lands which have been ceded to the Crown by the natives or have been purchased or otherwise acquired from the natives on behalf of the Crown, or have become vested in the Crown by right of prerogative or in any other manner whatsoever,

shall at the commencement of this Ordinance pass to and continue to be held and exercised by the Commonwealth of Australia as Mandatory under the Mandate conferred by the Principal Allied and Associated Powers under the Treaty of Versailles and formulated by the Council of the League of Nations on the Seventeenth day of December One thousand nine hundred and twenty.

Continuance
of estates
and interests.

7. All estates and interests within the Territory held by any person from the German Government formerly exercising authority therein or from the British Military Administration of the Territory and subsisting at the date of the commencement of this Ordinance shall, subject to this or any other Ordinance, continue for the time being, and until other provision is made, to be held from the Commonwealth on the same terms and conditions as they were held from the German Government or the British Military Administration.

Interests in
land not
affected.

8.—(1.) Nothing contained in this Ordinance shall affect the right, title, estate, claim or interest, vested or contingent at the date of the commencement of this Ordinance, of any person to or over any land within the Territory, or any lease, tenancy, agreement, covenant, easement, charge, pledge, mortgage or encumbrance

Laws Repeal and Adopting Ordinance 1921-1939.

in respect of any land within the Territory alienated or leased from the Crown at the date of the commencement of this Ordinance.

(2.) All questions of law affecting any matter referred to in the preceding sub-section shall be decided settled or dealt with in accordance with the laws that were in force in the Territory at the date of the commencement of this Ordinance.

9. Nothing in this Ordinance shall affect the right, title, estate or interest, vested, possessory or contingent, of any aboriginal native or tribe of aboriginal natives to any land within the Territory, whether such land has been proclaimed as a native reserve or not, or any customary user by aboriginal natives of market-places and landing-places, or any existing right, privilege or custom of aboriginal natives in relation to cultivation, barter, hunting and fishing.

Saving of native possession and interests.

10. The tribal institutions, customs and usages of the aboriginal natives of the Territory shall not be affected by this Ordinance and shall, subject to the provisions of the Ordinances of the Territory from time to time in force, be permitted to continue in existence in so far as the same are not repugnant to the general principles of humanity.

Native customs and usages allowed to continue.

11. Subject to this Ordinance, the Acts of the Parliament of the Commonwealth specified in the First Schedule to this Ordinance shall, so far as they are applicable, apply to the Territory.

Application of certain Commonwealth laws.

12.—(1.) The ordinances, orders, regulations and other legislative acts made issued or done by the authority for the time being administering the Territory during the British military occupation that are set out in the Fourth Schedule to this Ordinance, and all proclamations and notices issued in pursuance of them and in force at the commencement of this section, shall, subject to this Ordinance and to all other Ordinances made by the Governor-General for the Territory and to all regulations made thereunder, continue in full force and effect in the Territory.

Legislative acts of military administrator during military occupation of Territory to continue in force.

Section 12 substituted by No. 42 of 1922, s. 3.

(2.) All other legislative acts of the authority for the time being administering the Territory during the British military occupation, and all proclamations and notices thereunder, in force at the commencement of this section, are hereby repealed.

(3.) If any inconsistency exists between any legislative act continued in force by this section or any proclamation or notice thereunder, and any Act of the Parliament of the Commonwealth or any regulation thereunder applied to the Territory by this Ordinance, the legislative act continued in force by this section or the proclamation or notice thereunder shall prevail.

Adopting
Statutes of
Queensland.

13. Those portions of the Acts and Statutes of the State of Queensland specified in the Second Schedule to this Ordinance that are in force in the said State at the commencement of this Ordinance, and those portions of every regulation or rule made under the provisions of any of the said Acts or Statutes that are in force in the said State at the commencement of this Ordinance are hereby adopted as laws of the Territory, so far as the same are applicable to the circumstances of the Territory, and are not repugnant to or inconsistent with the provisions of any Act, Ordinance, law, regulation, rule, order or proclamation having the force of law that has been or may hereafter be expressed to extend to or applied to or made or promulgated in the Territory.

Adopting
Imperial
Statutes and
Laws.

14. Those portions of the Acts, Statutes and laws of England that are in force in the State of Queensland⁽²⁾ at the commencement of this Ordinance, and that are applicable and can be applied to the Territory are, to the extent that they are in force in the said State at the commencement of this Ordinance, hereby adopted as laws of the Territory, so far as the same are applicable to the circumstances of the Territory, and are not repugnant to or inconsistent with the provisions of any Act, Ordinance, law, regulation, rule, order or proclamation having the force of law that has been or may hereafter be expressed to extend to or applied to or made or promulgated in the Territory.

Adopting
Ordinances
of Papua.

15. Those portions of the Ordinances of the Territory of Papua specified in the Third Schedule to this Ordinance that are in force⁽³⁾ in the said Territory of Papua at the commencement of this Ordinance, and those portions of every regulation or rule made under the provisions of any of the said Ordinances that are in force in the said Territory of Papua at the commencement of this Ordinance, are hereby adopted as Ordinances, regulations and rules of the Territory so far as the same are applicable to the circumstances of the Territory and are not repugnant to or inconsistent with the provisions of any Act, Ordinance, law, regulation, rule, order or proclamation having the force of law that has been or may hereafter be expressed to extend to or applied to or made or promulgated in the Territory.

(2) *Per Rich and Dixon JJ. in Booth v Booth (1934-35) 53 C.L.R. 1 at p. 29; 41 A.L.R. 183 at pp. 186-7; 8 A.L.J. 460: This section does not refer to English statutes in force in Queensland only in the sense that the Parliament of that State has enacted legislation based upon or transcribed from them.*

(3) *Held, by the High Court, that Section 21 of The Criminal Procedure Ordinance of 1889 of Papua, although impliedly amended, was not repealed by Section 1 of The Jury Ordinance of 1907 of Papua, and (The Criminal Procedure Ordinance of 1889, of Papua being specified in the Third Schedule to the Laws Repeal and Adopting Ordinance 1921-1939) is applicable to and in force in the Territory of New Guinea. The adoption of certain provisions of The Criminal Code (Queensland, adopted) does not support the contrary contention. A European prisoner was therefore properly tried without a jury on charges of stealing as a servant: Sutherland v The King (1934) 52 C.L.R. 356; 41 A.L.R. 227; 8 A.L.J. 355. Per Dixon J. at p. 360: Trial by jury has been excluded from the Territory.*

16. The principles and rules of common law and equity that were in force in England⁽⁴⁾ on the ninth day of May, One thousand nine hundred and twenty-one, shall be in force in the Territory so far as the same are applicable to the circumstances of the Territory, and are not repugnant to or inconsistent with the provisions of any Act, Ordinance, law, regulation, rule, order or proclamation having the force of law that is expressed to extend to or applied to or made or promulgated in the Territory.

Adopting English rules of common law and equity. Substituted by No. 36 of 1923, s. 2.

17. All or any references to authorities, persons, places, subjects, matters or things in any act, statute, law, regulation or rule hereby adopted shall be taken as referring to corresponding or analogous authorities, persons, places, subjects, matters or things in the Territory 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.

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

17A.—(1.) In the application to the Territory of the following Acts of the Parliament of the Commonwealth, namely—

Aliens Registration Act 1920,
Crimes Act 1914-1915, and
Statutory Declarations Act 1911-1922,

References in adopted Acts and Ordinances to particular authorities.

Section 17A inserted by No. 42 of 1922, s. 4.

Sub-section (1.) amended by No. 8 of 1932, s. 3, No. 26 of 1932, s. 2, and by No. 24 of 1935, s. 3.

references to the Minister charged with the administration of the Act, or to a Permanent Head of a Department, or to an officer in whom powers or functions under those Acts are vested, shall be read as references to the Administrator.

(2.) The Administrator is hereby authorized to exercise within the Territory the powers conferred by any of those Acts upon the Minister or the Permanent Head or any such officer.

(3.) In the application to the Territory of the Ordinances of the Territory of Papua specified in the Third Schedule to this Ordinance, references to the Lieutenant-Governor and to the Lieutenant-Governor in Council shall be read as references to the Administrator.

(4.) The Administrator is hereby authorized to exercise within the Territory the powers conferred by any of those Ordinances upon the Lieutenant-Governor or Lieutenant-Governor in Council.

(4) Discussion by the High Court of the meaning and effect of the provision that "the principles and rules of common law and equity that were in force in England on "9th May 1921" shall be in force in the Territory": *Booth v Booth* (1934-35) 53 C.L.R. 1; 41 A.L.R. 183; 8 A.L.J. 460. *Per* Rich and Dixon JJ: Probably the principles and rules of common law must be taken subject to and together with the statutory modifications in their application which had been made in England before 9th May 1921; and *per* Starke J: the provisions of the *Married Women's Property Acts* in force in England on 9th May 1921 may be regarded as part of "the principles and rules of common law and equity". Subsequently, the *Status of Married Women Ordinance* 1936 was ordained in the Territory.

LAWS (ADOPTION AND INTERPRETATION)—

Regulations under Commonwealth Acts.
Section 17B inserted by No. 42 of 1922, s. 4.

17B.—(1.) Regulations made prior to the twenty-third day of February, One thousand nine hundred and twenty-two, under any Act of the Parliament of the Commonwealth mentioned in the last preceding section, which are in force on the twenty-third day of February, One thousand nine hundred and twenty-two, shall apply, so far as applicable, to the Territory.

(2.) In any regulation applied to the Territory under this section any reference to a Minister, Permanent Head of a Department, or other officer shall be read as a reference to the Administrator or to such officer as he specifies by notice in the *New Guinea Gazette*.

(3.) The Administrator may make regulations repealing, amending, adding to, or in substitution for, any regulation applied to the Territory by this section.

Section 17C inserted by No. 22 of 1924, s. 2; substituted by No. 34 of 1925, s. 2; repeated by No. 4 of 1931, s. 3.

Powers of Commonwealth under Treaty of Peace.

18. Nothing in the provisions of this Ordinance relating to property, rights and interests within the Territory shall be construed so as to affect the powers of the Commonwealth under the *Treaty of Peace (Germany) Act 1919-1920*.

SCHEDULES.

THE FIRST SCHEDULE.(5)

ACTS OF THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA APPLIED BY THIS ORDINANCE TO THE TERRITORY.

Aliens Registration Act 1920.
Bills of Exchange Act 1909-1912.
Commonwealth Bank Act 1920.(5) Division 1 and Division 5, of Part VIA.
Crimes Act 1914-1915.
Evidence Act 1905.
Marine Insurance Act 1909.
Meteorology Act 1906.

(5) The First Schedule contains particulars of those Commonwealth Acts adopted by the Territory of New Guinea which are still in force in the Territory. For particulars of the Ordinances by which these Acts were adopted and how these Acts were affected by subsequent legislation of the Territory, see the Alphabetical Table of Adopted Legislation of the Commonwealth of Australia, printed in Volume V. of this Annotated Reprint. This Table also contains particulars of all those Commonwealth Acts which have at any time been adopted by the Territory, but which have ceased to apply to the Territory.

(6) *Held*, by the High Court, that the words "all Territories under the control of the Commonwealth" in Section 60H(1)(b) of the *Commonwealth Bank Act 1911-1931* include the Mandated Territory of New Guinea, and that the provisions of this section apply to the Territory of New Guinea, notwithstanding that this Act was passed prior to the issue of the Mandate: *Jolley v Mainka* (1933) 49 C.L.R. 242; 39 A.L.R. 506; 7 A.L.J. 214.

First Schedule amended by No. 16 of 1921, s. 2, No. 42 of 1922, s. 5, No. 36 of 1923, s. 3, No. 34 of 1925, s. 3, No. 14 of 1927, s. 2, No. 4 of 1931, s. 4, No. 8 of 1932, s. 4, No. 26 of 1932, s. 3, No. 6 of 1935, s. 2, No. 24 of 1935, s. 4, No. 35 of 1936, s. 2, and by No. 15 of 1939, s. 2.

Laws Repeal and Adopting Ordinance 1921-1939.

Nationality Act 1920.
Royal Commissions Act 1902-1912.(7)
Seamen's Compensation Act 1911.
Secret Commissions Act 1905.
State Laws and Records Recognition Act 1901.
Statutory Declarations Act 1911.
War Precautions Act Repeal Act 1920. Sections 9, 11, 12, 13, 20 and the Schedule.

THE SECOND SCHEDULE.(8)

ACTS OF THE STATE OF QUEENSLAND APPLIED BY THIS
ORDINANCE TO THE TERRITORY.

Second
Schedule
amended by
No. 1 of 1924,
s. 2.

The Criminal Code Act 1899—The First Schedule,(9) as amended by the Criminal Code Correction of Errors Act of 1900, the Criminal Code Amendment Act of 1913 (No. 2), the Criminal Code Amendment Act of 1914, and the Trade Unions Act of 1915.
Statute of Frauds and Limitations of 1867.
Succession Act of 1867.
Succession Act Declaratory Act 1884.

THE THIRD SCHEDULE.(10)

ORDINANCES OF THE TERRITORY OF PAPUA APPLIED BY THIS
ORDINANCE TO THE TERRITORY OF NEW GUINEA.

Third Schedule
amended by
No. 36 of 1923,
s. 4, No. 17
of 1927, s. 2,
No. 26 of 1932,
s. 4, No. 6 of
1934, s. 3,
No. 24 of 1935,
s. 5, No. 24 of
1936, s. 3,
No. 9 of 1937,
s. 3, and by
No. 15 of 1939,
s. 3.

Companies Ordinance 1912-1926.
Coroners Ordinance 1911.
Criminal Procedure Ordinance of 1889.(11)
Defamation Ordinance 1911.
Employers' Liability Ordinance 1912.
Insanity Ordinance 1912.
Insolvency Ordinance 1912.
Mercantile Ordinance 1912.
Oaths Ordinance 1912.
Partnership Ordinance 1912.
Post and Telegraph Ordinance 1912-1916.
Seamen (Foreign) Ordinance 1912.
Weights and Measures Ordinance 1913.(12)
Wreck and Salvage Ordinance of 1902.

(7) See Section 3 of the *Laws Repeal and Adopting Ordinance 1927*, printed on p. 3015.

(8) The Second Schedule contains particulars of all the Queensland Acts which have at any time been adopted by the Territory of New Guinea. These Acts were all adopted by the *Laws Repeal and Adopting Ordinance 1921* (No. 1 of 1921) and all are still in force in the Territory. For particulars of how these Acts were affected by subsequent legislation of the Territory, see the Alphabetical Table of Adopted Legislation of the State of Queensland, printed in Volume V. of this Annotated Reprint.

(9) As to the provisions of the *Criminal Code* applicable to trials by jury, see footnote (3) printed on p. 3008.

(10) The Third Schedule contains particulars of those Ordinances of the Territory of Papua, adopted by the Territory of New Guinea which are still in force in the Territory of New Guinea. For particulars of the Ordinances by which they were adopted and how they were affected by subsequent legislation of the Territory of New Guinea, see the Alphabetical Table of Adopted Legislation of the Territory of Papua, printed in Volume V. of this Annotated Reprint. This Table also contains particulars of all those Ordinances of the Territory of Papua which have at any time been adopted by the Territory of New Guinea, but which have ceased to apply to that Territory.

(11) As to the *Criminal Procedure Ordinance of 1889*, see footnote (3), printed on p. 3008. As to the validity of Section 21 of the *Criminal Procedure Ordinance of 1889*, in relation to Section 80 of the *Constitution*, see *The King v. Bernasconi* (1915) 19 C.L.R. 629; 21 A.L.R. 86.

(12) See Section 3 of the *Laws Repeal and Adopting Ordinance 1939*, printed on p. 3018.

LAWS (ADOPTION AND INTERPRETATION)—

THE FOURTH SCHEDULE.⁽¹³⁾ ⁽¹⁴⁾

LEGISLATIVE ACTS DURING THE BRITISH MILITARY OCCUPATION
CONTINUED IN FORCE.

Fourth
Schedule
added by
No. 42 of 1922,
s. 6; amended
by No. 23 of
1928, s. 3,
No. 4 of 1929,
s. 3, No. 25 of
1933, s. 2,
No. 24 of 1935,
s. 6, No. 24 of
1936, s. 4, and
by No. 15 of
1939, s. 4.

Date.	Title or Description.	Rabaul Gazette.
ENEMY SUBJECTS AND THEIR PROPERTY.		
1.9.1920	<i>Expropriation Ordinance 1920</i>	1.9.1920
9.9.1920	<i>German Nationals (Accounts) Ordinance 1920</i>	15.9.1920
11.10.1920	<i>Expropriation (Amendment) Ordinance 1920</i>	11.10.1920
18.10.1920	<i>Expropriation (Amendment No. 2) Ordinance 1920</i>	30.10.1920
13.4.1921	<i>Deportation Ordinance 1921</i>	15.4.1921
23.4.1921	<i>Enemy Property Ordinance 1921</i>	30.4.1921
6.5.1921	<i>Expropriation (Amendment No. 3) Ordinance 1921</i>	7.5.1921
EXPLOSIVES.		
4.12.1919	<i>Order prohibiting the use of Dynamite and other explosives in the vicinity of vessels, wharfs, and buildings</i>	24.12.1919
HEALTH AND SANITATION.		
12.7.1920	<i>Venereal Diseases Ordinance 1920</i>	31.7.1920
12.7.1920	<i>Venereal Diseases Regulations 1920</i>	31.7.1920
MILITARY OCCUPATION—VALIDA- TION OF ACT.		
23.8.1919	<i>Proclamation validating Acts and Things performed and done during the British Military Occupation of the Colony of German New Guinea⁽¹⁵⁾</i>	26.8.1919
POUNDS.		
27.11.1920	<i>Pounds Ordinance 1920</i>	1.12.1920
TELEGRAPHS AND TELEPHONES.		
21.11.1919	<i>Telephone Regulations 1919</i>	27.11.1919
24.11.1919	<i>Telegraphic Addresses Regulations 1919⁽¹⁶⁾</i>	27.11.1919
6.12.1919	<i>Telephone (Amendment) Regulations 1919</i>	24.12.1919

(13) The Fourth Schedule contains particulars of the Legislative Acts made during the British Military Occupation, which were continued in force by the *Laws Repeal and Adopting Ordinance 1922* (No. 42 of 1922) and which are still in force. For particulars of how the Legislative Acts made during the British Military Occupation were affected by subsequent legislation of the Territory of New Guinea, see the Alphabetical Table of Legislation of the British Military Administration continued in force in the Territory of New Guinea, printed in Volume V. of this Annotated Reprint. This Table also contains particulars of the Legislative Acts made during the British Military Occupation which were continued in force but were subsequently repealed.

(14) See Section 5 of the *Laws Repeal and Adopting Ordinance 1925*, printed on p. 3013.

(15) *Per* Isaacs J. in *Mainka v The Custodian of Expropriated Property* (1924) 34 O.L.R. 297 at p. 302; 31 A.L.R. 1 at p. 3: The "Proclamation validating Acts and things performed and done during the British Military Occupation", is validated by Section 6 of the *Imperial Indemnity Act 1920* (10 & 11 Geo. V. 48).

(16) See Section 6(c) of the *Laws Repeal and Adopting Ordinance* (No. 2) 1935, printed on p. 3016.