Power to Governor to remit penalties other than those due to the Crown. *

2. It shall be lawful for the Governor to remit, in whole or in part, any sum of money which, under any enactment now in force or hereafter to be passed, may be imposed as a penalty or forfeiture on a convicted offender, although such money may be in whole or in part payable to some party other than the Crown, and to order the discharge of any person who may be imprisoned for non-payment of any sum of money so imposed.

— 1862. —

No. 1 of 1862, *repealed* by Law Revision Ordinance, 1937.

No. 2 of 1862, *repealed* by No. 21 of 1932. [24.6.32.] †

— 1863. —

No. 1 of 1863.

[*Originally* No. 3 of 1863.

Law Rev. Ord., 1937.]

An Ordinance for vesting all estates and property occupied by or for the Naval Service of the United Kingdom, in this Colony, in the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral.

[26th May, 1863.]

* As amended by Law Revision Ordinance, 1937.

† The repeal of No. 2 of 1862 does not affect the pensions of persons who retired before 24.6.1932, and ss. 3 & 3A of No. 2 of 1862 as amended by No. 2 of 1928 are still in force so far as officers in the public service on 24.6.1932 are concerned. *See* ss. 19 & 22 of No. 21 of 1932. The text of ss. 3 & 3A of No. 2 of 1862 is as follows :—

3. Subject to the approval of the Secretary of State as regards officers appointed under instructions from or through the Secretary of State, the Governor in Council may—

(*a*) require any judge or other public officer to retire from the service at any time after he attains the age of fifty-five years; or

(*b*) require any judge or other public officer to retire from the service at any time if, in the opinion of the Governor in Council, such judge or other public officer is unable from any cause to discharge efficiently the duties of his office.

3A. Every judge and every other public officer, whenever appointed, shall retire from the service upon attaining the age of sixty years unless the Governor in Council decides that his services shall be retained.

WHEREAS divers messuages, lands, tenements, and hereditaments have been at various times purchased for the use of the Naval Service of the United Kingdom, and conveyed to several different persons in trust for Her Majesty and Her Royal Predecessors and the same have been placed under the charge of the Commissioners for executing the office of Lord High Admiral, and it is expedient that the same and all other messuages, lands, tenements, and hereditaments that may be hereafter purchased, or in any manner used and occupied by or for the said service, should be vested in the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral:—

Short title.

1. This Ordinance may be cited as the Admiralty (Vesting of Property) Ordinance, 1863.

Vesting of lands, etc., occupied by or for the Naval Service in Lord High Admiral or Commissioners for executing that office.

2. All messuages, lands, tenements, and hereditaments, erections, buildings, and property whatever which have been conveyed to or are vested in any person, or are held or in any manner occupied by or in the name of any person, in trust for the Crown for the use of the Naval Service of the United Kingdom, or of any of the departments of or belonging to the said Naval Service, within this Colony, by whatever mode of conveyance, or by whatever title, or for whatever estate or interest therein the same may have been conveyed or be vested, held, or occupied, together with the rights, members, easements and appurtenances to the same respectively belonging, shall be and become and remain and continue vested in the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral (hereinafter called "the Commissioners"), according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively, in trust for His Majesty, for the public service.

Vesting of future acquired lands, etc. in like manner.

3. From and after the purchase and conveyance, grant, or demise thereof, all other messuages, lands, tenements, and hereditaments which may at any time be purchased, taken, held, or occupied by the Lord High Admiral or the Commissioners, or by any person by his or their order for the Naval Service of the United Kingdom, or of any of the departments of or

belonging to the said Naval Service, and all erections and buildings which are then or may thereafter be erected or built thereon, with the rights, members, easements, and appurtenances to the same respectively belonging, shall in like manner be and become and remain and continue vested in the Lord High Admiral or the Commissioners, according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments and the several estates and interests of and in the same respectively, in trust as aforesaid.

Vesting in successors in case of death, etc., of any Commissioner.

4. On the death, resignation, or removal of the Commissioners or of any of them, or of any Lord High Admiral, all such messuages, lands, tenements, and hereditaments respectively shall become vested in and be held by the succeeding Commissioners or the Lord High Admiral, as the case may be, and so in perpetual succession, according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively, in trust as aforesaid.

Mode of describing Commissioners in deed, etc., and execution thereof.

5. In all deeds, conveyances, leases, contracts, and other instruments touching any estate, property, matter, or thing relating to the Naval Service of the United Kingdom or to any department under the control of the Commissioners, or whereto they or any of them are parties, it shall be sufficient to describe them generally by the style and title of "The Commissioners for executing the office of Lord High Admiral of the United Kingdom", without expressing their names, and all such deeds, conveyances, leases, contracts, and other instruments wherein the said Commissioners are so described, and the execution or signature thereof by any two of them, shall be as valid and effectual to all intents and purposes as if they or any of them had been expressly named therein and had executed or signed the same.

Power for Commissioners to sell, let and dispose of property.

6. It shall be lawful for the Commissioners or any two or more of them, or the Lord High Admiral, to sell, exchange, or in any manner dispose of, or let or demise, any of the messuages, lands, tenements, and hereditaments respectively which may be vested in them under or by virtue of this Ordinance, with their respective appurtenances, either by public auction or private contract, and in due form of law to convey,

* As amended by Law Rev. Ord., 1937.

surrender, assign, or make over, or to grant or demise, the same respectively, as the case may require, to any person who may be willing to purchase or take the same respectively, and also to do any other act, matter, or thing in relation to any such messuages, lands, tenements, and hereditaments which they or he may deem beneficial for the public service in relation thereto, or for the better management thereof, which might be done by any person having a like interest in any such messuages, lands, tenements, or hereditaments.

Actions, etc., by or against Commissioners. *

7.—(1) It shall be lawful for the Commissioners or the Lord High Admiral, and they or he are or is hereby authorized and empowered, to bring, prosecute, and maintain any action, suit, or other proceeding, at law or in equity, for recovering possession of any messuages, lands, tenements, or hereditaments by this Ordinance vested in them or him as aforesaid, and to distrain or sue for any arrears of rent which may become due for or in respect thereof, under any demise from the said Commissioners or Lord High Admiral, or any person on their or his behalf or on behalf of His Majesty, and also to bring, prosecute, or maintain, or to defend any other action or suit in respect of or in relation to the said messuages, lands, tenements, or hereditaments, or any trespass or encroachment committed thereon or damage or injury done thereto.

(2) In every such action or suit the said Commissioners shall be called "The Commissioners for executing the office of Lord High Admiral of the United Kingdom", without naming them; and no such action or suit shall abate by the death, resignation, or removal of such Commissioners or any of them, or of such Lord High Admiral, any law, custom, or usage to the contrary notwithstanding.

(3) The said Commissioners or Lord High Admiral shall be entitled to recover costs for and on behalf of His Majesty where judgment is given for the Crown, and shall be liable to pay costs where judgment is given against the Crown, in any such action, suit, or other proceeding in like manner and subject to the same rules and provisions as though such action, suit, or other proceeding had been had between subject and subject.

* As amended by Law Rev. Ord., 1937.

8. Nothing in this Ordinance shall empower, or be construed, deemed, or taken to empower, the Commissioners or the Lord High Admiral to sell or dispose of (otherwise than by way of surrender to His Majesty), any property reserved or granted by the Governor for naval or public purposes and held or accepted by the said Commissioners or Lord High Admiral under any grant, lease, licence, or appropriation made by the Governor in that behalf. Restriction on power of alienation of property.

— 1864. —

No. 1 of 1864.

[*Originally* No. 13 of 1864.]

An Ordinance to amend the laws of trade and commerce.

[13th September, 1864.]

1. This Ordinance may be cited as the Mercantile Law Amendment Ordinance, 1864. Short title.

2. No special promise made by any person to answer for the debt, default, or miscarriage of another person, being in writing and signed by the party charged therewith or some other person by him thereunto lawfully authorized, shall be deemed invalid to support an action, suit, or other proceeding to charge the person by whom such promise has been made, by reason only that the consideration for such promise does not appear in writing or by necessary inference from a written document. Consideration for guarantee need not appear by writing. 19 & 20 Vict. c. 97, s. 3.

3. Every person who, being surety for the debt or duty of another or being liable with another for any debt or duty, pays such debt or performs such duty shall be entitled to have assigned to him, or to a trustee for him, every judgment, specialty, or other security which is held by the creditor in respect of such debt or duty, whether such judgment, specialty or other security is or is not deemed at law to have been satisfied by the payment of the debt or performance of the duty, and such person shall be entitled to stand in the place of the creditor, and to use all the remedies, and, if need be and upon a proper Right of surety who discharges liability to assignment of all securities held by creditor. 19 & 20 Vict. c. 97, s. 5.