[*Originally* No. 6 of 1860.

No. 2 of 1860.

Law Rev. Ord., 1924.] *An Ordinance for transferring to one of the Principal Secretaries of State the powers and estates vested in the principal officers of the Ordnance.* [30th April, 1860.]

WHEREAS Her Majesty the Queen has thought fit to revoke the Letters Patent of some of the Principal Officers of the Ordnance, and by other Letters Patent to transfer to one of the Principal Secretaries of State the administration of the department the duties of which were previously executed by the said Principal Officers of the Ordnance; AND WHEREAS it is expedient that the several powers and authorities at any time heretofore given to or vested in and exercisable by, and the lands, hereditaments, estates, and property at any time heretofore purchased, taken, used, occupied, and vested in the Principal Officers of the Ordnance, and all title, estate, and interest therein respectively, should be also transferred from the said Principal Officers and vested in one of the Principal Secretaries of State :—

Short title. * 1. This Ordinance may be cited as the War Department (Vesting of Property) Ordinance, 1860.

Vesting of powers of Ordnance in Secretary of State for War. 2. All the powers, authorities, rights, and privileges whatsoever which, by virtue of any Act of the Imperial Parliament or of the Colonial legislature, or of any other law, custom, or usage whatsoever, have been or were at any time vested in or exercisable by the Principal Officers of the Ordnance, or any of them, shall from henceforth continue in full force, and shall be and the same are hereby declared to be transferred to and vested in and exercisable by the Principal Secretary of State for the time being of the War Department, and such last-mentioned Principal Secretary of State shall be entitled to the same exemption from personal responsibility as the said Principal Officers were entitled to.

Vesting of Ordnance lands, etc., in Secretary of State for War. 3. All lands, hereditaments, estates, and property whatsoever which, by virtue of any Act of the Imperial Parliament or of the Colonial legislature, or of any conveyance, surrender, lease, or other assurance, or of any law, custom, or usage whatsoever, before and at the time of the revocation by Her Majesty hereinbefore mentioned were vested in the Principal

* As amended by Law Rev. Ord., 1923.

Officers of the Ordnance on behalf of the Crown, or which have been, at any time before the passing of this Ordinance, held, used, or occupied, or purchased, vested, or taken, by or in the name of or by any person in trust for the Crown, for the use and service of the said Department or for the defence and security of the Realm, and which have not been sold, aliened, or parted with, shall from henceforth be and the same are hereby declared to be transferred to and vested in the last-mentioned Principal Secretary of State for the time being, on behalf of the Crown; and when and so often as the said last-mentioned Principal Secretary of State, and any succeeding Principal Secretary of State of the War Department, shall cease to hold such office, the said several lands, hereditaments, estates, and property, and all lands, hereditaments, estates, and property which hereafter shall be purchased or otherwise acquired by any such last-mentioned Principal Secretary of State for the time being, on behalf of the Crown, shall by virtue of this Ordinance be absolutely divested out of such Secretary of State so ceasing to hold such office as aforesaid, and shall by virtue of this Ordinance be transferred to and vested in his successor in the said office, immediately upon his receiving the Seals of the said Department, absolutely; and the said lands, hereditaments, estates, and property hereby vested and hereafter to be vested in the said last-mentioned Principal Secretary of State and his successors shall, as to such of them as were or shall have been purchased, or are or shall be held for an estate of inheritance in fee simple, be so vested in such last-mentioned Principal Secretary of State and his successors in the same manner as if the fee simple thereof had been originally conveyed to such Principal Secretary of State as a corporation sole and his successors; and as to all lands, hereditaments, and property purchased or held for any less estate than an estate of inheritance in fee simple, as if the same lands, hereditaments, and property had been originally conveyed, surrendered, demised, or otherwise assured to such Principal Secretary of State as a corporation sole and his successors for all the existing estates or interests therein respectively, and so from time to time.

Enuring of Ordnance contracts in favour of Secretary of

4. All contracts, covenants, and agreements heretofore made or entered into by any person whomsoever with the said Principal Officers of the Ordnance, or any person on their behalf, as to or concerning any lands, hereditaments,

State for War.

estates, and property vested in or agreed to be purchased by the said Principal Officers, or in anywise relating to the public service, shall be deemed and taken to have been made or entered into with such Principal Secretary of State as last aforesaid, and shall be executed and enforced by him in like manner as if he had originally been party thereto instead of the said Principal Officers; and all proceedings whatsoever shall and may be commenced, continued, taken, and done in the name of the last-mentioned Principal Secretary of State.

Description of Secretary of State in contract, etc., and execution of contract, etc.

5. In every contract, conveyance, surrender, lease, or other assurance of any lands, hereditaments, estates, or property with, unto, or by the last-mentioned Principal Secretary of State for the time being, and in every other deed or instrument relating to any lands, hereditaments, estates, or property, or in anywise to the public service, to which the last-mentioned Principal Secretary of State for the time being shall be or shall be intended to be a party, it shall be sufficient to call or describe him by the style or title of "His Majesty's Principal Secretary of State for the War Department," without naming him; and every such contract, conveyance, surrender, lease, assurance, deed, or instrument may be executed by such last-mentioned Principal Secretary of State, or by any other of the Principal Secretaries of State for the time being, by signing his name thereto, and, if the instrument so executed is in the form of a deed, by setting or affixing a seal thereto and delivering the same as his deed; and whenever any contract, conveyance, surrender, lease, assurance, deed, or instrument is executed by any other Principal Secretary of State than the Principal Secretary of State for the War Department, the Principal Secretary of State so executing the same shall, for that time, and on that occasion, and for the purposes thereof, be deemed to be the Principal Secretary of State for the War Department.

No. 3 of 1860.

[*Originally* No. 14 of 1860.

Law Rev. Ord., 1924.] *

An Ordinance to make provision for the remission of penalties.

[17th August, 1860.]

WHEREAS penalties which under penal statutes or Ordinances are made payable to parties other than the Crown cannot be remitted by the Governor where no express provision has been made by the

* As amended by Law Rev. Ord., 1923.