

shall to the extent and for the purpose of preserving such incidents to and obligations on the same reversion as but for the surrender or merger thereof would have subsisted be deemed the reversion expectant on the same lease.

same lease the next vested rights to the same tenements.

Passed in Council this first day of April, in the year of our Lord one thousand eight hundred and fifty-eight.

RICHARD D. CADIZ,

Clerk of Council.

No. 7.—1858.

1st April.

AN ORDINANCE for explaining an Ordinance entitled "An Ordinance to alter and amend the Laws which restrain the free disposition of property by persons leaving heirs in the direct descending or ascending line."

ROB. W. KEATE.

WHEREAS an Ordinance was passed in Council on the twenty-second day of November, in the year one thousand eight hundred and forty-three, entitled "An Ordinance to alter and amend the laws which restrain the free disposition of property by persons leaving heirs in the direct descending or ascending line," which Ordinance came into force upon the tenth day of June, in the year one thousand eight hundred and forty-four: And whereas an Order was made by Her Majesty in her Privy Council, on the third day of September, in the year one thousand eight hundred and forty-four, for assimilating the law with respect to wills to the Law of England; which Order in Council came into force on the thirteenth day of January, in the year one thousand eight hundred and forty-five; And whereas another Ordinance was passed

Recites Ordinance No. 6, 1843.

Order in Council 3rd September, 1844.

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Ordinance 14, 1844. in Council on the second day of September, in the year one thousand eight hundred and forty-four, entitled "An Ordinance to vest in the husband on marriage the same interest in the real and personal estate of the wife as he would take according to the Law of England, to take away the right of married women to Ganancias, and to make other provision for widows in lieu thereof," which Ordinance came into force on the twenty-seventh day of December, in the year one thousand eight hundred and forty-four: And whereas another Ordinance was passed in Council on the twenty-third day of April, in the year one thousand eight hundred and forty-five, entitled "An Ordinance for the limitation of actions and suits relating to real property:" And whereas another Ordinance was passed in Council on the thirteenth day of August, in the year one thousand eight hundred and forty-five, entitled "An Ordinance for the amendment of the law of Inheritance, and assimilating the same to the Law of England," which Ordinance came into force on the twelfth day of March, in the year one thousand eight hundred and forty-six: And whereas another Ordinance was passed in Council on the first day of December, in the year one thousand eight hundred and forty-five, entitled "An Ordinance for the amendment of the law relating to Covenants and Warranties, and assimilating the same to the Law of England:" And whereas another Ordinance was passed in Council on the second day of March, in the year one thousand eight hundred and forty-six, entitled "An Ordinance for assimilating the law with regard to leases, and for the recovery of rents and other periodical sums of money to the Law of England:" And whereas in the said several Ordinances and other Ordinances passed after the passing of the said Ordinance of the twenty-second day of November aforesaid, estates and interests in lands and other real property, and rights of entry, and other rights known to the Law of England, but not known to the law of Spain, are mentioned or referred to; For the removal of all doubts as to the construction of the said Ordinance of the twenty-second day of November aforesaid: Be it enacted and declared by His Excellency the Governor, by and with the advice and consent of the Council of Govern-

ment, that every deed or will made upon or after the tenth day of June, in the year one thousand eight hundred and forty-four, or hereafter to be made, shall be taken to have the same effect as the same would have by the Law of England, and that where any question shall arise in any suit, action, or other proceeding now depending, or which may hereafter be depending in any Court or before any Judge or Magistrate as to the operation or construction of any such deed or will, or as to the estate, use, trust, confidence, or interest of or in any real or personal property, created or given by, or arising or resulting by the implication or construction of law from any such deed or will, or as to the quality, quantity, vesting, transfer, or extinguishment of, or the incidents to any such estate, use, trust, confidence, or interest; or whether the estate, possession and seisin of any lands, tenements, or hereditaments, or the possession and seisin of any annual rent is executed unto the person having the use, confidence, or trust of such lands, tenements, or hereditaments, or the title, interest, or use of such rent; or as to the validity or effect, or the vesting, failure, or lapse of any direction, devise or bequest contained in any such will; or as to the validity or effect of any condition contained in any such deed or will; or as to any power or the execution of any power given by any such deed or will; or as to the effect of any intestacy or partial intestacy, or the devolution or distribution of any property, real or personal, by reason of such intestacy or partial intestacy; every such question shall be decided according to the Law of England.

Every deed, &c., made after the 6th June, 1844 to have the same effect as by the Law of England, and all questions arising out of any such deed &c., or out of any Intestacy, &c., to be decided according to the Law of England.

2. That every deed made upon or after the tenth day of June in the year one thousand eight hundred and forty-four, whereby any interest, which by the Law of England, would amount to a freehold estate, may have been granted, bargained, sold, aliened, released, conveyed, or confirmed, shall be effectual for the purposes therein expressed, and every such deed purporting or intended to be a deed or instrument of release of a freehold estate, shall be effectual for the purposes therein expressed, and shall take effect as a conveyance to uses or otherwise, and shall operate in all respects both at law and in

Every deed made after the 10th June, 1844, and conveying, &c., any estate of freehold to operate as a conveyance to uses, &c., and to require no deed of bargain and sale, &c., to be executed previously.

equity as if the releasing party or parties who shall have executed the same, had also executed in due form, a deed of bargain and sale or lease for a year, for giving effect to such release.

Registration to operate as enrolment.

3. That the registration of any such Deed in the Office of the Registrar General of this Island shall be as effectual and shall operate in all respects in the same manner as enrolment in all cases where by the Law of England a like Deed is required to be enrolled.

Every deed, &c., made by any married woman, married previous to 27th December, 1844, to be as valid, &c., as if made by a feme sole.

4. Provided that every Deed or Settlement, last Will and Testament, Codicil, or other Testamentary Disposition, made upon or at any time after the tenth day of June one thousand eight hundred and forty-four or hereafter to be made by any married woman married before the twenty-seventh day of December one thousand eight hundred and forty-four, shall be as valid and effectual, notwithstanding such Coverture, as if she were a *feme sole*.

This Ordinance not to affect rights of any heir in the direct descending or ascending line the issue of a marriage previous to the passing of Ordinance No. 6, of 1843.

5. Provided also, That this Ordinance shall not affect the rights of any heir in the direct descending line, being the issue of a marriage celebrated in this Island before the promulgation of the said Ordinance of the twenty-second day of November aforesaid, or of a marriage celebrated elsewhere before the promulgation of the said Ordinance between parties domiciled at the time of such marriage in this Island or of any heir in the direct ascending line of any person domiciled in this Island at the time of the promulgation of the said Ordinance.

Not to affect rights of succession of any person not born in lawful wedlock, but born previous to 12th March, 1846, nor of mother of such person.

6. Provided also, That this Ordinance shall not affect the right of any person not born in lawful wedlock but born before the twelfth day of March in the year one thousand eight hundred and forty-six, to take as heir or next of kin of the mother of such person, or the right of the mother of any person not born in lawful wedlock but born before the twelfth day of March in the year one thousand eight hundred and forty-six to take as heir or next of kin of such person.

Saves right of children to succeed as co-heirs.

7. Provided also that this Ordinance shall not affect the right of the children or other issue of any person to inherit equally as the co-heirs of such person.

8. Provided also, That this Ordinance shall not affect the succession to or distribution of the personal estate of any person who may have died intestate before the first day of January one thousand eight hundred and fifty-one, being the day of the taking effect of a certain Ordinance entitled "An Ordinance for assimilating the law with regard to the distribution of Intestate Estates to the law of England."

Saves right succession, &c., to personal estate person deceased intestate previous to 1st Jan., 1851

9. Provided also, That this Ordinance shall not take away or affect the right of any alien, to take and hold any real property in this Island as fully as if he were a natural born subject of Her Majesty.

Saves right aliens to hold property.

10. Provided also, That nothing herein contained shall render sealing necessary to the validity of any Deed, or shall give effect to any Deed which by the law of this Colony is required to be registered and which shall not be duly registered.

Sealing deed unnecessary. No validity given to deed unregistered.

11. That all Laws which were in force at the time of the cession of this Island to the Crown of Great Britain, and which have not since been repealed either expressly or by implication, governing or in any way relating to the following subjects, that is to say:— The sale of real property, the forms of Wills or Codicils, the Institution of heir or the Disposition of property, real or personal, by last Will or Testament; Intestacy or Partial Intestacy or The Succession to or Distribution of any property in the case of any such Intestacy, shall be and the same are hereby declared to be repealed, save only and except such Laws relating to the sale of real property so far as regards any Deed made before the tenth day of June in the year one thousand eight hundred and forty-four, and save also and except such Laws relating to the Institution of heir or the disposition of property real or personal so far as regards the Institution of Heir or the Disposition of any property real or personal by any last Will or Testament made before the tenth day of June in the year one thousand eight hundred and forty-four, and save also and except such Laws relating to the forms of Wills and Codicils so far as regards the form or execution of any Will or Codicil made before the thirteenth day of January in

Repeals all laws in force previous to the cession of the Island, and relating to the sale of real property. Forms of will and institution of heir; Disposition of property by will, &c.; Intestacy, &c. save and except all laws relating to deeds, &c., wills, &c., institution of heir, &c., disposition of property by will, &c., and intestacy, &c. made, executed, or happening previous to the passing of the Ordinances recited in Section I respectively.

the year one thousand eight hundred and forty-five; and save also and except such Laws relating to Intestacy or Partial Intestacy, and the Succession to any Land in case of Intestacy or Partial Intestacy so far as regards the Inheritance of or Succession to any person who may have died intestate or partially intestate on or before the twelfth day of March in the year one thousand eight hundred and forty-six, and so far also as regards the right of any person not born in lawful wedlock, but born before the twelfth day of March in the year one thousand eight hundred and forty-six to take as heir or next of kin of his or her mother, or the right of the mother of any person not born in lawful wedlock but born before the twelfth day of March aforesaid, to take as the heir or next of kin of such person; and save also and except such laws relating to the Succession to or the Distribution of property so far as regards the succession to or distribution of the personal estate of any person who may have died Intestate before the first day of January one thousand eight hundred and fifty-one.

Passed in Council this first day of April, in the year of our Lord one thousand eight hundred and fifty-eight.

RICHARD D. CADIZ.

Clerk of Council.

No. 9.—1858.

20th April.

AN ORDINANCE for encouraging the Planting of
Cocoanut Trees.

ROB. W. KEATE.

WHEREAS it is expedient that encouragement should be given to the Planting of Cocoanut Trees in lands adjoining the sea which are not suited to any other cultivation: Be it enacted by His Excellency the Governor by and with the advice and consent of the Council of Government as follows: That any person who