

No. 16.—1874.

2nd November.

AN ORDINANCE for Abbreviating Legal Phraseology.

(L.S.) J. SCOTT BUSHE, *Administrator*.

4th November, 1874.

BE it declared and enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

Mode of citing Acts of Parliament.

1. When any Act of Parliament is referred to, it shall be sufficient, for all purposes, if such Act was made before the seventh year of Henry the Seventh, to cite the year of the King's reign in which it was made, and where there are more statutes than one in the same year the statute, and where there are more chapters than one the chapter; and if such Act was made after the fourth year of Henry the Seventh, to cite the year of the reign, and where there are more statutes or sessions than one in the same year the statute or the session (as the case may require), and where there are more chapters or sections than one the chapter or section or chapter and section (as the case may require), without reciting the title of such Act, or the provision of such section, so referred to; and the reference in all cases may be made according to the copies of statutes printed by the Queen's printer, or to the copies thereof contained in the reports of the Commissioners of Public Records.

Mode of citing Ordinances.

2. When any Ordinance is referred to, it shall be sufficient for all purposes to cite such Ordinance either by the short title (if any) by which it is made citable, or by the year of our Lord in which it was made and its number among the Ordinances of that year, and the reference may in all cases be made according to the copies of Ordinances printed by the Government printer for this Island.

Example.—Thus the Ordinance passed in February, 1870, “For the more effectual prevention of crime,” may be cited either as “The Habitual Criminals Ordinance, 1870,” the short title given in its first section, or as “Ordinance 1 of 1870.” The Ordinance passed in April, 1870, “with regard to education” is not made citable by any short title, but under this section it may be cited as Ordinance 6 of 1870.

3. In all Ordinances and in all legal documents, unless the contrary is expressly provided or by necessary implication appears to be intended ;

Words importing the masculine gender shall be deemed to include females, and the singular shall be deemed to include the plural, and the plural the singular,

The word “month” shall mean calendar month ;

The word “land” shall include messuages, tenements, and hereditaments, houses and buildings, of any tenure ;

The words “oath,” “swear,” and “affidavit” shall include affirmation, declaration, affirming and declaring, in the case of persons allowed by law to declare or affirm instead of swearing.

4. Where any Ordinance repealing in whole or in part any former Ordinance is itself repealed, such last repeal shall not revive the Ordinance or provisions before repealed ; unless words be added reviving such Ordinance or provisions.

5. Wherever any Ordinance shall be made repealing in whole or in part any former Ordinance, and substituting some provision or provisions instead of the provision or provisions repealed, such provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by force of the last made Ordinance.

6. The expression “Her Majesty” and the expression “The Queen” shall include the Sovereign for the time being. The expression “The Governor” shall include the Lieutenant Governor or officer administering the government for the time being.

Effect of
repeal.

Effect of
substitution-
ary pro-
visions.

Meaning of
“Her
Majesty,”
“The
Governor,”
&c.

Words of
time.

7. With reference to the meaning of tenses and expressions relating to time, Ordinances shall, unless the contrary is expressed, or by necessary implication appears to be intended, be regarded as constantly speaking.

Illustration.—The effect of this is to make “ shall ” in Ordinances imperative only. Thus in the expression—Any person who *shall* be guilty of murder *shall* suffer death as a felon, “ shall ” is in the first case a word of future time, in the second a word of command. The effect of the section is to confine “ shall ” to the latter function so that the same meaning would be expressed by “ any person who *is* guilty of murder *shall* suffer death as a felon.”

Effect of
illustrations
or examples.

8. An illustration, explanation or example appended to any enactment shall have the same effect as if the words used in such illustration, explanation or example were contained in a judgment of the Supreme Court delivered in reference to such enactment: Provided that such illustration, explanation or example shall not be overruled.

Short title.

9. This Ordinance may be cited for all purposes as “The Legal Phraseology Abbreviation Ordinance.”

Repeal of
Ordinances.

10. The Ordinance No. 11 of 1838 intituled “ An Ordinance to declare the meaning and interpretation to be given to the word Governor whenever the same occurs in any Law or Ordinance now in force or hereafter to be in force in this Colony,” and the Ordinance No. 18 of 1854, intituled “ An Ordinance with regard to the repeal of Ordinances ” shall be repealed: Provided that such repeal shall not affect the construction of any Law, Ordinance or other document made or the effect of anything done before the passing of this Ordinance.

Passed in Council this second day of November, in the year of our Lord one thousand eight hundred and seventy-four.

A. C. ROSS,
Clerk of the Council.