



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XVI.

AN ACT for Shortening the Language used in the Acts of the General Assembly, and to aid in the Construction of the same.

[Passed 14th June, 1852.]

WHEREAS it is expedient to Shorten the Language used in Acts Preamble.
which may hereafter be passed in the General Assembly of this Colony, and to aid in the Construction of the said Acts :

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, That every Act to be hereafter passed may be altered, amended or repealed, in the same Session, any Law or Usage to the contrary notwithstanding. Any Act may be altered or repealed in same Session.

II.—*Be it enacted*, That all Acts shall be divided into Sections, if there be more Enactments than One, which Sections shall be deemed to be Substantive Enactments without any introductory words. Acts to be divided into Sections, and to be deemed substantive without introductory words.

III.—*Be it enacted*, That no Act, nor any portion of an Act that shall be repealed, shall be revived unless by express enactment. Repeal not to revive prior Act without express words.

IV.—*And be it enacted*, That whenever any Act shall be made, repealing in whole or in part any former Act, and substituting some Provision or Provisions instead of the Provision or Provisions repealed, such Provision or Provisions so repealed shall remain in force until the substituted Provision or Provisions shall come into operation by force of the last made Act; and all proceedings taken under the old Law shall be taken up and continued under the new, when not inconsistent therewith, and all Penalties may be recovered, and proceedings had in relation to matters which have happened before the repeal, in the same manner as if the Law were still in force. Provisions of Act repealed to be in force until those established come into operation.

Rules for construction of terms of Acts.

V.—*And be it enacted*, That in the Construction of Acts the following Rules shall be observed, unless otherwise expressly provided for, or such construction would be inconsistent with the intention of the Legislature or repugnant to the context; that is to say—

The words “Queen” or “Her Majesty” shall include Her Majesty, Her Heirs or Successors; “Governor” shall include the Person Administering the Government of the Colony for the time being; “Warrant” shall signify Warrant under Hand and Seal; “Month” shall signify a Calendar Month, and “Year” a Calendar Year; “Year” alone, shall be equivalent to the expression “Year of our Lord”; “Oath” shall include Affirmation, in cases where by Law an Affirmation may be substituted for an Oath, and in the like cases the word “Sworn” shall include the word “Affirm”; “Persons” may extend to Bodies Politic and Corporate, as well as to Individuals; “Justice” shall signify “Justice of the Peace”; “Grantor” may be construed as including every Person from whom any Freehold Estate or Interest passes by Deed; and “Grantee,” as including every Person to whom any such Estate or Interest passes in like manner; “Highway” or “Road,” shall signify a Public Highway or Road, and may also include Public Bridges; “Goods,” shall mean Personal Property; “Representatives,” shall mean Executors and Administrators; “Wills” shall include Codicils; “Sureties” shall mean sufficient Sureties; and “Security,” sufficient Security; every word importing the Singular Number only may extend to several Persons or Things as well as to One Person or Thing; and every word importing the Plural Number only may extend to One Person or Thing as well as to several Persons or Things; and every word importing the Masculine Gender only may extend to Females as well as to Males.

All words purporting to give a joint authority to Three or more Persons shall be construed as giving authority to a majority of such Persons.

Where authority to make appointments to public situations is conferred, it shall include the power to fill up vacancies caused by death, resignation, removal or refusal to act. The imposition of a Penalty shall not relieve any Person from liability to answer for Special Damages to a party injured.

Where power to make Bye-laws, Regulations, Rules or Orders, is conferred, it shall include the power to alter or revoke the same and make others.

No Bye-laws shall be enforced if contrary to law.

Where forms are prescribed, slight deviations therefrom, not affecting the substance, or calculated to mislead, shall not vitiate them.

Justices of the Peace may administer all Oaths with regard to the taking of which no particular directions are given. Quakers or Moravians, where an Oath is prescribed, may, instead of taking the same, Solemnly Affirm, in manner used in their religion; and such Affirmations shall have the like effect, and render the parties taking them liable to the like Penalties, if false, as attach to an Oath.

If the day upon which an act is to be done, should fall on a Sunday, Christmas Day, or Good Friday, the same shall be performed on the day following.

All Acts shall be deemed public, and may be declared so, and given in evidence without being specially pleaded. When Bonds are required to be given by a Public Officer, they shall be taken in Her Majesty’s name, where not otherwise directed. Printed copies of Acts published in the Royal Gazette Newspaper in St. John’s, or purporting to be published by the Queen’s Printer for the Island, shall be evidence of such Act.