

WESTERN AUSTRALIA

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ

No. 11

An Ordinance for vesting all Estates and Property occupied by or for the Naval Service of the United Kingdom of Great Britain and Ireland, in the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, of the said United Kingdom, for the time being.

[Assented to 15th July, 1863.]

WHEREAS it is expedient that all messuages, lands, tenements, and hereditaments that may be purchased, granted, or in any manner used and occupied, by or for the naval service of the United Kingdom of Great Britain and Ireland, should be vested in the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid, for the time being: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof:—

Preamble

1. That from and after the purchase and conveyance, grant or demise thereof, all messuages, lands, tenements, and hereditaments which shall at any time or times hereafter, be purchased, taken, held, or occupied by the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral aforesaid, for the time being, or by any person or persons by his or their order for the naval service of the said United Kingdom, or of any of the departments of or belonging to the said naval service, and all erections and buildings which shall then

Lands to be
vested in Lord
High Admiral,
&c.

Admiralty Lands

or may be thereafter 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 of the said United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid, for the time being, and his or their successors in the said office, 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.

Upon death
lands to vest in
successor

2. That upon the death, resignation or removal of the present Commissioners for executing the office of Lord High Admiral of the said United Kingdom, or of any of them, or of any future such Commissioners, or of any Lord High Admiral of the said United Kingdom, all such messuages, lands, tenements, and hereditaments respectively, shall become vested in and be held by the succeeding Commissioners for executing the office of Lord High Admiral aforesaid, or the Lord High Admiral aforesaid, 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.

In deeds to be
described as
'The Commis-
sioners for
executing the
office of Lord
High Admiral
of Great Britain
and Ireland'

3. That in all deeds, conveyances, leases, contracts, and other instruments, touching any estate, property, matter or thing relating to the naval service of the said United Kingdom, or to any department under the control of the Commissioners for executing the office of Lord High Admiral aforesaid, or whereto they or any of them shall be 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 of Great Britain and Ireland' without expressing their names; and all such deeds, conveyances, leases, contracts, and other instruments, wherein the said Commissioners shall be 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.

Lands may be
sold, exchanged
or let

4. That it shall be lawful for the Commissioners for executing the office of Lord High Admiral aforesaid, for the time being, or any two or more of them, or the Lord High Admiral aforesaid, to sell, exchange, or in any manner dispose of, or let, or demise any of the messuages, lands, tenements, and hereditaments respectively, which shall be vested in them under or by virtue of this Ordinance, with their respective appurtenances, either by public auction or by private contract, and in due form of law, to convey, surrender, assign, or make over, or to grant, or demise, the same respectively, as the case may require, to any person or persons who shall 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 shall deem beneficial for the public service in relation thereto, or for the better management thereof, which might be done by any person or persons having a like interest in any such messuages, lands, tenements, or hereditaments.

Admiralty Lands

5. That it shall be lawful for the said Commissioners for executing the office of Lord High Admiral aforesaid, for the time being, or the Lord High Admiral aforesaid, for the time being, and they are hereby authorised 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 and sue for any arrears of rent which shall have or shall become due for or in respect thereof, under any demise from the said Commissioners, or Lord High Admiral, or any person or persons on their or his behalf, or on behalf of Her 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; and that in every such action or suit the said Commissioners shall be called 'The Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland,' 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, and the said Commissioners, or Lord High Admiral, shall be entitled to recover costs for and on behalf of Her Majesty, where judgment shall be given for the Crown, and shall be liable to pay costs where judgment shall be 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.

May bring
actions

Costs

J. S. HAMPTON,
GOVERNOR AND COMMANDER-IN-CHIEF.
