

B I L L .

An Act for transferring to one of Her Majesty's Principal Secretaries of State the powers and estates and property therein described, now vested in the Principal Officers of Her Majesty's Ordnance, and for vesting other part of the Ordnance Estates and Property therein described in Her Majesty the Queen, for the benefit, use and purposes of this Province.

Received and read first time, Wednesday 30th
April, 1856.

Second reading, Tuesday, 6th May, 1856.

Hon. Mr. MORRISON.

An Act for transferring to one of Her Majesty's Principal Secretaries of State the powers and estates and property therein described, now vested in the Principal Officers of Her Majesty's Ordnance, and for vesting other part of the Ordnance Estates and Property therein described in Her Majesty the Queen, for the benefit, use and purposes of this Province.

WHEREAS by an Act passed in the seventh year of Her present Majesty's Reign, intituled, *An Act for vesting in the Principal Officers of Her Majesty's Ordnance the estates and property therein described, for granting certain powers to the said Officers, and for other purposes therein mentioned,* various powers and authorities were given to or vested in and made exercisable by the Principal Officers of Her Majesty's Ordnance, and certain lands and other real property mentioned and described in the Schedule to the Act now in recital annexed, and divers lands and other real property by the said Act and by or under divers conveyances, surrenders, assignments and leases, or by some other means purchased, taken, used and occupied for the Military Defence of this Province before the time of the passing of this Act, were vested in the said Principal Officers; And whereas Her Majesty has thought fit to revoke the Letters Patent of some of the said Principal Officers, and by other Letters Patent to transfer to one of Her Majesty's Principal Secretaries of State, the Administration of the Department the duties of which were previously executed by the said Principal Officers of Her Majesty's Ordnance; And whereas the Ordnance Lands within this Province consist at the time of the passing of this Act, of the several lands, estates and property comprised in the two Schedules to this Act annexed; And whereas Her Majesty has been graciously pleased to signify Her Majesty's gracious intention that the several powers and authorities and such of the several lands and other real property comprised in the said in part recited Act, as are comprised in the first Schedule to this Act annexed, and all title, estate and interest therein respectively, should be transferred from the said Principal Officers, and vested in one of Her Majesty's Principal Secretaries of State, and that all such of the lands and other real property comprised in the said in part recited Act, as are comprised in the second Schedule to this Act annexed, and all title, estate and interest therein respectively, should be transferred from the said Principal Officers and become re-invested in the Crown, for the public uses

of this Province, subject to the provisions hereinafter made :
Therefore, Her Majesty, by and with the advice and consent
of the Legislative Council and Assembly of Canada, enacts
as follows :

Powers, &c.,
under 7 V. c.
11 transferred
to H. M's. Sec-
retary of
State for the
War Depart-
ment.

I. All the powers, authorities, rights and privileges whatso- 5
ever, which by virtue of the said in part recited Act, or of any
other Act or Acts, or of any other law, custom or usage what-
soever, have been or were at any time vested in or exercised,
or exercisable by the Principal Officers of Her Majesty's
Ordnance, or any of them, shall from henceforth continue in 10
full force, and shall be and the same are hereby declared to be
transferred to and vested in and exercisable by Her Majesty's
Principal Secretary of State, for the time being, to whom Her
Majesty shall think fit to intrust the Seals of the War Depart-
ment, and such last mentioned Principal Secretary of State 15
shall be entitled to the same exemption from personal respon-
sibility as the said Principal Officers were entitled to.

Lands and
property in
Schedule 1,
transferred to
the said Secre-
tary of State.

II. All lands and other real property comprised in the first
Schedule to this Act annexed, and all other lands and other 20
real property, except the lands and property in the second
Schedule to this Act annexed, which by virtue of the said in
part recited Act, or of any other Act or Acts, or of any convey-
ance, surrender, lease or other assurance, or of any law, cus-
tom or usage whatsoever, have been at any time before the
passing of this Act, vested in the Principal Officers of the 25
Ordnance on behalf of Her Majesty, or purchased, vested or
taken by or in the name of or by any person or persons
in trust for Her Majesty, for the use of the said Depart-
ment, or for the defence and security of this Province, and
which have not been sold or otherwise disposed of, shall from 30
henceforth be and the same are hereby declared to be trans-
ferred to and vested in the last mentioned Principal Secretary
of State for the time being, on behalf of Her said Majesty, sub-
ject nevertheless to all or any of the lease or leases, agreement
or agreements for leases already entered into with or by the 35
Principal Officers of Ordnance, or any person or persons au-
thorized and empowered by the said Principal Officers to exer-
cise the powers and authorities of the said in part recited Act
of or in respect of any such lands or other real property ; And
when and so often as the said last mentioned Principal Secretary 40
of State, and any succeeding Principal Secretary of State to
whom Her Majesty shall have intrusted the Seals of the War
Department, shall cease to hold such office, the said several
lands and other real property, and all lands and other real pro-
perty which hereafter shall be purchased or otherwise acquired 45
by any such last mentioned Principal Secretary of State for the
time being, on behalf of Her said Majesty, shall, by virtue of
this Act, be absolutely divested out of such Secretary of State
so ceasing to hold such office as aforesaid, and shall, by virtue
of this Act, be transferred to and vested in his Successor in the 50

Subject to
leases, &c.

To vest in the
Successors in
office of such
Secretary.

said Office immediately upon his receiving the Seals of the said Department absolutely ; and the said lands and other real 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 and other real 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.

To be held by him or any Successor in office as a Corporation Sole, and for the same estate as the Principal Officers had.

III. All contracts, covenants and agreements heretofore made or entered into by any person or persons whomsoever with the said Principal Officers of the Ordnance, or any person or persons on their behalf, as to or concerning any lands or other real property vested in or agreed to be purchased by the said Principal Officers, or in anywise relating to the Public Service of the Ordnance, 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 of Ordnance; and all proceedings whatsoever which have been or might or may have been commenced, taken or done in the names of the said Principal Officers, on behalf of Her Majesty, shall and may hereafter be commenced, continued, taken and done in the name of such Principal Secretary of State as aforesaid, in like manner (in the case of proceedings already commenced, taken or done) as if he had originally been party thereto instead of the said Principal Officers of the Ordnance.

Contracts, &c., to continue with the said Secretary in place of the Principal Officers.

And so of any proceedings commenced.

IV. All powers by the tenth section of the said in part recited Act given to Bodies Politic or Corporate, Ecclesiastical or Civil, Feoffees or Trustees for charitable or other public purposes, Tenants for Life, and Tenants in Tail or in Substitution, Husbands, Guardians, Trustees, Committees, Curators, Tutors or Attorneys, respectively therein mentioned, to contract and agree for the absolute sale or exchange of any such or other real property, or for the sale, grant or release of any estate, right, title or interest therein, or for the reversion thereof after any estate for life or years or other contingent interest, or for any term of years therein, and to convey, surrender, demise or grant the same accordingly, shall continue in full force, and hereafter may or shall be exercised or exercisable and be acted under or take effect in favor or at the instance of the said Principal

Powers to Corporations, &c., under s. 10 of 7 V. c. 11, to be exercised in favor of the said Secretary of State.

Other provisions of the said Act to enure in favor of the said Secretary.

Secretary of State for the time being, on behalf of Her said Majesty and for the Public Service, in the same manner and as effectually as the said powers are in and by such in part recited Act given or created or so made exercisable in favor or at the instance of the said Principal Officers for the time being, on behalf of Her said Majesty or for the Public Service; and all enactments, directions and provisions in the said in part recited Acts of the seventh year of the Reign of Her Majesty contained, shall, with respect to all lands and other real property, which by this Act or at any time after the passing of this Act shall be vested in such said Principal Secretary of State, continue in full force, and may or shall at all times hereafter be by the said Principal Secretary of State for the time being acted on and take effect and shall enure or take effect in favor of and may be enforced by such said Principal Secretary of State and his Successors, on behalf of Her Majesty and for the Public Service.

How the said Secretary may be described in deeds, &c.

V. In every Contract, Conveyance, Surrender, Lease or other Assurance of any lands, or other real property, with, unto or by the said 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 said 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 "Her 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 Principal Secretary of State, or by any other of Her Majesty's Principal Secretaries of State, for the time being, by signing his name thereto, and if the Instrument so executed be 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 shall be executed by any other Principal Secretary of State, 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 Principal Secretary of State for the War Department.

How such deeds, &c., may be executed.

Lands, &c., in Schedule 2, vested in H. M. for the public uses of the Province.

VI. Immediately on and from the passing of this Act, all and every the lands and other real property in this Province comprised in the second Schedule to this Act annexed, being a portion of the messuages, lands, tenements, estates and hereditaments comprised within the provisions and meaning of the said in part recited Act of the seventh year of the Reign of Her present Majesty, which, prior to the passing of this Act, were by the said recited Act or otherwise, vested in the said Principal Officers of Her Majesty's Ordnance, and their Successors in the said Office, and which have been used or occupied for the services of the Ordnance Department, or for

- Military defence, by whatever mode of Conveyance the same shall have been so purchased or taken either in fee or any life or lives, or any term or terms of years, or any other or lesser interest, and all erections and buildings which now are or which shall or may hereafter be erected and built thereon, together with the rights, members, easements and appurtenances to the same respectively belonging, shall, by virtue of this Act, be and become and remain and continue absolutely vested in Her Majesty the Queen, for the benefit, use and purposes of this Province, according to the respective nature and quality of the said lands and other real property, and shall be subject to the provisions of the Act passed by the Legislature of this Province, in the sixteenth year of the Reign of Her present Majesty, intituled, *An Act to amend the law for the Sale and Settlement of Public Lands*, and any further provisions which the Legislature of Canada may from time to time enact in respect thereof, and shall be held, used, conveyed and dealt with accordingly; but subject nevertheless to all or any Lease or Leases, Agreement or Agreements for Lease already entered into, with or by the Principal Officers of Ordnance, or any person or persons authorized or empowered by the said Principal Officers to exercise the powers and authorities of the said in part recited Act of the seventh year of the Reign of Her present Majesty, of or in respect of any such lands and other real property.
- 25 VII. With respect to all lands and other real property comprised in the second Schedule to this Act annexed, which by this Act shall be vested in Her Majesty the Queen for the benefit, use and purposes of this Province, the said recited Act of the seventh year of the Reign of Her present Majesty, and every clause, matter and thing therein contained, shall, from and immediately after the passing of this Act, be repealed, and the same is and are hereby repealed accordingly.
- To be subject to the provisions of 16 V. c. 159.
- And to those of any lease, &c., by Principal Officers.
- Act 7 V. c. 11 not to apply to lands, &c., transferred to the Province.

THE FIRST SCHEDULE

REFERRED to in this Act, being the Schedule of Military Lands in Canada, to be vested in one of Her Majesty's Principal Secretary of State.

QUEBEC.

The Citadel of Quebec, Fortifications, Glaciers, Barracks, Lands with the appurtenances thereunto in any manner belonging, and the Barracks called the Jesuit Barracks, and the several Public Offices occupied for the various Military purposes, and all other Military properties at that station.

- MONTREAL.** { The Barracks, Public Offices lands heretofore held or purchased by the Ordnance for the erection of Barracks or for the defence of the Province, together with the Island of Saint Helens in the River Saint Lawrence, as heretofore held by the Principal Officers of the Ordnance, for various Military purposes, with the exception of a parcel of land at Longueuil which has been purchased for the purpose of a *tête de pont*, which is to be retained until an adequate quantity of land is substituted by the Province in lieu thereof, in the vicinity of the projected Bridge across the Saint Lawrence.
- KINGSTON.** { All the Military Works on the east and west of the Harbour and the lands connected with them not named in the Second Schedule.
- NIAGARA.** { Fort Mississagua with its Glaciers and other appurtenances.
- SOREL.** { The Barracks, Government Cottage and land required for defence.

THE SECOND SCHEDULE

REFERRED to in this Act being the Schedule of Military Properties in
Canada proposed to be transferred to the Provincial Government.

SITUATION.	Approximate Quantity of Land.			Description of Buildings or Military Works.
	A.	R.	P.	
Three-Rivers.....	3	2	9	Barrack and Fuel Yard.
Sorel.....	45,220	..	..	Seigneurie, Domain and other ap- purtenances.
La Prairie.....	42	1	8	Barracks for Cavalry, Artillery and Infantry.
St. Johns.....	176	..	..	Infantry Barracks and Old Fort.
Isle Aux Noix and So. River....	295	..	..	Fort Lennox and Reserve.
Chambly.....	157	1	22	Old Fort, Barracks for Cavalry, Artillery and Infantry with Barrack Masters house, &c.
Chateauguay.....	5	..	1	Blockhouse.
Cascades.....	9	..	12	Wood Yard, Common and Canal.
Cedars.....	..	2	23	Storehouse and Wharf.
Côteau-du-Lac.....	15	3	39	Fort.
Cornwall.....	1	..	..	Fuel Yard.
Prescott.....	74	..	..	Fort Wellington.
Grant's Island Brockville.....	..	2	32	Blockhouse.
	180	3	4	Lot 23 or Herchmer Farm.
	11	2	10	Gore between lots 23 and 24.
	11	1	31	} Parts of lot 24.
	15	..	..
	6	2	8	} Lots 19, 21 and 22, Place d'Armes. Lots 23, 24 and 25 do. do
	..	2	16	
Kingston.....	4	0	8	Late Commandant's Quarter and lots 286, 382 and 413.
	3	1	5	Old Tannery.
	44	3	17	Ferguson property.
	110	..	..	Horse Shoe Island.
	1	..	..	Snake Island.
	100	..	..	Kingston Mills Reserve, &c.
Cape Vesey P. Edward County....	1260	..	..	Reserve.
Green Point Bay of Quinte.....	100	..	..	Do.
	502	2	1	{ Old Fort, New Barracks. Hospital Bathurst St. Barracks. Commisariat Quarters, Stores. Guard house and Victoria Square.
Toronto.....				
	178	..	..	Reserve Burlington Heights.
Hamilton.....	200	..	..	Lots 5 and 6 Con. Pelham.
Short Hills Farm.....	444	2	4	Reserve, Barracks and Hospital.— All, except Fort Mississagua.
Niagara.....	130	..	..	Reserve.—All, except that sold to the Purchasers of the Hamilton Estate.
Queenston.....	3	1	..	Reserve.
Lyons Creek.....	19	3	27	Barrack and Store.
Chippewa.....	..	..	..	Reserve.
Navy Island.....	1000	..	..	Do.—Except that located by en- rolled Pensioners.
Fort Erie.....	426	..	..	Reserve.
Port Maitland.....	592	..	..	Do.
Turkey Point.....	74	..	..	Artillery and Infantry Barracks.
London.....				

SECOND SCHEDULE.—Continued.

SITUATION.	Approximate Quantity of Land.			Description of Buildings or Military Works.
	A.	R.	P.	
Chatham.....	11	3	8	Infantry Barrack.
Rond Eau.....	500	..	..	Reserve.
Amherstburg.....	311	..	..	Fort.—Except that located by en- rolled Pensioners.
Boisblanc Island.....	212	..	..	Block and Picket houses.
Fighting Island.....	1,200	..	..	Reserve.
Windsor.....	4	..	..	Infantry Barrack.
Port Edward Sarnia.....				Reserve.—Except land sold to Con- tractors for the Grand Trunk Railway.
Owens Sound.....	51	..	..	Reserve.
Nottewasga Bay.....	66	..	..	Do.
Penetanguishene.....	5396	2	15	Reserve and Barracks.—Except that located by enrolled Pen- sioners and under license of occupation to Major Ingall.
St. Joseph.....	450	..	..	Reserve.
St. Mary's Island.....	170	..	..	Do.
Rideau and Ottawa Canals.....				Lands in and near the City of Otta- wa. Barracks, Block-houses and Ajuncts and appurtenances of the Canals and lands connected with or appertaining thereto.