

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1803. Saint John, NB: John Ryan, Printer to the King's Most Excellent Majesty, 1803.

43 George III – Chapter 1

An Act for transferring to and vesting in the Crown such Lands and Tenements of any Person or Body Politic, on which it may be judged suitable and necessary to erect Fortifications, or which may be wanted for other uses of War and Defence, and for ascertaining the value thereof and making compensation for the same to the former Owners.— Passed the 16th March, 1803.

Whereas it is highly reasonable, just and requisite that his Majesty should be authorized and empowered to resume the Grants of any Lands or Tenements of the Crown, heretofore made, or hereafter to be made and passed, upon which it may be suitable and necessary to erect Fortifications, and other Military works, or which may be wanted for other uses and purposes of war and defence; for a valuable consideration to be therefor paid to the owners and occupants according to a just and equal valuation of the same.

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That at any time or times hereafter, whenever the General or Commander in Chief of his Majesty's forces, or Commanding Royal Engineer in this Province, shall judge it expedient for his Majesty's service, and the better security and defence of this frontier Territory, to erect Fortifications or other Military works, upon Lands or Tenements granted and belonging to any person or persons, or body politic, or to hold, occupy and possess the same for any Military uses and purposes whatsoever, and shall make a representation or suggestion thereof to this effect, to the Governor, Lieutenant-Governor, or Commander in Chief of the Province, it shall and maybe lawful for the Governor, Lieutenant-Governor, or Commander in Chief of the Province, for the time being, if to his wisdom and discretion it shall appear fit, for his Majesty's service, and the security of the Province, to order the Clerk of the Crown in Chancery, to issue a Writ or Writs, in his Majesty's name, directed to the Sheriff of the County in which the Lands or Tenements so required, are situate, and thereby commanding him, after advertising his intention two months in the Royal Gazette, by the oath of honest and lawful men, being Freeholders of his Bailiwick, by whom the truth of the matter maybe better known, diligently to inquire who is, or are, the true and rightful owner or owners, occupant or occupants of such Lands and Tenements so required as aforesaid, (if to the said Jurors he or they may be known) and of every part and parcel thereof and how much the same Lands and Tenements, and every part and parcel thereof are worth, according to a just and true valuation thereof, and of the Estate and interest of the owner or owners therein; and to what damage, or what prejudice of the rightful owner or owners, occupant or occupants respectively it will be, if the said Lands and Tenements be resumed by, and vested in the King, his Heirs and Successors: And that the inquisition thereupon distinctly and openly made, so the King in his Chancery, under the seal of the said Sheriff, and the ideals of those by whom it was made, he send without delay, together with the said Writ.

II. And be it further enacted, That upon all and every such inquisition and inquisitions being duly made and returned as aforesaid, it shall and may be lawful for the General or Commander in Chief

of his Majesty's forces in this Province, for the time being, within twelve calendar months next after such, return, to deposit with the said Clerk of the Crown the amount of such valuation and damages by such inquisition or inquisitions found, to be paid and applied by him under the orders and directions of the Court of Chancery aforesaid, to such person or persons, or body politic as shall, by the same inquisition or inquisitions, or other competent evidence appear to the said Court to be the rightful owner or owners, occupant or occupants of such Lands and Premises, of any part and parcel thereof, according to their several and respective Estates and interests therein in full payment, compensation and satisfaction of and for the same.

III. And be it further enacted, That such inquisition and inquisitions, so being made and returned as aforesaid, and the amount of the valuation and damages thereby found, being deposited with the Clerk of the Crown as aforesaid, within the time herein limited, for the use of the proprietor, his Heirs or Assigns, all the said Lands and Premises, in such Writ or Writs, and inquisition or inquisitions respectively mentioned and described, and every part and parcel thereof; shall thereupon and by virtue of such proceedings as aforesaid, revert to, and vest in the King, his Heirs and Successors; and all the right, title, interest and Estate of any person or persons, or body politic whatsoever, of, in, and to the same, shall be thereby conveyed, and transferred to his Majesty, his Heirs and Successors; who shall thenceforth stand and be seized and possessed, and be deemed and adjudged in full and lawful seisin and possession, in right of his Crown, of and in the same Lands and Premises, with their appurtenances, to all intents, constructions, and purposes in the Law, as fully and perfectly as if all persons, being of full age and capacity, and bodies politic having Estate or interest therein, had by Grant or other Deed, or by fine or recovery, or other Conveyance of Record, given, granted, bargained, sold, aliened, released and confirmed the same to his said Majesty, his Heirs and Successors.

