

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1813. Saint John, NB: Jacob Mott, Printer to the King's Most Excellent Majesty, 1813.

53 George III – Chapter 3

An Act, in amendment of and in addition, to an Act, intituled "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 3rd of March, 1813.

Whereas by the first Section of An Act, made and passed in the forty third year of His Majesty's Reign, intituled "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." It is enacted, "That at any time or times hereafter, whenever the General 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, 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 such 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 free-holders of his Bailiwick, by whom the truth of the matter may be better known, diligently to enquire 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 thereof, and to what damage or what prejudice of the rightful owner or owners, occupant or occupants respectively it will be, if the said land and tenements be resumed by and vested in the King, his Heirs and Successors." And whereas the delay occasioned by the notification of two months in the Royal Gazette, thereby required to be given by such Sheriff may in certain cases be productive of great injury to His Majesty's service.

I. Be it therefore enacted by the President, Council and Assembly, that any Sheriff, to whom any Writ or Writs in His Majesty's name, shall be directed for the purposes in the said herein before recited Act specified, shall and may proceed and make enquiry according to the exigence of any such Writ or Writs, forthwith after the reception of the same by him, and that every inquisition made and returned under and by virtue of this Act, shall be proceeded upon and have the like force and effect in all respects as any inquisition made and returned under and by virtue of the

said herein before recited Act, any thing in the said herein before recited Law, to the contrary notwithstanding. And whereas also certain fortifications and other military works have been erected within the limits of the City of Saint John, partly on that part of one of the Public Streets of the said City, called and known by the name of King-Street, which lies north of and adjoins to the lots described on the plan of the said City, by the numbers four hundred and twenty eight, four hundred and twenty nine, four hundred and thirty, four hundred and thirty, one, four, hundred and thirty two, four hundred and thirty three, four hundred and thirty four, and four hundred thirty five, and partly on that part of another street commonly called Wentworth-Street, which lies between the said Street, called King-Street, and another Street called Leinster-Street, which works are deemed necessary for the public defence.

II. Be it further enacted, that the part of the said Street so adjoining the said lots herein before particularly described, to the distance of fifty feet measuring from the south side thereof as well as that part of the said Street called Wentworth-Street, which lies as aforesaid between King-Street and Leinster-Street, shall cease to be part of the Public-Streets of the said City, and the same are hereby transferred to, and vested in, the King's Majesty, his Heirs and Successors for the purpose of fortifications, and other military works as aforesaid.