

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1847. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1847.

10 Victoria – Chapter 73 (1846)

An Act relating to an exchange of Lands in Fredericton with the Ordnance Department. Passed 14th April 1846.

Whereas it is desirable that greater facilities should be afforded for the accommodation of Her Majesty's Troops in the City of Fredericton, and it is agreed to surrender certain unenclosed Public Lands in the said City, in consideration for certain other Lands now held by the Ordnance Department, being vested in the Justices of the Peace in and for the County of York, for the use of the said City;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Principal Officers of Her Majesty's Ordnance in Great Britain for the time being, their agents and servants, to enter upon, take possession of, enclose, retain, and enjoy, for Military uses, all that certain parcel and tract of vacant public land, lying and being in front of the present Military Blocks in the said City, and lying between the said Blocks and the River Saint John, bounded on the upper or north west side by a line running east by the magnet from the northern corner of the fence enclosing Block B, and also all that part of Carleton Street lying between Queen Street and the River, and to, enclose the same with fences, walls, gates, and other erections, and to erect a wharf or wharves at the Public Landing, as heretofore reserved at the terminus of Carleton Street; reserving, nevertheless, the Public Landing at the termination of Regent Street, from the easterly corner of the present enclosure of the "Officers' Parade," so called, extending upwards along the line of the said enclosure two hundred and thirty five feet, and thence at right angles down to the River; and also reserving to the public, a right of way on the said Land between the edge of the bank and low water mark, for persons on foot and with horses, carts and wagons, except when such wharf or wharves shall be erected as aforesaid; and provided that sufficient gates be put up on the present line of Carleton Street, to form a communication with the River, which are to be always opened to the public in case of fire in the said City; and. further provided, that nothing herein contained shall extend or be construed to extend, to authorize the said Principal Officers of Her Majesty's Ordnance, or their successors, to interfere with the free navigation of the said River, and the right of approach to the shore in front thereof, by boats, vessels or other craft, in any other way than by the erection of a wharf or wharves as aforesaid.

II. And be it enacted, That from and after the passing of this Act, the above described lands and premises, subject to the exception before mentioned, shall be, and become, and remain, and continue vested in the Principal Officers of Her Majesty's Ordnance in Great Britain, for the time being, and their successors in the said office, in trust for Her Majesty, Her Heirs and Successors, for the service of the said Ordnance Department, or for such other Military service or services, as to the said Principal Officers, or their successors in the said office, shall from time to time order and direct.

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III. And be it enacted, That from and after the passing of this Act, the following tracts and parcels of Land, now held by the said Principal Officers of Her Majesty's Ordnance Department for Military uses, that is to say: all those six several lots and parcels of Land in Block number three, and all that other piece and parcel of Land called and known as the "Hospital Lot," and fronting partly on Westmorland Street, shall be, and they are hereby vested in the Justices of the Peace for the County of York, and their successors, for and in trust for the use, benefit and advantage of the inhabitants of the City of Fredericton.

IV. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto first had and declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 1st day of August, 1846, and published and declared in the Province the 9th day of September, 1846.]