

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1856.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1856.

19 Victoria – Chapter 46

**An Act for transferring to one of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance. Passed 1st May 1856.**

Section.

1. Powers and privileges vested by recited Acts or usages in the Principal Officers of Her Majesty's Ordnance, to be vested in the Secretary of State for the War Department.
2. All property, &c., vested in the Ordnance Department, transferred to the Secretary at War, and his successors.

Section.

3. All contracts with the Ordnance Department deemed entered into with the Secretary at War.
4. Style, seal and delivery of contracts, &c. by and with Her Majesty's Principal Secretary of State for the War Department.

Whereas by an Act of the General Assembly passed in the eighth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to certain Lands belonging to Her Majesty, and for vesting the Title to the same in the Principal Officers of Her Majesty's Ordnance Department*; and by another Act passed in the ninth year of the same Reign, intituled *An Act relating to an exchange of Lands in Fredericton with the Ordnance Department*; various powers and authorities were given to, vested in, and exercisable by the Principal Officers of Her Majesty's Ordnance, and by the said Acts, and by or under divers Grants, Letters Patent, conveyances, surrenders, assignments, and leases, or by some other means divers lands, hereditaments, estates, and property were vested in the said Principal Officers: And whereas it is expedient that the said several powers and authorities, and the said lands, hereditaments, estates, and property, 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;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. All the powers, authorities, rights, and privileges whatsoever, which by virtue of the said recited Acts or either of them, or of any other Act or Acts of Assembly, or of any law, custom, or usage whatsoever, 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 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 Department, and such last mentioned Principal Secretary of State shall be entitled to the same exemption from personal responsibility as the said Principal Officers were entitled to.

2. All lands, hereditaments, estates, and property whatsoever, which by virtue of the said recited Acts or either of them, or of any other Act or Acts of Assembly; or of any conveyance, surrender, lease, or other assurance, or of any law, custom, or usage whatsoever, before and at the time of the passing of this Act were vested in the Principal Officers of the Ordnance, on behalf of Her Majesty, or which have been at any time before the passing of this Act held, used, or occupied, 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 and service of the said Department, or for the defence and security of this Province, and which have not been sold, aliened or parted with, shall from henceforth be and the same are hereby declared to be transferred to and vested in the last mentioned Principal Secretary of State for the time being, on behalf of Her said Majesty; and when and so often as the last mentioned Principal Secretary 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, hereditaments, estates, and property which hereafter shall be purchased or otherwise acquired 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 said office immediately upon his receiving the Seals of the said Department absolutely; and the said lands, hereditaments, estates, and property hereby vested or 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, hereditaments, and 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.

3. 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, hereditaments, estates, and property vested in, or agreed to be purchased by the said Principal Officers, or in anywise relating to the public service, 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 Officer of the 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.

4. In every contract, conveyance, surrender, lease, or other assurance of any lands, hereditaments, estates, or property with, unto, or by the last mentioned 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 last mentioned 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 said last mentioned 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 than the Principal Secretary of State for the War Department, the Principal Secretary of State so executing the same shall, for that time and on that occasion, and for the purposes thereof, be deemed the Principal Secretary of State for the War Department.