



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XXII.

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 12th May, 1856.]

WHEREAS by an Act passed by the Legislature of this Colony in the Sixth Year of the Reign of Her present Majesty, entitled "An Act for vesting all Estates and Property occupied for the Ordnance Service of Her Majesty in the Principal Officers of the Ordnance Department," various powers and authorities were given to, and vested in, and exercisable by, the Principal Officers of Her Majesty's Ordnance; and by the said Act, and by or under divers Conveyances, Assurances and Leases, or by some other means, divers Lands, Tenements, Estates and Property, purchased, taken, used and occupied for the Ordnance and Barrack Services in this Island, before and at the time of the revocation by Her Majesty next hereinafter mentioned, were vested in the said Principal Officers: and whereas, Her Majesty hath 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 it is expedient that the said several Powers and Authorities, and the said Lands, Tenements, Estates and Property, and all title, estate and interest therein respectively, should be also transferred from the said Principal Officers, and vested in one of Her Majesty's Principal Secretaries of State.

Preamble:

6 Vio. Cap. 19.

Be it therefore Enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:—

Powers, &c., vested in Principal Officers of Ordnance transferred to H. Majesty's Secretary of State for the War Department.

I.—All the Powers, Authorities, Rights and Privileges whatsoever, which, by virtue of the said Act, passed in the Sixth Year of the Reign of Her present Majesty, intituled "An Act for vesting all Estates and Property occupied for the Ordnance Service of Her Majesty in the Principal Officers of the Ordnance Department," or of any Act or Acts of the Legislature of this Colony, or of the Imperial Parliament, or of any other Law, Custom, or Usage whatsoever, have been or were at any time vested in, or exercised, or exerciseable 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 exerciseable by, Her Majesty's Principal Secretary of State, for the time being, to whom Her Majesty shall think fit to entrust 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.

All Lands, &c. vested in such Officers vested in the said Secretary of State.

II.—All Lands, Tenements, Estates and Property whatsoever, which, by virtue of the said recited Act, or of any other Act or Acts of the Legislature of this Colony, or of the Imperial Parliament, or of any Conveyance, Surrender, Lease, or other Assurance, or of any Law, Custom, or Usage, whatsoever, before and at the time of the revocation by Her Majesty herein-before mentioned, 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 nature 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 Colony, 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 said 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, Tenements, Estates and Property, and all Lands, Tenements, 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, Tenements, Estates and 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 Freehold, be so vested in such last-mentioned Principal Secretary of State and his Successors, in the same manner as if such Estate of Freehold had been originally conveyed to such Principal Secretary of State, as a Corporation Sole, and his Successors; and as to all Lands, Tenements and Property purchased or held for any less Estate than an Estate of Freehold, as if the same Lands, Tenements 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.

Contracts made by the Principal Officers relating to the Public Service to be enforced by such Secretary of State.

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, concerning any Lands, Tenements, 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 Officers 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.

IV.—In every Contract, Conveyance, Surrender, Lease, or other Assurance, of any Lands, Tenements, 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, Tenements, 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 such 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 to be the Principal Secretary of State for the War Department.

Such Secretary to be described as “Her Majesty’s Principal Secretary of State for the War Department.”