

the said Act are declared proveable against such his estate, and which were due by him at the date of the commission issued against him, and from all claims and demands made proveable under the said commission, whether on account of any goods or chattels wrongfully obtained, taken or withheld by him, or otherwise, according to the form of the said Act. And I do further certify, that the said E. F. is, by force of the Act aforesaid, for ever discharged and exempted from arrest and imprisonment in any suit, or upon any proceeding for or on account of any debt, claim or demand whatever, which might have been proved against his estate, assigned as aforesaid.

Given under my hand and seal, at
in the year of our Lord

aforesaid, this day of

(Signed)

J. K.

{ L. S. }

CAP. XI.

An Act for vesting in the Principal Officers of Her Majesty's Ordnance, the Estates and Property therein described, for granting certain powers to the said Officers, and for other purposes therein mentioned.

[9th December, 1843.]

Preamble.

WHEREAS, divers Messuages, Lands, Tenements, Estates and other Hereditaments, and real property, lying within this Province, have been at various times set apart from the Crown Reserves or other Crown Lands and property in this Province, or from the Clergy Reserves therein, and have been placed under the charge and control of the Officers of Her Majesty's Ordnance, or of the Commander of the Forces, for purposes connected with the defence of the Province, and the service of the said Department, or have been used and occupied for like purposes; and whereas other Messuages, Lands, Tenements, Estates and other Hereditaments and real property have been at divers times purchased for like purposes, and conveyed or surrendered to, or in Trust for Her Majesty, or Her Royal Predecessors, or have been taken for like purposes under the authority of some Act or Acts of the Legislature of the late Province of Lower Canada, or of the late Province of Upper Canada, and are by the provisions of such Acts vested in Her Majesty; and the price or compensation of and for the same, hath been paid out of the funds provided for that purpose by the Parliament of the United Kingdom: and whereas it may be expedient that such parts of the said

said Lands, Estates and Property as may not be wanted for the service of the said Department, or for the Military Defence of this Province, should from time to time be sold or disposed of: and whereas for effecting such sales, for the better protection and management of such property as aforesaid, and of the works under the control of the said Ordnance Department, and for the public good, it is expedient and necessary that the same and all other Messuages, Lands, Tenements, Estates, Hereditaments and other real property of the nature and description hereinafter mentioned, should be vested in the Principal Officers of Her Majesty's Ordnance, for the time being, in Trust for Her Majesty, Her Heirs and Successors, with the powers hereinafter granted to the said Principal Officers, and subject to the provisions hereinafter made; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, that from and after the passing of this Act, all Castles, Forts, Lines or other Fortifications, Messuages, Lands, Lands covered with water, Beaches, Beds of Rivers, Canals and Works connected therewith; Tenements, Estates and other Hereditaments; real property, rights, easements and servitudes whatsoever, (all which things shall be intended by the words "Lands and other real property" wheresoever they occur in this Act) within this Province, and immediately before that time vested in Her Majesty, or in any person or persons, officer or officers, in trust for Her Majesty, and set apart, used or occupied for purposes connected with the Military Defence of the Province, or placed under the charge and control of the Officers of the said Ordnance Department, or of the Commander of Her Majesty's Forces, or other Military Officer or Officers, whether the same have become so vested in Her Majesty, or Her Royal Predecessors for such purposes by the cession of this Province, or have been by Her or them set apart or transferred from the Lands, demesnes, or other real property of the Crown, or from the Clergy Reserves, or have been intended to be so set apart or transferred, for any of the purposes aforesaid, or have been purchased for such purposes by any person, or officer, and paid for out of funds provided for that purpose by the Parliament of the United Kingdom, and surrendered or conveyed to Her Majesty, or Her Royal Predecessors, or to some person in trust for Her or them, or have been set apart or transferred or have been taken for any such purposes, under the authority of any Act or Law, in force in this Province, or in any part thereof, (by whatsoever mode of conveyance the same shall have been purchased and taken, and whether in fee or absolute property, or for any life or lives, or term or terms of years, or for any lesser interest, or *à titre de cens*) and more especially, but without intending that the enumeration

What property shall be vested.

Lands used for Military Defence or under Control of the Ordnance Department.

Schedule referred to.

enumeration or specification thereof should exclude any other Lands or real property within the description aforesaid, the Lands and other real property mentioned and described in the Schedule to this Act annexed, and all such Lands, and other real property, and all others which having been acquired and purchased, or taken for the Crown, and the price or compensation thereof paid out of funds provided by the Imperial Parliament, Her Majesty shall be pleased to direct to be vested as hereafter mentioned, and all erections and buildings which now are, or which shall hereafter be erected, or built thereon, together with the rights, members, and appurtenances to the same respectively belonging; and also all the Tolls, Rates and Dues now or hereinafter to become payable upon, from, or in respect of the Canal commonly called the Rideau Canal, constructed under the provisions of the Act of the Parliament of the late Province of Upper Canada, passed in the eighth year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act to confer upon His Majesty certain powers and authorities necessary to the making, maintaining and using the Canal intended to be completed under His Majesty's directions for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned*; and also the powers and authorities given and granted and now vested in Her Majesty by virtue of the said Act, for all and every the purposes therein mentioned; with power to make, repeal or amend By-Laws for the regulations of such of the Canals and Works hereby vested in them as shall be open to the use of the public, and to impose penalties for the infraction of such By-Laws, which being approved by the Governor of this Province, may be enforced in the manner provided by the Act last cited with regard to By-Laws to be made in pursuance thereof, save that all pecuniary penalties shall be applied by the Principal Officers in repairing the damages resulting from the offences for which they shall be incurred; and also all the moveable and personal property of Her Majesty held or used for the services and purposes aforesaid, or any of them, shall be and the same are hereby vested, and shall remain vested in the Principal Officers of Her Majesty's Ordnance in Great Britain, and their Successors in the said Office, according to their respective nature and quality, and the several estates and interests therein, subject to the provisions of this Act, and in trust for Her Majesty, Her Heirs and Successors for the service of the said Department, or for such other services as Her Majesty, Her Heirs and Successors, or the said Principal Officers shall from time to time direct: Provided always, that nothing in this Act shall extend to vest in the said Principal Officers any Lands or Buildings, which have been purchased or erected for Provincial purposes, with funds provided by the Legislature of this Province, or of either of the late Provinces of Upper or Lower Canada, unless the same shall be lawfully purchased by, and conveyed to the said Principal Officers, under the provisions of some Act or Law in force in this Province; or any Lands or Buildings belonging to the Civil Government of the Province, notwithstanding that the same may have been

Proviso exempting from the operation of this Act property purchased or acquired by Provincial Funds.

been under the charge and control, or in the use or occupation of the Ordnance, or any other Military Department: And provided also, that nothing in this Act shall extend or be construed to extend to vest in the said Principal Officers, any Lands which may, before the passing of this Act, have been granted by Her Majesty, or Her Royal Predecessors, to any other person or party, unless the same shall have been, subsequently to such grant, lawfully purchased, acquired or taken for the purposes of the said Ordnance Department, nor to impair, diminish or affect any right, title or claim, vested in or possessed by any person or party at the time of the passing of this Act, to, in or upon any Lands or real property whatsoever, nor to give the said Principal Officers any greater or better title to any Lands or real property than is now vested in the Crown, or in some person or party in trust for the Crown.

Proviso exempting from the operation of this Act, any lands granted to private parties unless subsequently purchased for the purposes of the Ordnance Department, nor to affect titles, &c.

II. And be it enacted, that from and after the setting apart, grant, purchase, conveyance, demise or taking thereof, all other lands and other real property or estate or interest therein, which shall at any time or times hereafter be granted or purchased, or taken by the said Principal Officers, or by any person or persons for them, for the service of the said Ordnance Department, or shall be surrendered to or taken by Her Majesty or purchased or taken by any person in trust for Her Majesty, for such services under the provisions of this Act or of any other Act or Law, and all erections or buildings which shall then, or which may thereafter be erected or built thereon, with the rights, members and appurtenances to the same respectively belonging, shall in like manner be, and become and remain vested in the said Principal Officers, and their successors in the said Office, according to the nature and quality of the said Lands and other real property, and the several and respective estates and interests of and in the same respectively, and in trust as aforesaid.

Lands, &c. to be hereafter acquired to be vested in like manner.

III. And be it enacted, that all public Lands which shall be certified under his hand and seal by the Commander of Her Majesty's Forces in this Province, to be necessary for the erection of any Fort, Barrack, Battery or other Military Work, or for preserving such work free from obstructions, may on an order of the Governor, Lieutenant Governor or person administering the Government of this Province, by and with the advice and consent of the Executive Council thereof, be freely granted by Letters Patent under the Great Seal of this Province, to the said Principal Officers in trust as aforesaid; and being so granted, may be disposed of by them in the same manner as other Lands vested in them under the provisions of this Act, and all other Public Lands may be purchased by, and granted to, and vested in the said Principal Officers in trust as aforesaid, on the payment of the price thereof by the said Principal Officers, out of any funds provided for that purpose by the Imperial Parliament.

See U. C. Act 3 V. c. 16.

Principal Officers to abide by Leases, &c. made by Officers of the Ordnance Department and others.

IV. Provided always, and be it enacted, that any Lease or Conveyance, or any promise of any Lease or Conveyance of any part of the Lands or other real property hereby vested in the said Principal Officers, or of any estate or interest therein, made or entered into before the passing of this Act, by any Officer or person under whose control such Lands or property were placed, or in whom the same were vested in trust for the Crown, shall be held good and valid by the said Principal Officers, who shall be bound to ratify and confirm the same, and to execute all Deeds and Instruments which may be necessary for that purpose, on the terms and conditions on which such Lease, Conveyance or promise was made.

Payment of arrears of Rent and deductions to be made therefrom.

V. And whereas great part of the Town of Bytown has been built upon certain Lands, mentioned in the Schedule to this Act, purchased by the late Earl of Dalhousie with funds belonging to the Military Chest and conveyed to him in trust for the Crown, and placed by Her Majesty under the control and management of the said Principal Officers, under whom divers persons have held and still hold Building Lots, which the said Principal Officers have not hitherto been empowered to convey to such persons, and much Land at Bytown not required for Military or Canal purposes or the service of the said Department still remains vacant, and will be hereby vested in the said Principal Officers, and it is desirable to afford every practicable facility for the settlement thereof; and whereas by reason of the said Lands not having been vested in the said Principal Officers, and their not having been empowered to convey the same, or to grant titles thereto, the persons holding under them have been unwilling to pay the sums due as rent for their several holdings, and from the supposed uncertainty of their titles have in some cases been deterred from improving the lots they hold, and erecting buildings thereon, whereby the said persons have suffered loss, and the growth and improvement of the said Town has been impeded; and whereas by reason of the circumstances above mentioned it is right that certain allowances should be made to the persons aforesaid, and that provision should be made for enabling persons desirous of obtaining portions of the said vacant Land as building lots, to obtain the same on payment of the value thereof; Be it therefore enacted, that no arrears of rent due before the passing of this Act on any portion of the Lands aforesaid, at Bytown, in the Township of Nepean, formerly in the Johnstown District, and now in the District of Dalhousie, shall be recoverable by the said Principal Officers, except by five equal annual instalments without interest, the first of which shall be payable at the end of one year, and the last at the end of five years, from the passing of this Act; subject also to the deductions hereinafter mentioned, unless any such instalment be not paid within one month after it shall have become due, in which case the whole of the arrears then owing by the party failing to pay such instalment shall immediately become payable, and without any deduction: Provided always, that if the whole of the arrears so due as aforesaid, on any holding shall

shall be paid within one year from the passing of this Act, the said Principal Officers shall deduct therefrom, and leave to the party paying such arrears, a sum equal to thirty per cent. thereon; and if the whole of the arrears so due as aforesaid on any holding shall be paid within two years from the passing of this Act, the said Principal Officers shall deduct therefrom and leave to the party paying such arrears, a sum equal to twenty per cent. thereon; and in all cases where the party paying shall not be entitled to either of the deductions aforesaid, there shall be deducted from the amount of every instalment of such arrears as aforesaid, paid at or before the time it shall become due, a sum equal to ten per cent. thereon, and the discount on the sum paid at the legal rate of interest for the time (if any), to elapse between the time of payment and the time at which such instalment would become due.

VI. And be it enacted, that upon payment of the arrears of rent then due, subject to the deductions aforesaid, and of such further sum as would at the legal rate of interest produce yearly a sum equal to the yearly rent payable to the said Principal Officers for any such holding as aforesaid, the said Principal Officers shall, by a good and valid deed and title, convey the fee simple of the Land upon which such payment shall have been made to the party holding the same, to be by such party, his heirs, and assigns held in free-hold, for ever, and clear of all charges or incumbrances of whatsoever kind or nature.

Leaseholds
may be con-
verted to Free-
holds.

VII. And be it enacted, that such of the vacant Lands aforesaid at Bytown, as shall not be required by the said Principal Officers for Military or Canal purposes, or the service of the said department, and with regard to which no such lease or promise as aforesaid was made before the passing of this Act, shall be by them offered for sale by public competition to the highest bidder, at such times, after such notice, at such upset price, in such lots or parcels, and in such quantities at one time, as shall from time to time be fixed by the said Principal Officers, and approved by the Governor of this Province, by and with the advice and consent of the Executive Council thereof, or as may be directed by the said Governor by and with such advice and consent as aforesaid; provided that such direction do not include Lands that may be certified by the Commander of the Forces in this Province to be necessary for Military or Canal purposes, or for the service of the said department; Provided always, that the purchaser at any such sale, his heirs and assigns, shall always have the option of paying the purchase money, and obtaining the fee simple of the Land, or of obtaining a lease renewable for ever at a yearly rent equal to the yearly interest of the purchase money, with the right of obtaining a conveyance of the fee simple from the said Principal Officers at any time on paying to them the amount of the purchase money, and the rent (if any) then due; And provided also, that any party who before the
twenty-first

Lands to be
disposed of
with pre-emp-
tion to Squat-
ters.

twenty-first day of September, one thousand eight hundred and forty-three, shall have actually had possession of any such lot or parcel as aforesaid, of the said vacant Lands, and shall before the said day have erected buildings, or made other improvements thereon of the value of ten pounds, currency, or upwards, shall have the right, from and after the passing of this Act, to purchase such lot or parcel at the upset price set upon the same without the buildings or improvements, to be fixed and approved as aforesaid, during twelve months after such upset price shall have been notified in the manner to be also fixed and approved as aforesaid, and shall also have the same option of paying the purchase money and obtaining the fee simple of the Land, or of obtaining a lease renewable for ever at a yearly rent equal to the yearly interest of the purchase money, as if he had purchased the Land at a sale by public competition as aforesaid; but if any such party shall, during the said period of twelve months, refuse or neglect to take either a Lease or conveyance in fee simple on the terms respectively aforesaid, such party shall forfeit all claim to or upon the said lot or parcel of Land, or to or upon any buildings or improvements thereon, or to any indemnity or compensation for the same, and such lot or parcel of Land, and the buildings or improvements thereon, if any, shall be offered for sale by public competition, and dealt with in all respects as if such party had never been in possession thereof.

Terms assigned to attend Inheritance.

VIII. And be it enacted, that any term or terms of years, or other less estate or right which shall have been assigned, or reserved, in or to attend upon the inheritance or absolute property of any land or real property hereby vested in the said Principal Officers at the time the same shall have been surrendered or conveyed to, or in trust for the Crown, shall be and remain vested in the party or Trustee or Trustees, his or their executors, administrators, assigns or legal representatives, to or in favour of whom the same shall have been so assigned or reserved: and it shall be lawful for the said Principal Officers to convey, surrender or assign all or any of the Lands and other real property and premises which shall at any time be vested in them, and to direct all or any of the Lands and other real property and premises which shall hereafter be agreed to be purchased or taken by them to be conveyed, surrendered or assigned to a trustee or trustees for the use of the Ordnance Department or the defence of this Province, upon the trusts to which the same shall or ought to be subject, in case from any circumstance whatever, it shall in the judgment of the said Principal Officers be expedient so to do.

Principal Officers may convey lands subject to Trusts if they deem it advisable.

Principal Officers may take conveyances, or leases of Lands for the Ordnance service.

IX. And be it enacted, that it shall be lawful for the said Principal Officers from time to time to contract for, purchase and take for, and on behalf of Her Majesty, Her Heirs and Successors, any Lands or other real property, or any lease of, or other interest in the same which shall in their judgment be desirable

to

to be purchased or taken for the service of the said Ordnance Department, or the defence of this Province upon such terms as to the said Principal Officers shall seem meet, and to enter into any contracts necessary for that purpose, and all such lands or other real property, estate or interest therein so to be purchased shall be conveyed, granted or surrendered to the said Principal Officers in trust as aforesaid.

X. And be it enacted, that it shall be lawful for all Bodies politic or corporate, ecclesiastical or civil, and all Feoffees and Trustees for charitable or other public purposes, and for all tenants for life, or in tail, or in substitution, and for the husbands, guardians, trustees, committees, curators, tutors or attornies of such of the owners or proprietors of, or parties interested in any lands or other real property, which have been or may hereafter be agreed to be purchased, or taken by the said Principal Officers for any of the purposes aforesaid, as shall be married women, *femes covert*, minors, infants, lunatics, idiots, interdicted persons, or persons absent from the Province, or otherwise incapable of acting for themselves, validly to contract and agree with the said Principal Officers, either for the absolute sale or exchange of any such lands, or other real property, or for the sale, grant or release of any estate, right, title or interest therein, or for the reversion thereof after any estate or estates for lives or years or other future or contingent interest, or for any term of years therein, or for such period as the exigency of the public service may require, and to convey, surrender, grant or demise the same accordingly; and all contracts, sales, conveyances, releases, surrenders, leases and agreements which shall be made in pursuance of this Act shall be valid and effectual in law and in equity to all intents and purposes whatsoever, and shall be a full and complete bar to all dower and claims of dower, estates-tail, substitutions, mortgages, hypothecations and other estates, rights, titles, trusts, uses and interest whatsoever.

Enabling clause. Certain parties may convey to the Principal Officers.

XI. And be it enacted, that upon the death, resignation or removal of the Principal Officers of Her Majesty's Ordnance in Great Britain, or any of them, all lands and other real property theretofore vested in, or held by them, shall become vested in and shall be held by their successors in office according to the respective nature and quality of the said lands and other real property, and the several estates and interests in the same respectively in trust as aforesaid; and the words "Principal Officers," or "Principal Officers of Her Majesty's Ordnance," wheresoever they occur in this Act, or in any contract, deed, instrument or proceeding made or had under the provisions thereof, shall be understood to mean the Principal Officers of Her Majesty's Ordnance in Great Britain for the time then being, and to include their predecessors or successors in Office, unless the context shall clearly require another interpretation of such words.

On death, &c. of any Principal Officers, property to vest in their successors in office.

Words "Principal Officers," in this Act, how to be understood.

XII.

Power to sell or dispose of the property vested by this Act.

XII. And be it enacted, that it shall be lawful for the said Principal Officers to sell, exchange, or in any manner to dispose of, or to let or demise any lands or other real property vested in them by virtue of this Act, or any estate or interest therein so vested, or any of the said moveable and personal property hereby vested in them either by public auction or by private contract, and to convey, surrender, assign or make over, grant, demise or deliver the same (as the case may require) to any party willing to take the same in exchange or otherwise, and also to do any other matter or thing in relation to any such lands or other real, moveable or personal property which shall by the said Principal Officers be deemed beneficial for the public service, and conducive to the better management and use of the property hereby vested in them, which might be done by any person having an estate or interest in the same, of the same nature as shall be vested in or held by the said Principal Officers in trust as aforesaid.

Monies arising from such sale to be paid to those whom the Principal Officers may direct.

XIII. And be it enacted, that the monies to arise and be produced by the sale, or exchange, demise or disposal of any such lands or other real property as aforesaid, which shall be sold or exchanged, demised or disposed of under the provisions of this Act, shall be paid by the purchaser or purchasers thereof or the person or persons making such exchange, or to whom the same shall be demised or disposed of, to such person or officer as the said Principal Officers shall appoint to receive such monies, for such purposes as Her Majesty, Her Heirs and Successors shall direct; and the receipt of such person or officer as aforesaid, (such receipt being endorsed or written upon or subjoined to the conveyance, surrender, assignment, lease or other instrument or an authentic copy thereof) shall effectually discharge the purchaser or purchasers, person or persons by whom or on whose account such monies shall be paid.

Principal Officers may enter upon and survey Lands required for the Ordnance service, and treat for them.

XIV. And be it enacted, that it shall be lawful for the said Principal Officers to enter upon, survey and mark out or cause to be surveyed and marked out, any Lands or other real property which may in their judgment be wanted for the service of the Ordnance Department or for the defence of this Province, and to treat and agree with the owner or owners thereof, or with any party or persons who by the preceding provisions of this Act may be authorized to convey or demise the same either for the absolute purchase of the same or of some estate or interest therein, or for the possession or use thereof during such time as the exigence of the public service may in the judgment of the said Principal Officers require: Provided always that before entering upon and surveying or marking out any such Lands or real property in the actual occupation of the proprietor or any other person, the said Principal Officers shall be held and bound to give notice of the day and hour of such intended entry in writing, by the space of seven days, to such proprietor or other person, under the hand of some Officer of the Ordnance duly authorised

authorized to that effect : Provided always that nothing herein contained shall extend or be construed to authorize the said Principal Officers of Her Majesty's Ordnance Department to enter upon, take possession of, or otherwise interfere with the Lands described in the Act of the Parliament of Upper Canada entitled an "Act to incorporate the Niagara Harbor and Dock Company," but the said Company, shall hold, possess and enjoy the same, any thing in this Act to the contrary notwithstanding.

This Act not to interfere with the Niagara Harbor and Dock Company.

XV. And Provided always and be it enacted, that nothing herein contained shall be construed to restrain or prevent the Parliament of this Province from authorizing the construction of any Canal or Railroad upon or over any Lands which may have been reserved or set apart as aforesaid by the Governor, Lieutenant Governor or person administering the Government of either of the said late Provinces as aforesaid, in Council for Military purposes, and which by this Act are vested in the Principal Officers of Her Majesty's Ordnance as aforesaid.

This Act not to prevent the construction of any Canal or Railroad through any Reserves for Military purposes.

XVI. And be it enacted, that in case the person or party hereby authorized to convey or demise any lands or other real property so marked out and surveyed as aforesaid, shall be absent from the Province, or unknown to the said Principal Officers, or shall for the space of fourteen days next after notice in writing subscribed by or on behalf of the said Principal Officers, shall have been served on or left at the residence or domicile of such person or party (or if the party be a body politic or corporate, having no legal domicile, then on the Chief Officer thereof, or at his usual place of residence) refuse or decline to sell, or demise, or to enter into such contract with regard to such lands or other real property, as shall be satisfactory to the said Principal Officers, or shall refuse the price or consideration offered by them, then on the requisition of the said Principal Officers, it shall be lawful for the Governor, Lieutenant Governor or person administering the Government of this Province, being satisfied of the facts aforesaid, to require any Sheriff for the district, city, town or place where such lands or other real property shall lie, to cause the said Principal Officers to be put into possession thereof, which such Sheriff shall accordingly do by issuing a warrant under his hand and seal, taking with him sufficient assistance, and the said Sheriff or his Deputy shall summon twenty-four persons qualified to be Special Jurors, who shall stand first in order to be summoned on his lists, to be and appear at the Court House of the District, on a day and at an hour to be named in such warrant, and not being less than ten days after the Sheriff shall have put the said Principal Officer into possession as aforesaid, and of which day and hour he shall give notice in writing to the Owner or Proprietor, and to all persons whom he shall find on the premises, when he shall give possession thereof, and at the time so appointed, a Jury shall be formed out of the Jurymen so summoned allowing to the parties, if present,

Proceedings if the owner refuse to sell, &c.

Governor may cause possession to be given.

Jury summoned.

present, their lawful challenge to any Juror or to the array, and the said Jury being sworn before the Sheriff or his Deputy authorized to issue the warrant of possession (and such Sheriff or his Deputy is and are hereby empowered to administer all necessary oaths as well to the Jurors, as to the witnesses to be produced by the parties) shall, on hearing the witnesses and the evidence which shall be adduced before them, inquire of and determine the price or compensation which shall be paid by the said Principal Officers either for the absolute purchase of the Lands or other real property in question, or for the possession or use thereof as the case may be, and their verdict shall be certified by the Sheriff or his Deputy aforesaid, with the costs to be ascertained as hereinafter mentioned, that is to say, there shall be allowed to the Sheriff, for executing the warrant of possession and summoning the Jury, forty shillings, and for swearing the said Jury presiding at the inquiry and receiving the verdict, twenty shillings, together with necessary travelling expenses, to each Juror sworn ten shillings, and a reasonable allowance to each material witness to be taxed by the said Sheriff, and such costs shall be paid by the said Principal Officers, unless they shall have tendered to the opposite party a sum at least equal to that awarded by the verdict, in which last case they shall be paid by the said party, and such Sheriff may cause any witness or witnesses to be summoned, and compel their appearance, and may adjourn any meeting if Jurymen or witnesses do not attend.

Verdict.
Costs.

Appeal to the
Superior
Courts.

XVII. Provided always, and be it enacted, that if the said Principal Officers, or any person or party interested in the Lands and other real property so marked out and taken as aforesaid, shall be dissatisfied with the verdict of such Jury, it shall be lawful for such person, at the Term commencing next after the rendering of such verdict, if the owner or some person hereby empowered to convey such Lands and other real property, shall have had due notice of the taking thereof, or within one year, if they shall have been taken as belonging to some party unknown, or as being absent from the Province, and having left no known person therein, who might convey or demise the same on behalf of such party, to apply to the Court of King's Bench or of Queen's Bench for the District in which the Lands and other real property shall lie if the same be in Lower Canada, or to the Court of Queen's Bench if the same be in Upper Canada, and to suggest that they have reason to be dissatisfied with such verdict, and to give notice of such application to the opposite party, and to give security to the satisfaction of the Court for the payment of Costs, and thereupon the proceedings which have been had in the matter and the verdict of the Jury shall be returned into Court, and if it shall appear to the Court that the application ought to be granted, then the Court shall direct the compensation to be paid to be assessed and ascertained by a Jury according to Law, and the course and practice of the Court, and as any damages may be inquired

Security for
costs.

Jury to be
directed to in-
quire of com-
pensation.

inquired of, and ascertained by a Jury, and the verdict of such Jury shall be final and conclusive, unless a new assessment of such damages shall for sufficient reason be granted by the Court, according to the course and practice thereof and to law.

New Assessment.

XVIII. Provided always, and be it enacted, that it shall be lawful for any such Jury either in the first instance, or on an appeal to the Court of Queen's Bench or of King's Bench as aforesaid, to ascertain the proportion of the compensation money which shall be paid to any lessee or tenant at will, or otherwise, of the land or other real property in question, or of any part thereof, and to return the same as part of their verdict: Provided also, that where any such appeal shall be had solely on the application of any party who shall have been dissatisfied with the sum awarded to be paid out of the compensation to any lessee or tenant at will, or otherwise, the said Principal Officers shall not be made parties to such appeal, and the total amount of the compensation awarded by the former Jury shall not be altered; and if the appeal shall be had solely on the application of any party dissatisfied with the total amount of compensation awarded by the former Jury, the lessee or tenant at will, shall not be made a party to such appeal, and the sum awarded to be paid to him shall not be altered.

Jury may assess separately the compensation to be paid to any lessee.

Proviso.

XIX. And be it enacted, that all Lands and other real property of which possession shall have been given to the said Principal Officers under such Warrant as aforesaid, and for the absolute property of which the compensation shall have been ascertained by the verdict of a Jury, in the manner hereinbefore prescribed, shall be vested in the said Principal Officers in trust as aforesaid; and the payment or tender of the compensation to any parties who might, without this Act, have conveyed the same, or the interest, or the estate therein, for which such compensation shall have been awarded, or the payment thereof in the manner provided by this Act, when such party acts on behalf of others, shall for ever bar the right or claim of such party, and those for whom he acts, in or to such Lands or other real property: Provided always, that no such Lands or other real property shall be so taken in absolute property, without the consent of some party who might, under this Act, convey the same, nor for any term of years, or other term, without the consent of some party who might have demised the same for such term, unless the necessity for taking the same shall be first certified under his hand and seal by the Commander of Her Majesty's Forces in this Province, or unless an enemy shall have actually invaded this Province, when such Lands or real property shall be so taken.

Lands for which compensation is awarded to be vested in Principal Officers.

Proviso, in what cases only lands may be taken without the consent of the owners.

See Act U. C. 3 Vict. c. 16.

XX. And be it enacted, that in all cases where any Lands or real property shall have been demised to, or taken by the said Principal Officers for any term of

Principal Officers may remove buildings of

&c. erected by them on lands demised to them for a term only, paying for any damage done to the soil, &c.

Damage done how ascertained in case of dispute.

of years or for such period only as the exigencies of the public service shall require, it shall be lawful for the said Principal Officers, notwithstanding any thing in this Act or in any other Act or Law, at any time before they shall deliver up possession of the same, to take down and remove all such buildings or other erections as shall or may have been built or erected thereon for the public service, after such Lands or real property was or were demised to, or taken by the said Principal Officers, and to carry away, sell, or dispose of the materials thereof, making such compensation to the owner or owners of such Lands or real property, or the person or persons authorized to act on his or their behalf, for the damage or injury done to such Lands or real property by the erection of such buildings or otherwise in consequence of the same having been occupied for the public service, as the said Principal Officers shall think reasonable, or as shall be agreed upon in that behalf; and if the owner or owners, or person or persons authorized to act, on his or their behalf shall not be willing to accept the compensation so offered, it shall be lawful for the said Principal Officers to apply to, and require any two Justices of the Peace for the District, City or place, to settle and ascertain the compensation which ought to be made for such damage or injury as aforesaid, and such Justices shall settle and ascertain the same accordingly, and shall grant a Certificate thereof, and the amount so ascertained, shall be forthwith paid by the said Principal Officers to the person or party entitled to the same: Provided always, that nothing in this Act contained shall extend or be construed to extend, to alter, prejudice or affect any agreement which hath been, or shall or may be entered into by the said Principal Officers, with the owner or owners of any Lands or real property, or any person authorized to act on his or their behalf, with regard to any such buildings or erections, but every such agreement shall remain valid and effectual, according to the intent and purport thereof.

Compensation for lands taken from absentees to remain in the hands of the Principal Officers until claimed by some competent party.

XXI. And be it enacted, that where any Lands or real property shall have been taken by the said Principal Officers under a Warrant of possession without the consent of any party who could convey or demise the same to the said Principal Officers, then the compensation money awarded by the verdict of a Jury in the manner aforesaid, shall remain in the hands of the said Principal Officers until it be claimed by some party who might have conveyed (or demised as the case may be) such Lands or real property, and shall execute such deed or warranty, and quit claim to the said Principal Officers as may suit the case, bearing simple interest at the legal rate during two years, (if it shall remain in their hands so long) but not afterwards.

Compensation for lands in Lower Canada purchased

XXII. Provided always, and be it enacted, that where any money shall have been, or shall be agreed or shall have been or shall be required by the Verdict of any Jury to be paid by the said Principal Officers for the absolute purchase

chase or exchange of any Lands, or other real property lying within Lower Canada, or of any estate or interest in such Lands or real property, which shall have been conveyed by or taken from any body politic or corporate, person or party who without this Act, would have been unable legally to convey the same, or shall not have the absolute interest therein, such money shall not (except as hereinafter excepted) be paid into the hands of the person or party who shall make and execute the sale, exchange, or other conveyance, or warranty, and quit claim, but the same shall be deposited with a copy of the deed of sale, or exchange, or of other conveyance, or of warranty, and quit claim, in the hands of the Sheriff for the District in which the Lands or other real property shall lie and upon the making and granting of the receipt which such Sheriff is hereby authorized and required to grant to the said Principal Officers, the Lands or other real property or estate or interest therein conveyed by the said deed shall be and become vested in the said Principal Officers in trust as aforesaid; and it shall be the duty of such Sheriff after the receipt of the said money and on the application of any party claiming the same, or any interest therein, and filing such claim with the application to make and insert during four months in the Official Gazette of the Province, and also in one other public newspaper published in each of the Cities of Quebec and Montreal, a notice in both languages, containing the date and nature of the deed or conveyance, and the amount of money deposited, and a description of the Lands or other real property to which such deed or conveyance shall relate, and calling upon all and every person or parties who may be legally entitled to claim the whole or any part of the said money, or may be possessed of any rights, titles, hypothecs, or interests which ought to be paid out of, or secured upon the same, either, personally or as duly representing some interested party to file their claims, within thirty days after the expiration of the said four months in the office of the said Sheriff after which delay no such claim shall be received or admitted: and all married women entitled to dower not then open, on such Lands or real property, and all persons duly representing minors, lunatics, idiots, or persons absent from the Province, having any right, title, interest or claim to, or in the said money, and all persons and parties having any such right, title, interest or claim in their own name, are hereby authorized to file their claims as aforesaid, and the Court of King's Bench or of Queen's Bench for the District, with the Sheriff whereof the said claims may be filed, is hereby authorized and required to hear and determine the same, and to order a final distribution of the said monies to, or among the parties entitled to the same, or to order the application and placing of the same or any part thereof, so as to secure present and future rights, in such manner as to Law and Justice may appertain.

XXIII. Provided also, and be it enacted, that where any money shall have been or shall be agreed, or shall have been or shall be required by the verdict of any

ed or taken from any party not having the absolute interest how to be paid.

See Ordinance 2 Vict. c. 21.

On the application of any party interested, Sheriff to issue notice, and Court to make such order as may seem consistent with the rights of the parties.

Ordinance 2 Vict. c. 21.

Certain parties enabled to file claims.

Ordinance 2 Vict. c. 21.

Compensation for lands purchased or taken in Upper-

Canada from parties not having the absolute interest.

See Imperial Act 5 & 6 V. c. 91.

Principal Officers to file in Queen's Bench copy of the Deed and declare themselves ready to pay the money.

The Justices of the Court may on the application of any party interested make such orders as may be necessary to secure the rights of the parties.

any Jury to be paid by the said Principal Officers, for the absolute purchase or exchange of any Lands or other real property lying within Upper Canada, or of any estate or interest in such Lands or real property which shall have been conveyed by or taken from, any body politic or corporate, person or party, who without this Act would have been unable legally to convey the same, or shall not have the absolute interest therein, such money shall not (except as hereinafter excepted) be paid into the hands of the person or party who shall make and execute the sale, exchange or other conveyance, warranty or quit claim, but the Principal Officers shall, forthwith after the execution thereof, file a copy of the deed or instrument, (certified as correct, by some Justice of the Peace who shall have compared the same with the original, and also by some person authorized to act on behalf of the said Principal Officers) in the Office of the Clerk of the Crown, with a declaration that the said Principal Officers are ready to pay over the said money, to such trustee, person or officer as any two Justices of the said Court shall appoint to receive the same; and upon the application of any person or party having an interest in the said money, it shall be lawful for any two Justices of the said Court, upon reading the said declaration, deed or instrument, and receiving such further satisfaction as they shall deem necessary, in a summary way, to make and pronounce such orders and directions for paying the said money or any part of the same, or for placing such part thereof as shall be principal in any public securities of this Province, or real securities, and for the payment of the dividends or interest thereof, or any part thereof, to the respective parties entitled to receive the same, or for laying out the principal or any part thereof, in the purchase of lands or other real property, to be conveyed and settled to, and for, and upon the same uses, trusts, interests or purposes, as the Lands or other real property for which such money shall be the compensation, stood settled at the time they were conveyed, or taken as aforesaid, or as near thereto as the same can be done, or otherwise concerning the disposition of the said monies or any part thereof, for the benefit of the party or parties entitled to or interested in the same, respectively, or for appointing any person or persons to be a trustee or trustees for all, or any of such purposes, or for requiring any security from any person to whom such monies, or any part thereof, shall be paid or entrusted, as to the said Justices shall appear just and right, and all such orders and directions shall be obeyed by the said Principal Officers, and the receipt of the person or officer to whom they shall pay the said money, or any part thereof, in obedience to such orders and direction, shall be their valid discharge for the money so paid.

Cases in Upper Canada when the compensation shall

XXIV. Provided also, and be it enacted, that in any case where such monies, as are lastly hereinbefore mentioned, shall be less than the sum of two hundred pounds currency, and shall exceed the sum of twenty pounds currency, the same shall,

shall, at the option of the party for the time being entitled to the rents and profits of the land or other real property purchased or taken, or of the Guardian or Guardians, Committee or Committees, of such party in case of infancy or lunacy, to be signified in writing under their respective hands, be paid as aforesaid, under the orders and directions of two Justices of the said Court of Queen's Bench, or otherwise, at the like option shall be paid to three trustees nominated by the party making such option, and approved by the said Principal Officers, (such nomination being signified in writing under the hands of the nominating and approving parties,) in order that such money may be invested in the purchase of public securities of the Province, and that such stock, when purchased, and the dividends arising therefrom, may be applied in the manner hereinbefore directed, so far as the same may be applicable, without obtaining the order and direction of any Justices of the said Court, and with the same effect as if such payment had been made under such orders and directions.

be less than
£200.

XXV. Provided also, and be it enacted, that in any case where the compensation or purchase money, shall be less than twenty pounds currency, the same shall, whether the Lands or real property for which the same shall be payable be in Upper Canada, or in Lower Canada, be applied to the use of the party who would, for the time being, be entitled to the rents and profits of such Lands, and shall be paid to such party, or to any person who might lawfully receive such rents and profits, for the use of such party, with the same effect as if the same had been paid into the hands of any Sheriff in Lower Canada, or under the order of any two Justices of the said Court of Queen's Bench in Upper Canada, any law, usage or custom to the contrary notwithstanding.

Cases either
in Upper or
Lower Canada
when the com-
pensation shall
be less than
£20 provided
for.

XXVI. And be it enacted, that if any question shall arise touching the right of any party to any money or public securities arising from any such compensation or purchase money as aforesaid, and entrusted to, or vested in any Trustee or Trustees, or other person or persons, pursuant to the directions of this Act, the party by whom, or on whose behalf the Lands or other real property, estate or interest, for which the said money was payable, shall have been conveyed, warranted or quit claimed, to or in favor of the said Principal Officers, shall be held to have been lawfully entitled to convey the same, until it be proved by the judgment of some Court of competent jurisdiction, that some other person was entitled to such Lands or real property, estate or interest.

Parties con-
veying lands to
Principal Offi-
cers to be
deemed to have
been lawfully
entitled so to
do, until the
contrary be
proved in all
questions as to
any claims for
compensation.

XXVII. And be it enacted, that no enrollment of any deed conveying any lands or real property, or any estate or interest therein, to the said Principal Officers shall be necessary to vest the same in them, in trust as aforesaid; but it shall be lawful for the said Principal Officers at their option to cause any deed

Enrollment
of Deeds to
Principal Offi-
cers.

or

or instrument, not being a notarial instrument, relating to any lands or real property vested in them to be enrolled, upon payment of the usual Fees, in the office of the Provincial Registrar, without its being necessary for them to produce to that officer any proof of the execution of such deed or instrument; and a copy of such enrollment signed by the Provincial Registrar, and proved upon oath to be a true copy, shall for every purpose whatsoever be sufficient evidence of the contents of such deed or instrument in any Court of Law and Equity, and on every occasion shall have the same force and effect to all intents and purposes, as such deed, instrument or document would have, if the same were respectively produced and shewn forth.

Principal Officers to have the right of freeing Lands held by them from Seigniorial charges.

XXVIII. And whereas it is expedient that the said Principal Officers should have the power of freeing lands, or real property vested in them from all seigniorial rights, burdens and charges; Be it therefore enacted, that it shall be lawful for the said Principal Officers to pay or tender to the Seignior, within the *censive* of whose Seignior any lands, or real property vested in them, shall lie, such sum as at the legal rate of interest would produce annually a sum equal to the *cens et rentes*, payable annually on such lands or real property, and a further sum equal to one fifth part of the price then last paid for the same, over and above all *lods et ventes* and arrears which may then have accrued and be due, and on such payment, or tender, such lands, or other real property shall be forever after freed from all Seigniorial rights, burdens and charges, and if thereafter conveyed to any other party by the said Principal Officers, shall be held *en franc aleu roturier* for ever.

Principal Officers may commute with Censitaires in Seignories held by them as Her Majesty might have done without this Act.

Tenure of Lands after commutation.

Lands taken at Bytown, for

XXIX. And be it enacted, that it shall be lawful for the said Principal Officers to grant to any *censitaire* holding lands or other real property within the *censive* of any seigniority vested in them, under the provisions of this Act, a commutation from all seigniorial rights, burdens and charges on such lands, or real property, on the same terms and conditions on which such commutation might be granted by Her Majesty without this Act; but the lands or real property with regard to which such commutation shall be granted, shall thereafter be held in *franc aleu roturier*, as shall also any lands or real property, which, being within the boundaries of any seigniority vested in the said Principal Officers under the provisions of this Act, shall be granted or conveyed by them to be holden otherwise than *en censive*: Provided always, that nothing herein contained shall prevent the said Principal Officers from granting any lands, or real property within any such seigniority to be held *en censive*, if they and the grantee shall so agree; Provided always, and be it enacted, that all lands taken from private owners

owners at Bytown, under the authority of the Rideau Canal Act, for the uses of the Canal, which have not been used for that purpose, be restored to the party or parties from whom the same were taken.

the use of the Rideau Canal, to be restored to owners.

XXX. And be it enacted, that it shall be lawful for the said Principal Officers, and they are hereby authorized and empowered to bring, prosecute and maintain any action or actions of ejectment, or other actions and proceedings, either in law or equity for recovering possession of any lands or other real property vested in them, or to which they may become entitled under the provisions of this Act, or otherwise howsoever, and to distrain or sue for any arrears of rent or any other dues of any kind, which have become, or shall become due for, or in respect thereof, under any parol, or other demise, grant or concession from the said Principal Officers, or from Her Majesty of any person or officer acting for or on behalf of Her Majesty, or of any party holding such lands or real property in trust for Her Majesty, and also to bring, prosecute and maintain any other action, suit or proceeding in law or equity in respect of any such lands or other real property, or of any right or interest therein, or of any trespass, or encroachment committed thereon, or damage or injury done thereto, and also upon all covenants and contracts whatsoever, now or hereafter, to be made by, to, or with, the said Principal Officers, and in any way relating to such lands and real property, or to the service of the Ordnance Department, or the defence of this Province; and also to bring, prosecute and maintain any other action, suit or proceeding in law or equity, civil or criminal, concerning the goods, or chattels, stores, monies or other property under the care, control or disposition of the said Principal Officers, and in every such suit, action or other proceedings the said Principal Officers shall be called "The Principal Officers of Her Majesty's Ordnance," without naming them or any of them; And the said Principal Officers shall and may by the said names be sued, impleaded or prosecuted, and may answer and defend any suit, action, prosecution, or proceeding to be brought or instituted against them in any Court of Law or Equity in this Province, by any person or party whomsoever; and no suit, action or other proceeding to which the said Principal Officers shall be a party, shall abate, or be discontinued, or interrupted by the death, resignation or removal of such Principal Officers or any of them, any law to the contrary notwithstanding.

Principal Officers empowered to bring actions in matters relative to property held by them.

Style by which the Principal Officers may sue.

XXXI. And be it enacted, that all suits, actions or proceedings to be brought or instituted against the said Principal Officers, may be brought or instituted in the Court within the local jurisdiction whereof the Lands or other real property to which such suits, actions or proceedings may respectively relate shall be situate or the cause of action shall have arisen, and service of any process,

How suits are to be brought against the principal Officers of Ordnance and service of Process therein regulated.

cess, order, notice or other document required to be made in any suit, action or proceeding to which the said Principal Officers shall be a party, shall be deemed to be validly made, upon the said Principal Officers, by leaving a true copy thereof at the Office of the respective Officers of Ordnance within the local jurisdiction of the Court in which such suit, action or proceeding shall be brought or pending, or if there be no such office within the jurisdiction of such Court, then at the office of the Senior Civil Officer of Ordnance within such jurisdiction.

They may recover costs.

XXXII. And be it enacted, that in all suits, actions, and other proceedings at law or in equity, in which a verdict shall pass, or judgment or decision shall be given for, or in favor of the said Principal Officers, the said Principal Officers shall in addition to all damages to which they may be entitled, have judgment for their full costs and charges in such suits, actions, or proceedings, to be assessed and taxed against the defendant or other opposing party, and to be recovered and levied in the same manner and form as they might have been assessed, taxed, recovered and levied in favor of any private party, and in all cases of judgments or decisions given against the said Principal Officers, they shall pay full costs and charges to the successful party.

Her Majesty's privileges and rights of proceeding not to be abridged.

XXXIII. Provided always, that nothing herein contained shall be taken to defeat or abridge in any such suit, action or other proceeding, the legal rights, privileges and prerogatives of Her Majesty, Her Heirs and Successors, but that in all such suits, actions and other proceedings brought or instituted in the name of the said Principal Officers, and in all matters relating thereto, it shall be lawful for the said Principal Officers to claim, exercise and enjoy all the same rights, privileges and prerogatives which have been heretofore claimed, exercised and enjoyed in any suits, actions or proceedings whatsoever in any Court of Law or Equity, by Her Majesty or Her Royal Predecessors, in the same manner as if the subject matter of such suits, actions or other proceedings were vested in Her Majesty, and as if Her Majesty were actually made a party to the same: Provided also, that it shall be lawful for Her Majesty, if so advised, to proceed by information in the proper Court of King's Bench or of Queen's Bench, or by any other Crown Process, legal or equitable, in any case in which such suits, actions or other proceedings might otherwise have been instituted by the said Principal Officers.

Name and style to be adopted by the Principal Officers in all instruments, &c.

XXXIV. And be it enacted, that in all contracts of every description, and in all conveyances, surrenders, leases and other deeds, and in other instruments whatsoever, relating to the public service, which shall or may be made or entered into, by, to, or with the said Principal Officers, or whereunto they shall be a party, it shall be sufficient to call or describe them by the style and title of "The Principal Officers
of

of Her Majesty's Ordinance," without naming them or any of them, and all such contracts, conveyances, surrenders, leases and other deeds and instruments, wherein the said Principal Officers shall be so called and described as aforesaid, shall be as valid and effectual, and shall have the same force and effect to all intents and purposes whatsoever, as if the said Principal Officers had been particularly named and described therein, and with regard to their successors in office, as if such successors had made and entered into the same, and had been named and described therein.

XXXV. And be it enacted, that it shall be lawful for the said Principal Officers, and they are hereby authorized and empowered, to give any notice and make any entry, claim or demand which it shall be requisite or expedient to give or make on behalf of Her Majesty, with a view to compel any tenant, lessee or occupier of any lands or other real property which shall be vested in the said Principal Officers, under the provisions of this Act, to quit or deliver up possession thereof, or to compel the performance of any covenant, contract or engagement relating thereto, or to recover possession on non-performance of any covenant, contract or agreement, or to compel the payment of any sum of money which ought to be paid in respect thereof, and to give any other notice and make any claim or demand, or to do any other act or thing which it shall be requisite to make, give or do, on behalf of Her Majesty, touching or concerning any such lands or other real property, or any right, title or interest therein, and the same, being so made, given or done, shall be valid, and effectual to all intents and purposes whatsoever.

Power to give notices, make entries, &c in matters relating to property held by them.

XXXVI. And be it enacted, that it shall be lawful for any two or more of the said Principal Officers, and they are hereby authorized and empowered to exercise and execute all powers, authorities and duties, and to perform, do and execute all acts, deeds, matters and things appertaining to their office which by virtue of this Act and by law, the said Principal Officers may exercise or execute, perform and do, and the same shall be as valid and effectual to all intents and purposes as if exercised, executed, performed and done by all the said Principal Officers: and it shall also be lawful for any two or more of the said Principal Officers, and they are hereby empowered from time to time, and as occasion may require, to authorize and empower any person or persons, or any Officer or Officers, by his or their name or title of Office, to exercise and execute all or any of the powers, authorities and duties, or to perform and do and execute any acts, deeds, matters and things which by virtue of this Act, the said Principal Officers may exercise, execute, perform or do, as validly and effectually as the said Principal Officers might exercise, execute, perform and do the same, and to revoke such authority at pleasure; and such authority, shall, notwithstanding the death, resignation or removal from office of the Principal Officers who shall have given

Any two or more of the Principal Officers may act for the whole.

May depute all or any of their power under this Act to such person or officers as they may think proper.

Power of those deputed to remain notwithstanding the removal, &c. of any of the Principal Officers.

given the same, remain in force as if given by the Principal Officers for the time then being, until it shall be revoked by the Principal Officers for the time being, or any two of them.

Principal Officers not to be personally responsible.

XXXVII. And be it enacted, that nothing contained in this Act, or to be contained in any covenant, contract, lease or other instrument hereby authorized to be entered into, made, taken or executed by the said Principal Officers, or any of them, or by any person or officer acting under them, shall extend to charge the persons of such Principal Officers, person, or officer, executing such covenant, contract, lease or other instrument, or their heirs, executors, administrators or other legal representatives, or their or any of their own proper lands and tenements, goods or chattels with the performance of any of the covenants, conditions and agreements in such covenants, contract or lease, or other instrument entered into on the part of such Principal Officers for the public service, and by their name of office as aforesaid; nor shall any Officer of Her Majesty's Ordnance be personally liable, nor shall any property of such Officer be liable to any legal process or execution in such suits, actions or other proceedings as aforesaid.

L. C.
2. V. c. 21.

XXXVIII. And be it enacted, that, the Ordinance of the Governor and Special Council for the affairs of the late Province of Lower-Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for vesting all the Estates and Property in the Province of Lower Canada, occupied for the Ordnance Service, in the Principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said Principal Officers, and for other purposes therein mentioned*,—and the Ordinance of the Governor and Special Council for the affairs of the said late Province, passed in the Session held in the third and fourth years of Her Majesty's Reign, and intituled, *An Ordinance to render permanent the Ordinance therein mentioned relative to the Estates and Property, in this Province, occupied for the Ordnance Service*,—and the Act of the Legislature of the late Province of Upper-Canada, passed in the third year of Her Majesty's Reign, and intituled, *An Act to authorize Her Majesty to take possession of Lands for the erection of Fortifications in this Province under certain restrictions*,—shall be, and the said Ordinances and Act are hereby repealed.

L. C.
& 4 V. c. 18.

U. C.
3 V. c. 16

Interpretation clause.

XXXIX. And be it enacted, that the words "Lower Canada," wheresoever they occur in this Act, or in the Schedule hereunto annexed, shall be held to mean all that part of this Province which formerly constituted the Province of Lower Canada, and the words "Upper Canada," to mean all that part of this Province which formerly constituted the Province of Upper Canada, and the words "Her Majesty" or "The Crown," shall be held to mean and include, Her Majesty and Her

Her Royal Predecessors and Successors; and all words importing the singular number or the masculine gender only, shall be held to include the plural number and females as well as males, unless the context shall clearly require that a more limited meaning be assigned to them.

XLI. And be it enacted, that this Act shall be a Public Act, and as such shall be taken notice of accordingly by all Judges, Justices of the Peace and others whom it may concern, without being specially alleged or pleaded.

This Act to
be a Public
Act.

SCHEDULE

Of certain of the Lands vested in the Principal Officers of Her Majesty's Ordnance, by this Act, referred to in the first section thereof.

The Military Reserves, and all Lands and other real property coming within the description of those intended to be vested in the said Principal Officers by this Act, and situate, lying or being, at or near the Cities, Towns and Places commonly known by the names following, that is to say:—Madawaska, Lake Temiscouata, the Grand Dégélé, Quebec, Three Rivers, William Henry or Sorel, Montreal, the Island of St. Helens, Isle Ronde adjoining the same, Longueuil, Laprairie, Chambly, St. John's or Dorchester, Isle-aux-Noix, Lachine, the Cascades, Chateauguay, the Cedars, Coteau du Lac, Carillon, Grenville and elsewhere within Lower Canada; Lancaster, Cornwall, Grant's Island opposite Brockville, Prescott, Kingston, Snake Island, Point Frederic, Point Henry, Cedar Island, Horse Shoe Island, Catarqui, Kingston Mills, Bytown, Amherst Island, Mississauga Point, Cape Vizey or the Rock Marysburg, (Prince Edward District,) Toronto, Hamilton, Penetanguishene, Niagara, Queenston, Drummondville, Sherbrooke, Chippewa, Lyons' Creek, Fort Erie, Short Hills, London, St. Thomas, Chatham, Windsor, Sandwich, Amherstburg, Bois Blanc Island, Point Edward (Port Sarnia), Ronde Eau, on Lake Erie (Township of Harwich), Turkey Point, (Township of Charlotte, County of Norfolk, Talbot District,) or elsewhere within Upper Canada.

Places at
which certain
real property
vested in the
Principal Offi-
cers is situate.

The Canal commonly called the Rideau Canal, made and constructed under, and by virtue of the powers and authorities contained in the Act of the Parliament of the late Province of Upper Canada, passed in the eighth year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act to confer upon His Majesty certain powers and authorities necessary to the making, maintaining, and using the Canal intended to be completed under*

Rideau Ca-
nal and Lands.

His

His Majesty's directions for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned, and the Lands and other real property, lawfully purchased and taken, or set out, and ascertained as necessary for the purposes of the said Canal, from the Crown Lands or Reserves, or Clergy Reserves, under the authority of the said Act, and more especially those marked and described as necessary for the said purposes, on a certain plan lodged by the late Lieutenant Colonel By, of the Royal Engineers, the officer then employed in superintending the construction of the said Canal, in the office of the Surveyor General of the said late Province, and signed by the said Lieutenant Colonel By, and now filed in the office of Her Majesty's Surveyor General for this Province, and all the works belonging to the said Canal, or lying or being on the said Lands.

Bytown
Lands bought
by Lord Dal-
housie.

The lot or parcel of Land containing four hundred and fifteen acres, or thereabouts, situate in the Township of Nepean, in the Dalhousie District, formerly in the Johnstown District, and purchased in the year one thousand eight hundred and twenty three, by the Right Honorable the late Earl of Dalhousie, then Governor in Chief of Lower Canada and Upper Canada, and acting for and on behalf of His late Majesty King George the Fourth, from Hugh Fraser, Esquire, and granted and conveyed to or in trust for His said late Majesty, His Heirs and Successors.

Grenville,
Chûte à Blon-
deau and Ca-
rillon Canals.

The several Canals constructed for the purpose of facilitating the navigation of the River Ottawa, lying on the left bank of that river and within Lower Canada; and known by the names of the Grenville Canal, the Chûte à Blondeau Canal, and the Carillon Canal, with all the works thereunto appertaining, and the Lands set apart, reserved, purchased or taken for the purpose of constructing the said Canal, or of facilitating the use thereof or other purposes thereunto relating.

Seignior of
Sorel.

The Fief and Seignior of Sorel, in the District of Montreal, in Lower Canada, with all seigniorial rights, privileges, advantages and profits thereunto appertaining, and all Domains and other Lands and real property therein now vested in the Crown, or in any persons, officers or other party in trust for the Crown.