

*Laws of Her Majesty's Province of United Canada*, passed in the year 1856. Quebec: Stewart Derbshire and George Desbarts, 1856.

20 Victoria – Chapter 45

**An Act for transferring to one of Her Majesty's Principal Secretaries of State the powers and estates and property therein described, now vested in the Principal Officers of Her Majesty's Ordnance, and for vesting other part of the Ordnance Estates and Property therein described in Her Majesty the Queen, for the benefit, use and purposes of this Province. Assented to 19th June, 1856.**

Whereas by an Act passed in the seventh year of Her present Majesty's Reign, intituled, *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*, various powers and authorities were given to or vested in and made exercisable by the Principal Officers of Her Majesty's Ordnance, and certain lands and other real property mentioned and described in the Schedule to the Act now in recital annexed, and divers lands and other real property by the said Act and by or under divers conveyances, surrenders, assignments and leases, or by some other means purchased, taken, used and occupied for the Military Defence of this Province before the time of the passing of this Act, were vested in the said Principal Officers; And whereas Her Majesty has 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 the Ordnance Lands within this Province consist at the time of the passing of this Act, of the several lands, estates and property comprised in the two Schedules to this Act annexed; And whereas Her Majesty has been graciously pleased to signify Her Majesty's gracious intention that the several powers and authorities and such of the several lands and other real property comprised in the said in part recited Act, as are comprised in the first Schedule to this Act annexed, 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, and that all such of the lands and other real property comprised in the said in part recited Act, as are comprised in the second Schedule to this Act annexed, and all title, estate and interest therein respectively, should be transferred from the said Principal Officers and become re-invested in the Crown, for the public uses of this Province, subject to the provisions hereinafter made: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. All the powers, authorities, rights and privileges whatsoever, which by virtue of the said in part recited Act, or of any other Act or Acts, or of any other 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.

II. All lands and other real property comprised in the first Schedule to this Act annexed, and all other lands and other real property, except the lands and property in the second Schedule to this Act annexed, which by virtue of the said in part recited Act, or of any other Act or Acts, or of any conveyance, surrender, lease or other assurance, or of any law, custom or usage whatsoever, have been at any time before the passing of this Act, vested in the Principal Officers of the Ordnance on behalf of Her Majesty, 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 of the said Department, or for the defence and security of this Province, and which have not been sold or otherwise disposed of, 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, subject nevertheless to all or any of the lease or leases, agreement or agreements for leases already entered into with or by the Principal Officers of Ordnance, or any person or persons authorized and empowered by the said Principal Officers to exercise the powers and authorities of the said in part recited Act of or in respect of any such lands or other real property; 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 and other real property, and all lands and other real 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 and other real 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 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 and other real 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.

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, as to or concerning any lands or other real property vested in or agreed to be purchased by the said Principal Officers, or in any wise relating to the Public Service of the Ordnance, 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 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. All powers by the tenth section of the said in part recited Act given to Bodies Politic or Corporate, Ecclesiastical or Civil, Feoffees or Trustees for charitable or other public purposes, Tenants for Life, and Tenants in Tail or in Substitution, Husbands, Guardians, Trustees, Committees, Curators, Tutors or Attorneys, respectively therein mentioned, to contract and agree for the absolute sale or exchange of any such 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 for life or years or other contingent interest, or for any term of years therein, and to convey, surrender, demise or grant the same accordingly, shall continue in full force, and hereafter may or shall be exercised or exercisable and be acted under or take effect in favor or at the instance of the said Principal Secretary of State for the time being, on behalf of Her said Majesty and for the Public Service, in the same manner and as effectually as the said powers are in and by such in part recited Act given or created or made exercisable in favor or at the instance of the said Principal Officers for the time being, on behalf of Her said Majesty or for the Public Service; and all enactments, directions and provisions in the said in part recited Act of the seventh year of the Reign of Her Majesty contained, shall, with respect to all lands and other real property, which by this Act or at any time after the passing of this Act shall be vested in such said Principal Secretary of State, continue in full force, and may or shall at all times hereafter be by the said Principal Secretary of State for the time being acted on and take effect, and shall enure or take effect in favor of and may be enforced by such said Principal Secretary of State and his Successors, on behalf of Her Majesty and for the Public Service.

V. In every Contract, Conveyance, Surrender, Lease or other Assurance of any lands or other real property, with, unto or by the said 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 any wise to the Public Service, to which the said 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 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, 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 Principal Secretary of State for the War Department.

VI. Immediately on and from the passing of this Act, all and every the lands and other real property in this Province comprised in the second Schedule to this Act annexed, being a portion of the messuages, lands, tenements, estates and hereditaments comprised within the provisions and

meaning of the said in part recited Act of the seventh year of the Reign of Her present Majesty, which, prior to the passing of this Act, were by the said recited Act or otherwise, vested in the said Principal Officers of Her Majesty's Ordnance, and their Successors in the said Office, and which have been used or occupied for the service of the Ordnance Department, or for Military defence, by whatever mode of Conveyance the same shall have been so purchased or taken either in fee or for any life or lives, or for any term or terms of years, or any other or lesser interest, and all erections and buildings which now are or which shall or may hereafter be erected and built thereon, together with the rights, members, easements and appurtenances to the same respectively belonging, shall, by virtue of this Act, be and become and remain and continue absolutely vested in Her Majesty the Queen, for the benefit, use and purposes of this Province, according to the respective nature and quality of the said lands and other real property, and shall be subject to the provisions of the Act passed by the Legislature of this Province, in the sixteenth year of the Reign of Her present Majesty, intituled, *An Act to amend the Law for the Sale and Settlement of the Public Lands*, and any further provisions which the Legislature of this Province may from time to time enact in respect thereof, and shall be held, used, conveyed and dealt with accordingly; but subject nevertheless to all Sales, Agreements, Lease or Leases, Agreement or Agreements for Lease, already entered into, with or by the Principal Officers of Ordnance, or any person or persons authorized or empowered by the said Principal Officers to exercise the powers and authorities of the said in part recited Act of the seventh year of the Reign of Her present Majesty, of or in respect of any such lands and other real property.

VII. Provided always, and be it further enacted, That nothing herein contained shall be taken to affect the rights of any parties claiming any of the lands, buildings or other property referred to in the next preceding section and in the said second schedule; and that all actions now pending against the said Principal Officers in relation thereto may be proceeded with to final judgment in the name of the said Principal Officers, and as if the appointment of the said Principal Officers had not been revoked by Her Majesty: and it shall be lawful for Her Majesty's Attorney General to appear in any such case on behalf of the Crown, and the Crown and all other persons whatsoever shall be bound by the final judgment of the Court in which such suit may have been commenced.

VIII. And whereas in the last Session of the Provincial Parliament an Act was passed, intituled, *An Act relating to the Ordnance Lands and Naval and Military Reserves in this Province, and for other purposes*, wherein it is among other things provided, that the Lands and Reserves therein mentioned and referred to, shall, if transferred to the Provincial Government, be divided into three classes denominated A, B and C, respectively: Be it therefore enacted, That for and notwithstanding any thing in the said Act contained, all the lands, buildings and other property included in the first schedule to this Act annexed shall be deemed to be included in class A of the said Act; and that class B of the said Act shall be deemed to consist of such buildings or portions of the lands or other property in second schedule to this Act, as may from time to time be placed in class B by authority of the Governor in Council; and the remainder of the lands, buildings and other property enumerated in the second schedule to this Act shall form class C under the said recited Act; and the two classes B and C shall be dealt with as is provided with regard to them respectively, in the said recited Act.

IX. With respect to all lands and other real property comprised in the second Schedule to this Act annexed, which by this Act shall be vested in Her Majesty the Queen, for the benefit, use and purposes of this Province, the said recited Act. of the seventh year of the Reign of Her present Majesty, and every clause, matter and thing therein contained, shall, from and immediately after the passing of this Act, be repealed, and the same is and are hereby repealed accordingly.

The First Schedule

Referred to in this Act, being the Schedule of Military Lands in Canada, to be vested in one of Her Majesty's Principal Secretary of State.

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Quebec . . . . . The Citadel of Quebec, Fortifications, Glaciers, Barracks, Lands with the appurtenances thereunto in any manner belonging, and the Barracks called the Jesuit Barracks, and the several Public Offices occupied for the various Military purposes, and all other Military properties at the station.

Montreal . . . . . The Barracks, Public Offices Lands heretofore held or purchased by the Ordnance for the erection of Barracks or for the defence of the Province, together with the Island of Saint Helens in the River Saint Lawrence, as heretofore held by the Principal Officers of the Ordnance, for various Military purposes, with the exception of a parcel of land at Longueuil which has been purchased for the purpose of a tête de pont, which is to be retained until an adequate quantity of lands is substituted by the Province in lieu thereof, in the vicinity of the projected Bridge across the Saint Lawrence; and also with the exception of the Old Barracks at Montreal, which are to be retained until Barracks shall have been constructed for the accommodation of one thousand men, on a site to be approved by the Military Authorities.

- Kingston . . . . . { All the Military Works on the east and west of the Harbour and the lands connected with them not named in the Second Schedule.
- Niagara . . . . . { Fort Mississagua with its Glacies and other appurtenances.
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### The Second Schedule

Referred to in this Act, being the Schedule of Military Properties in Canada proposed to be transferred to the Provincial Government.

| Situation.                              | Approximate Quantity of Land. |    |    | Description of Buildings or Military Works.  |
|---|-------------------------------|----|----|--|
|   | A.                            | R. | P. |  |
| Temiscouata . . . . .                   | 11                            | 2  | 10 | Stockaded Barrack.   |
| Three-Rivers . . . . .                  | 3                             | 2  | 9  | Barrack and Fuel Yard.   |
| Sorel . . . . .                         | 45,220                        | .. | .. | Seigneurie, Domain and other appurtenances.  |
| Montreal . . . . .                      |                               |    |    | Old Barracks. — Parcel of Land for tête de pont at Longueuil. — So soon as the conditions set forth in the first Schedule shall have been complied with. |
| La Prairie . . . . .                    | 42                            | 1  | 8  | Barracks for Cavalry, Artillery and Infantry.  |
| St. Johns . . . . .                     | 176                           | .. | .. | Infantry Barracks and Old Fort.  |
| Isle-aux-Noix and Sorel River . . . . . | 295                           | .. | .. | Fort Lennox and Reserve.   |
| Chambly . . . . .                       | 157                           | 1  | 22 | Old Fort, Barracks for Cavalry, Artillery and Infantry, with Barrack Master's house, &c.   |
| Chateauguay . . . . .                   | 5                             | .. | 1  | Blockhouse.  |
| Cascades . . . . .                      | 9                             | .. | 12 | Wood Yard, Common and Canal.   |
| Cedars . . . . .                        | ..                            | 2  | 23 | Storehouse and Wharf.  |
| Côteau-du-Lac . . . . .                 | 15                            | 3  | 39 | Fort.  |
| Cornwall . . . . .                      | 1                             | .. | .. | Fuel Yard.   |

|                                    |      |    |    |                                  |
|------------------------------------|------|----|----|----------------------------------|
| Prescott .....                     | 74   | .. | .. | Fort Wellington.                 |
| Grant's Island, Brockville .....   | ..   | 2  | 32 | Blockhouse.                      |
|                                    | 180  | 3  | 4  | Lot 23 or Herchmer Farm.         |
|                                    | 11   | 2  | 10 | Gore between lots 23 and 24.     |
|                                    | 11   | 1  | 31 |                                  |
|                                    | 15   | .. | .. | Parts of lot 24.                 |
|                                    | 6    | 2  | 8  |                                  |
|                                    |      |    |    | Lots 19, 21 and 22, Place        |
|                                    | ..   | 2  | .. | d'Armes.                         |
| Kingston .....                     | ..   | 2  | 16 | Lots 23, 24 and 25 do. do.       |
|                                    |      |    |    | Late Commandant's Quarter,       |
|                                    | 4    | 0  | 8  | and lots 286, 382 and 413.       |
|                                    | 3    | 1  | 5  | Old Tannery.                     |
|                                    | 44   | 3  | 17 | Ferguson property.               |
|                                    | 110  | .. | .. | Horse Shoe Island.               |
|                                    | 1    | .. | .. | Snake Island.                    |
|                                    | 100  | .. | .. | Kingston Mills Reserve, &c.      |
| Cape Vesey, P. Edward County ..... | 1260 | .. | .. | Reserve.                         |
| Green Point, Bay of Quinte .....   | 100  | .. | .. | Do.                              |
|                                    |      |    |    | Old Fort, New Barracks.          |
|                                    |      |    |    | Hospital Bathurst St.            |
|                                    |      |    |    | Barracks.                        |
| Toronto .....                      | 502  | 2  | 1  | Commissariat Quarters,           |
|                                    |      |    |    | Stores.                          |
|                                    |      |    |    | Guard house and Victoria         |
|                                    |      |    |    | Square.                          |
| Hamilton .....                     | 178  | .. | .. | Reserve Burlington Heights.      |
| Short Hills Farm .....             | 200  | .. | .. | Lots 5 and 6 Con. Pelham.        |
| Niagara .....                      | 444  | 2  | 4  | Reserve, Barracks and Hospital.  |
|                                    |      |    |    | — All, except Fort               |
|                                    |      |    |    | Mississagua.                     |
| Queenston .....                    | 130  | .. | .. | Reserve. — All, except that      |
|                                    |      |    |    | sold to the Purchasers of the    |
|                                    |      |    |    | Hamilton Estate.                 |
| Lyons Creek .....                  | 3    | 1  | .. | Reserve.                         |
| Chippewa .....                     | 19   | 3  | 27 | Barrack and Store.               |
| Navy Island .....                  |      |    |    | Reserve.                         |
| Fort Erie .....                    | 1000 | .. | .. | Do. — Except that located by     |
|                                    |      |    |    | enrolled Pensioners.             |
| Port Maitland .....                | 426  | .. | .. | Reserve.                         |
| Turkey Point .....                 | 592  | .. | .. | Do.                              |
| London .....                       | 74   | .. | .. | Artillery and Infantry Barracks. |
| Chatham .....                      | 11   | 3  | 8  | Infantry Barrack.                |



|                                |       |    |    |                                |
|--------------------------------|-------|----|----|--------------------------------|
| Rond Eau .....                 | 500   | .. | .. | Reserve.                       |
| Amherstburg .....              | 523   | .. | .. | Fort, Block and Picket         |
| Boisblanc Island .....         |       |    |    | Houses. — Except as            |
|                                |       |    |    | located by enrolled            |
|                                |       |    |    | Pensioners.                    |
| Fighting Island .....          | 1,200 | .. | .. | Reserve.                       |
| Windsor .....                  | 4     | .. | .. | Infantry Barrack.              |
| Port Edward Sarnia .....       |       |    |    | Reserve. — Except land sold to |
|                                |       |    |    | Contractors for the Grand      |
|                                |       |    |    | Trunk Railway.                 |
| Own Sound .....                | 51    | .. | .. | Reserve.                       |
| Nottewasaga Bay .....          | 66    | .. | .. | Do.                            |
| Penetanguishene .....          | 5396  | 2  | 15 | Reserve and Barracks. —        |
|                                |       |    |    | Except that located by         |
|                                |       |    |    | enrolled Pensioners and        |
|                                |       |    |    | under license of occupation    |
|                                |       |    |    | to Major Ingall.               |
| St. Joseph .....               | 450   | .. | .. | Reserve.                       |
| St. Mary's Island .....        | 170   | .. | .. | Do.                            |
| Rideau and Ottawa Canals ..... |       |    |    | City of Ottawa, Barracks,      |
|                                |       |    |    | Blockhouses and Adjuncts of    |
|                                |       |    |    | the Canals.                    |