

T A S M A N I A.



1856-7.

ANNO VICESIMO

VICTORIÆ REGINÆ,

English No. 13. *See Order in Council respecting Lands in Government*
18 & 19th. c 117 *July 80 p. 706.*

AN ACT to transfer to One of Her Majesty's Principal Secretaries of State the Powers and Estates in this Colony vested in the Principal Officers of the Ordnance. [28 April, 1857.]

WHEREAS by the Act of Council of this Island of the Second **PREAMBLE.**
Victoria, No. 9, various Powers and Authorities were given to, or vested **2 Vict., No. 9.**
in and exercisable by, the Principal Officers of Her Majesty's Ordnance,
and by the said Act, and by or under divers Conveyances, Surrenders,
Assignments, and Leases, or by some other Means, divers Lands, Here-
ditaments, Estates, and Property purchased, taken, used, and occupied
for the Ordnance and Barrack Services throughout this Colony, before
and at the Time of the Revocation by Her Majesty next hereinafter
mentioned, were vested in the said Principal Officers: And whereas Her
Majesty 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 it is

expedient that the said several Powers and Authorities, and the said Lands, Hereditaments, Estates, and Property, and all Title, Estate, and Interest therein respectively, and all Lands, Hereditaments, Estates, and Property purchased, taken, used, and occupied for the Ordnance and Barrack Services throughout this Colony subsequent to the Revocation by Her Majesty hereinbefore mentioned and prior to the passing of this Act, and all Title, Estate, and Interest therein respectively, should be also transferred from the said Principal Officers and vested in One of Her Majesty's Principal Secretaries of State : Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the Advice and Consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Powers, &c.,
vested in Principal
Officers of
Ordnance trans-
ferred to Secretary
of State for the
War Department.

1 All the Powers, Authorities, Rights, and Privileges whatsoever which by virtue of the said recited Act, or of any other Law, Custom, or Usage whatsoever, have been or were at any Time in this Colony 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 entrust the Seals of the War Department.

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

2 All Lands, Hereditaments, Estates, and Property whatsoever in this Colony, which by virtue of the said recited Act, or of any Conveyance, Surrender, Lease, or other Assurance, or of any Law, Custom, or Usage whatsoever, before and at the Time of the Revocation by Her Majesty herein-before mentioned were vested in the Principal Officers of the Ordnance on behalf of Her Majesty, or which have been at any Time before the passing of this Act held, used, or occupied, or purchased, vested, or taken, by or in the Name of or by any Person or Persons in Trust for Her Majesty for the Use and Service of the said Department, and which have not been sold, aliened, or parted with, shall from henceforth be and the same are hereby declared to be transferred to and vested in the last-mentioned Principal Secretary of State for the Time being on behalf of Her said Majesty ; and when and so often as the said last-mentioned Principal Secretary of State, and any succeeding Principal Secretary of State to whom Her Majesty shall have entrusted the Seals of the War Department, shall cease to hold such Office, the said several Lands, Hereditaments, Estates, and Property, and all Lands, Hereditaments, Estates, and Property which hereafter shall be purchased or otherwise acquired by any such last-mentioned Principal Secretary of State for the Time being on behalf of Her said Majesty for the Use and Service of the said Department, shall by virtue of this Act be absolutely divested out of such Secretary of State so ceasing to hold such Office as aforesaid, and shall by virtue of this Act be transferred to and vested in his Successor in the said Office, immediately upon his receiving the Seals of the said Department, absolutely ; and the said Lands, Hereditaments, Estates, and Property hereby vested 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, Hereditaments, and Property purchased or held for any less Estate

than an Estate of Inheritance in Fee Simple, as if the same Lands, Hereditaments, and Property had been originally conveyed, surrendered, demised, or otherwise assured to such Principal Secretary of State as a Corporation Sole, and his Successors, for all the existing Estates or Interests therein respectively, and so from Time to Time.

3 All Contracts, Covenants, and Agreements heretofore made or entered into by any Person or Persons whomsoever with the said Principal Officers of the Ordnance, or any Person or Persons on their Behalf, as to or concerning any Lands, Hereditaments, Estates, and Property in this Colony vested in or agreed to be purchased by the said Principal Officers, or in anywise relating to the Public Service in this Colony, shall be deemed and taken to have been made or entered into with such Principal Secretary of State as last aforesaid, and shall be executed and enforced by him in like Manner as if he had originally been Party thereto instead of the said Principal Officers of the Ordnance; and all Proceedings whatsoever which have been or might or may have been commenced, taken, or done in the Names of the said Principal Officers on behalf of Her Majesty, shall and may hereafter be commenced, continued, taken, and done in the Name of such Principal Secretary of State as aforesaid, in like Manner (in the Case of Proceedings already commenced, taken, or done,) as if he had originally been Party thereto instead of the said Principal Officers of the Ordnance.

Contracts, &c.
made by the
Principal Officers
relating to Lands,
&c. to be enforced
by such Secretary
of State.

4 All Powers by the Eighth Section of the said recited Act given to Bodies Politic or Corporate, Feoffees or Trustees for charitable or other public Purposes, Tenants for Life and Tenants in Tail, Husbands, Guardians, Trustees, Committees, Curators, and Attornies, respectively therein mentioned, to contract and agree for the absolute Sale or Exchange of any Messuages, Lands, Tenements, Estates, or other Hereditaments, and for the Sale of any Reversion and the Grant of any Lease, 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 favour or at the Instance of the last-mentioned Principal Secretary of State for the Time being on behalf of Her said Majesty, and for the Use and Service of the said Department, in the same Manner and as effectually as the said Powers are in and by the said recited Act given or created or made exercisable in favour or at the Instance of the said Principal Officers for the Time being on behalf of Her said Majesty, and for the Use and Service of the said Department; and all Enactments, Directions, and Provisions in the said recited Act contained shall continue in full Force, and may or shall at all Times hereafter be by the last-mentioned Principal Secretary of State for the Time being acted on and take effect, and shall enure or take effect in favour of, and may be enforced by, such last-mentioned Principal Secretary and his Successors on behalf of Her Majesty in the Place and Stead of the said Principal Officers.

Powers given by
8th Section of
2 Vict., No. 9, to
Bodies Corporate,
&c. to sell, &c. to
be exercised in
favour of such
Secretary of State.

5 Nothing in this Act contained shall in anywise affect any Powers or Authorities by virtue of the said recited Act vested in or exercisable by the Respective or other Chief Officers or Officer of the Ordnance in this Colony for the Time being; and all Acts, Matters, and Things to be done by the said Respective or other Chief Officers or Officer of Ordnance in the Name of the said Principal Officers shall and may hereafter be done in the Name of the said Principal Secretary of State.

Not to affect
Powers of Chief
Officers of
Ordnance in this
Island.

Such Secretary of State to be described in Conveyances, &c. as "Her Majesty's Principal Secretary of State for the War Department."

6 In every Grant, Contract, Conveyance, Surrender, Lease, or other Assurance of any Lands, Hereditaments, Estates, or Property in this Colony, with, unto, or by the last-mentioned Principal Secretary of State for the Time being, and in every other Deed or Instrument relating to any Lands, Hereditaments, Estates, or Property in this Colony or in anywise to the Public Service in this Colony, to which the last-mentioned Principal Secretary of State for the Time being shall be or shall be intended to be a Party, it shall be sufficient to call or describe him by the Style or Title of "Her Majesty's Principal Secretary of State for the War Department," without naming him; and every such Grant, Contract, Conveyance, Surrender, Lease, Assurance, Deed, or Instrument may be executed by such last-mentioned Principal Secretary of State, or by any other of Her Majesty's Principal Secretaries of State for the time being, by signing his Name thereto, and if the Instrument so executed be in the Form of a Deed by setting or affixing a Seal thereto and delivering the same as his Deed; and whenever any Grant, Contract, Conveyance, Surrender, Lease, Assurance, Deed, or Instrument shall be executed by any other Principal Secretary of State than the Principal Secretary of State for the War Department, the Principal Secretary of State so executing the same shall for that Time and on that Occasion, and for the Purposes thereof, be deemed to be the Principal Secretary of State for the War Department.