

AGREEMENT RESPECTING USE OF POINT PLEASANT PARK.

ARTICLES OF AGREEMENT had, made and entered into this Thirty-first day of December, in the year of our Lord One Thousand Eight Hundred and Seventy-three, BY and BETWEEN Her Majesty's Principal Secretary of State for the War Department, of the one part, and the Directors of Point Pleasant Park, duly incorporated by an Act of the Legislature of Nova Scotia of the other part;

WHEREAS, Her Majesty by her Secretary of State of War was graciously pleased in the year One Thousand Eight Hundred and Sixty-six to give Her Royal permission for the use of the Point Pleasant lands at Halifax as a public park on certain conditions expressed and embodied in this Agreement;

AND WHEREAS, The lands consist of the southern part of the peninsula of Halifax, commencing near the harbor of Halifax at the point marked "A" on the annexed plan, thence running west to the point marked "B," thence south to the point marked "C," thence west to the point marked "D," thence south-east to the point marked "E" and thence south-west to the point marked "F" near the Old Chain Battery at the North-West Arm, all which lands are shown on the said plan annexed hereto and are thereon included within a red edging;

NOW THEREFORE, It is by These Presents consented, covenanted and agreed, and license is hereby given that such parts of said lands as are not at present held or may not at any time or times hereafter be required by Her Majesty for all or any Military uses or purposes, defensive or offensive, including the erection of new forts or batteries or other buildings whatsoever, of all which the exclusive possession and control shall remain in and belong to Her Majesty as heretofore, shall and may henceforward be used, occupied and enjoyed by the public and by the said Directors for their use as and for a public Park for the term of Nine Hundred and Ninety-nine years, subject until their determination to existing leases of portions of said lands, and to the conditions following, that is to say :-

1. All plans of proposed alterations, buildings or roads before they shall be commenced or constructed within the said Park are to be submitted for the approval of the General Officer Commanding and the Commanding Royal Engineer for the time being; also a rent of one shilling per annum shall be paid to the War Department for the use of the said Park.

2. The War Department shall have full power to resume possession, without compensation, of any portion of the said lands or buildings whenever it may be required in their judgment for any Military purpose whatsoever.

3. The War Department shall have power to fence in and enclose a sufficient space round the several forts and batteries now or hereafter to be erected on the said land and such portions thereof as now are or hereafter may be required to be occupied as gardens for the troops quartered thereon.

4. The troops in garrison may at any time the General or other Officer Commanding require it march through, manoeuvre or otherwise exercise on the said lands or encamp thereon.

5. The existing main road round the Point together with any new carriage roads that may be formed, shall be maintained and kept in order by the Directors.

6. No establishment for the sale of intoxicating liquors, &c., shall be erected on the said lands in any form without the sanction of the General Officer Commanding, and no building whatever of a permanent character shall be erected without the consent of the said Principal Secretary.

7. None of the trees on the lands shall be cut down for fencing or otherwise and none of the stones quarried without the joint sanction of the General Officer commanding, Commanding Officer of the Royal Engineers and the Directors; but the said Principal Secretary of State shall have power at any time to exercise the right of quarrying stones and cutting down trees or other obstructions in case of necessity and also of cutting sods for the repair of earth works.

8. Any agreement by the Directors for the pasturing or other occupation of the said lands shall be subject to the right of the War Department to resume possession thereof if required for any Military use or purpose.

9. The War Department and the Directors shall severally have the right of closing the Park one day in each year against the use thereof by the public.

10. The said Principal Secretary may re-enter on the said lands on breach of any of the covenants entered into as aforesaid by the Directors, and thereupon this Agreement and all rights and interests of the Directors and of the public thereunder shall immediately determine.

IN WITNESS WHEREOF the said parties to These Presents have hereunto set their hands and seals the day and year first above written.

J. M. C. EDWARD [L. S.] CARDWELL.
WILLIAM YOUNG, Chief Justice, President.
JOHN A. SINCLAIR, Mayor and Vice-President.
JOHN S. D. THOMPSON, Secretary.

Signed, sealed and delivered by Her Majesty's Principal Secretary of State for the War Department, in the presence of HENRY ANDREW SOREL, Colonel.

Signed and delivered under the seal of the within named Corporation, the day and year first above written, in presence of, by the President, Vice-President and Secretary thereof, JOSEPH SEETON.

Proved by oath of Joseph Seeton at eleven o'clock, A. M., this ninth day of December, A. D. 1875, and registered thereon in the Registry of Deeds at Halifax, Nova Scotia, in Book No. 199, pages 124, 125, 126. W. H. KEATING, Registrar.

(Plan is attached to Original in file).

HALIFAX, N. S.