

ANNO SEXAGESIMO
GEORGI II.

Regis.

CAP.

An ACT to confirm and perfect, and to carry into force and effect, an agreement made between the Governor and Trustees of the College of New-Brunswick, and certain Tenants of the said Governor and Trustees.

Passed the 22d of March, 1820.

WHEREAS divers parts and parcels of the Lands contained in a certain Grant or Letters Patent, under the Great Seal of the Province of New-Brunswick, to the Governor and Trustees of the College of New-Brunswick, bearing date the eighteenth day of July, in the year of our Lord one thousand eight hundred, were, previous to the incorporation of the said College and the passing of the said Grant, granted in fee by divers Grants or Letters Patent under the Great Seal of the said Province, to divers persons under and subject to certain annual

Preamble,

Recites original Grants to the Individuals claiming the Lands prior to the Incorporation of the College.

Recites allotments made by the Governor and Council of part of the Lands prior to the Incorporation of the College.

Surrender by the Grantees of the Lands originally granted.

annual rents in the same Grants reserved, payable to certain Trustees therein named for the benefit of an Academy or Free-School at Fredericton as will appear in the Schedule hereunto annexed marked A. And whereas divers other parts and parcels of the said Lands contained in the said Grant to the said Governor and Trustees of the College of New-Brunswick were, previous to the Incorporation of the said College and the passing of the same Grant allotted by the Lieutenant-Governor of the said Province in Council, in the usual manner, for Grants in fee to divers Persons, under and subject to certain annual rents payable to the said Trustees for the benefit of an Academy or Free-School at Fredericton; as will appear in the Schedule hereunto annexed, marked B: And whereas the Grantees of most of the said Lands contained in the said divers Grants or Letters Patent, to wit :---Isaac Hedden, Thomas Henderson, William Bailey, William Fowler, Thomas Marten, Lemuel Wilmot, John Lawrence, Jacob Segee, Daniel Lounsbury, Joseph Cunliffe, Benjamin Ingraham, Peter Clements, Thomas Barker, sen. and Thomas Barker, junr. Monson Hayt, Garret Clopper, Peter Doran, William Kane, John Wilkins, James Clarke, Charles Larman, Enoch Beard, and Thomas Potter, Daniel Lyman, Andrew Maxwell, Philip Weade, Richard Cooper, Charles Earle, Solomon Whitlock, Joseph Haines, Peter Steenburgh, Lewis Bennett, Isaac Lawrence, William Bearhight, Alexander Hutchinson, Peter Wanamaker,
Michael

Michael Norton, Samuel Buchanan, Peter Redner, James Ackerman, Moses M'Cor-misky, Lodwick Fisher, John Emmell, Moses Simpson, Daniel Bass, Daniel Kenney, Conrad Redner, Jonas Allen, Micajah Isaacs, Jacob Wood, Thomas M'Nally, Pncæbe Swim, Benjamin Bailey, Thomas Negus, George Lambert, Benedict Arnold, Nehemiah Rogers, Abraham Vanderbeck, and Cornelius Ackerman, Gabriel Van Horne, John M'Leod and Duncan M'Leod, John Saunders, Ephraim Betts, Lewis Dunham, Samuel Ferris, Adam Allan, and James Sutter, (the said Adam Allan, and James Sutter, as the Grantees of the one Acre and two Roods) and Jacob Ellegood, or their Heirs and Assigns, previous to the Incorporation of the said College and the passing of the said Grant to the said Governor and Trustees, surrendered their said Grants in the Chancery of the said Province upon condition, among other things, of receiving new Grants, providing that the rents payable for the use of the said Academy or Free School might be paid to some persons having perpetual succession in the Province either as a body corporate or otherwise; and the said College was thereupon afterwards incorporated by Royal Charter under the Great Seal of the said Province, bearing date on the twelfth day of February, in the Year of our Lord one thousand eight hundred: *And whereas* it was manifestly one of the purposes and objects of the said Grant to the said Governor and Trustees of the College of New-Brunswick, bearing date as aforesaid on the eighteenth

Surrender made previous to the Incorporation upon condition of receiving new Grants reserving rent payable to a Body Corporate.

Charter of Incorporation passed.

eighteenth day of July in the Year of our Lord one thousand eight hundred, that they should make new Grants and conveyances, to those Persons who had surrendered their Grants in manner aforesaid, of the Lands so by them respectively surrendered, reserving the rents payable thereupon to the said Governor and Trustees of the said College instead of the said Trustees for the benefit of an Academy or Free School at Fredericton: *And whereas* the Persons to whom allotments of Lands had been made by the said Governor in Council in manner aforesaid, and of which no Grants, were made, or their Heirs or Assigns at the time of the Incorporation of the said College and the passing of the said Grant to the said Governor and Trustees, were in the possession and enjoyment of the said Lands so allotted as aforesaid, subject to the respective rents thereon, stipulated to be paid to the said Trustees for the benefit of an Academy or Free School at Fredericton, and upon the Incorporation of the said College and the passing of the said Grant to the said Governor and Trustees, became Tenants of the said Lands to the said Governor and Trustees under and subject to the same rents upon which the Lands had been originally allotted as aforesaid. And the said Governor and Trustees after the Incorporation of the said College and the passing of the said Grant or Letters Patent to them, proceeded to make many Leases or Conveyances in fee to their Tenants as well those to whom grants had been passed as those to whom allotments only

The Persons to whom allotments had been made by the Governor and Council, were in possession of the Lands at the time of the Incorporation,

and become Tenants to the College under the rents originally reserved by the Governor and Council.

Conveyances made by the College.

only had been made in manner aforesaid, without distinction between them, subject to the respective annual rents reserved in the said Grants, and upon which the said allotments were made as aforesaid; it appearing that neither the said Governor and Trustees nor their said Tenants were at that time aware that the said Governor and Trustees were restrained by any Law in force in the said Province from making such conveyances and dispositions of their Lands, and regard not being had to the provisions of an Act of Parliament made and passed in the thirteenth Year of the Reign of Her Majesty Queen Elizabeth intituled, "Fraudulent deeds made by spiritual persons to defeat their successors of remedy for dilapidation, shall be void &c." whereby Colleges are restrained from making any conveyances of their possessions other than for the Term of Twenty-one Years or three lives: *And whereas* all the said Tenants of the said Lands as well those to whom Grants had been made as those to whom allotments had been made as aforesaid, and of which no Grants were passed, in manner before mentioned, or their Heirs or Assigns have continued from the making of such Grants or allotments hitherto in the possession and enjoyment of the Lands so respectively granted and allotted and have paid the rents reserved and payable thereon, to the said Governor and Trustees of the said College, and have in many instances made valuable improvements on the same Lands in the full persuasion and confidence that they had

Tenants have continued in the possession of the Lands and have paid the rents,

made valuable improvements supposing they had Estates in fee.

good

Agreement be-
tween the College
and the Tenants,

to redeem rents.

good estates in fee in the same Lands, subject only to the rents and conditions under which they were held under the said Governor and Trustees of the College of New-Brunswick: *And whereas*, under all these circumstances, to prevent litigation, contention and difficulty between the said Governor and Trustees of the College of New-Brunswick and their Tenants, it has been agreed upon and concluded by and between them in manner and form following, that is to say, that with regard to those parts and parcels of the Lands contained in the said Grant to the Governor and Trustees of the College of New Brunswick, which were actually granted as aforesaid, by Letters Patent under the Great Seal of the said Province previous to the passing of the said Grant to the said Governor and Trustees that Estates in fee of and in the same shall be confirmed to the several and respective Grantees named in the said Letters patent, their Heirs and Assigns upon the same rents and to be bounded as mentioned in the said several Grants or Letters Patent: And that the said Grantees their Heirs or Assigns shall be at liberty to redeem the same rents upon paying to the said Governor and Trustees a sum or sums of money that will produce an annual Interest equivalent to the same: And with regard to the other Lands herein before mentioned which were allotted only and not granted in manner aforesaid, that estates in fee shall be conveyed and confirmed to the several and respective Tenants thereof upon the rents now payable thereon, being

being increased four fold, such increased rents to commence and become payable from and after the first day of July, which will be in the Year of our Lord one thousand eight hundred and Twenty-one, and in the mean time the present rents to be and remain payable thereon, and that the said last mentioned Tenants shall in like manner be at liberty to redeem their Lands from payment of rent upon paying to the said Governor and Trustees a sum or sums of money that will produce an annual Interest equivalent to the amount of the said fourfold rents excepting always out of the Lands so to be confirmed and conveyed, the Streets and Highways laid down in the Plan of the Town of Fredericton annexed to the Grant thereof, for the perfecting of which said agreement and for carrying the same into full force and effect :

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That it shall and may be lawful to and for the said Governor and Trustees of the College of New-Brunswick, and they are hereby authorized and empowered to grant, convey, and confirm to the several and respective Grantees, of those parts and parcels of the said Lands contained in the said Grant to the said Governor and Trustees bearing date as aforesaid, on the eighteenth day of July, in the Year of our Lord one thousand eight hundred, which were actually granted as aforesaid, by Letters Patent under the Great Seal of the said Province previous to the passing of the said Grant to the said Governor and Trustees, their Heirs or Assigns in fee simple, all such

Governor and Trustees of the College. authorized to convey the Lands originally granted to the Tenants in fee simple upon the same rents.

parts

Grantees may re-
deem the rents.

Governor and
Trustees may
convey the Land
freed of rent.

parts and parcels of the said Lands upon the same rents, and bounded as mentioned in the said Grants or Letters Patent severally and respectively, and that the said several and respective Grantees, their Heirs and Assigns, shall and may if they see fit, redeem the same rents upon and by paying to the said Governor and Trustees a sum or sums of money that will produce an annual interest equivalent to the same. And upon payment of any such sum or sums of money, by all, any, or either of the said Tenants, it shall and may be lawful to and for the said Governor and Trustees, and they are hereby authorised and empowered to grant, bargain, sell, convey and confirm by deed of bargain and sale, or other sufficient conveyance in Law, all the estate, right, title and interest which they have of, in, and to the premises, upon which the rent may be so redeemed to the person or persons so redeeming the said rents, his or their Heirs and Assigns freed and discharged from any rent whatever, provided that the said rents are so redeemed by the payment of a sum or sums in gross, before the making of any such grants or conveyances reserving rents.

Governor and
Trustees may
convey the Lands
originally allotted
to the Tenants in
perpetuity upon
rents increased
four fold.

II. *And be it further enacted,* That it shall and may be lawful to and for the said Governor and Trustees of the College of New-Brunswick, and they are hereby authorized and empowered to grant, convey and confirm to the several and respective Tenants of the Lands herein before mentioned, which were allotted only, and not granted in manner aforesaid, their Heirs and Assigns in perpetuity,

petuity, the several and respective parts and parcels of the same lands now held by them severally and respectively, upon and subject to rents amounting to fourfold the rents now payable thereon, such fourfold rents to commence and become payable from and after the said first day of July, which will be in the year of our Lord one thousand eight hundred and twenty-one, and in the mean time the present rents to be and remain due and payable thereon, and that the said several and respective Tenants last above mentioned, shall and may, if they see fit, redeem the Lands they hold from payment of rent, upon and by paying to the said Governor and Trustees a sum or sums of money that will produce an annual interest equivalent to the amount of the said fourfold rents; and that upon payment of any such sum or sums of money, by all, any or either of the same Tenants, it shall and may be lawful to and for the said Governor and Trustees, and they are hereby authorized and empowered to grant, bargain, sell, convey and confirm, by deed of bargain and sale, or other sufficient conveyance in law, all the estate, right, title and interest which they have of, in and to the premises upon which the rent may be so redeemed as last aforesaid, to the person or persons so redeeming the same rents, his, and their heirs and assigns, freed and discharged from any rent whatever: Provided that the said rents are so redeemed by the payment of a sum, or sums of money in gross, before the making of any such grants or conveyances reserving rent.

Tenants may redeem such fourfold rents.

Governor and Trustees may convey the Land freed of rent.

Streets excepted.

III. *Provided always and be it further enacted*, that there shall always be excepted from and out of any deeds or conveyances to be made by the said Governor and Trustees under and by virtue of this Act, the Street in the rear of the Town Plat of Fredericton, now called Charlotte Street, and all cross Streets that are laid down in the plan of the said Town of Fredericton annexed to the Grant thereof.

Governor and Trustees to vest monies paid for redemption of rents in other Lands,

IV. *And be it further enacted*, That it shall and may be Lawful to and for the said Governor and Trustees of the College of New-Brunswick, and they are hereby authorized and required either to invest and lay out all such sum and sums of money as shall be paid to them for redemption of rents under and by virtue of this Law, in the purchase of other Land for the use of the said Governor and Trustees, and their Successors for the trust, intents and purposes of the Institution, or to put the same out at interest from time to time upon good and sufficient Landed securities, the annual income and interest arising therefrom, to be expended as aforesaid, to and for the trusts, intents and purposes of the Institution as to the said Governor and Trustees shall seem most expedient.

or place it at Interest on Landed security for the purposes of the Institution.

Deeds and conveyances made pursuant to this Act shall be void.

V. *And be it further enacted*, That all deeds and conveyances of the said Governor and Trustees of the College of New-Brunswick, made under and by virtue of this Act, and according to the true intent and meaning hereof, when duly made and executed, shall be, and the same are hereby declared

to be good and effectual in the Law to transfer to, and vest in the several and respective Tenants and Grantees therein named and mentioned, the several and respective premises, estates and interests therein expressed and contained, subject to the rent, charges and conditions therein respectively reserved and mentioned or freed and discharged therefrom (as the case may be) the said Statute or Act of Parliament made in the thirteenth Year of the Reign of Queen Elizabeth or any Statute or Act of Parliament, or of the General Assembly of this Province, or any Law, custom or usage, to the contrary notwithstanding, saving nevertheless, the right and title of our Sovereign Lord the King, his Heirs and Successors, and of all other person or persons, bodies politic and corporate, excepting the said Governor and Trustees of the College of New-Brunswick and the said Trustees for an Academy or Free-School at Fredericton.

VI. *And be it further enacted*, That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of by all Judges, and Justices and others, without being specially pleaded.

To be deemed a
Public Act.

VII. *And be it further enacted*, That this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

SCHEDULE A.

LIST of Grants in Fee (subject to Rent Charge) passed before the Grant was made to the Governor and Trustees of the College of New-Brunswick, on the 18th of July 1800, of part of the Lands included in that Grant

No. of Lots	Names of original Grantees	Names of Grantees or others claiming under them in possession on 2d August, 1799.	Quantities granted,			Annual Rent.			Situation.
			Ac.	R	P	£	S	D.	
1	Isaac Hedden,	Isaac Hedden,	8	2		4	3		
2	Thomas Henderson,	William Bailey,	15			7	4		
3	William Bailey,								
4	William Fowler,	Caleb Fowler,	15			7	6		
5									
7	Thomas Martin,	C Fowler & L. Wilmot,	3	2		1	7½		
8	Lemuel Wilmot,	Lemuel Wilmot,	21	2		10	9		
9	John Lawrence,								
10	Jacob Seeger,	John Seeger,	4	2		2	3		
11	Daniel Lounsbury,	Daniel Lounsbury,	8	2		4	3		
12	Joseph Cunliffe,	Jesse Hicks,	8	2		4	3		
13	John M'Kay,	John M'Kay,	12			7			
15									
14	George Cox,		2			1			
16	Benjamin Ingraham,	Benjamin Ingraham,	21			10	6		
17	Peter Clements,	Jacob Ellegood,	8	2		4	3	Below the Town.	
18	Thomas Barker, sen & Thomas Barker, junr	Thomas Barker, senr.	14	2		7	3		
19	Monson Hoyt,								
20	Garret Clopper,	Garret Clopper,	10			5			
21	Garret Clopper, Peter Doren & 6 others,	Garret Clopper, and Daniel Bass,	15			7	6		
22	Daniel Lyman,	Daniel Bass,	14			7			
23	Andrew Maxwell,								
24	Philip Weade,	John Saunders,	9						
26	Do	Henry Smith,	3				7½		
27	Richard Cooper,	Henry Smith,	1	3					
28	Charles Earl,	Charles Earle,	3			1	6		
29	Solomon Whitlock, Joseph Haines & 29 others	James Ackerman, Samuel Buchanan, & sundry others	56			1	8		
30	George Lambert,	Charles Eastle,	6			3			
1	Philip Weade,	Do.	3	3		18	1		
2	George Lambert,	Daniel Rivers and others,	4	3		1	5	8	
3	Benedict Arnold,	Jacob Ellegood. The quantity included in the new Grant to Jacob Ellegood, dated, 6th Dec. 1793. of 26 acres herein after mentioned,							
7									
8	Nehemiah Rogers,	James Bell,	1			3		Below and next adjoining the Town.	
9	Cornelius Ackerman, & Abraham Vanderbeck,	Ackerman & Vanderbeck,	1						
10	Gabriel Van Horne,	Gabriel Van Horne,	2	16					
11	John M'Leod, and Duncan M'Leod,	Duncan M'Leod & Robert Smith,	1	8					
	Adam Allan,	Darius Dickenson,	1	2		1	17	6	
	James Sutter,	William Anderson,							
	Jacob Ellegood,	Jacob Ellegood,	26			9	2		
1	Adam Allan,	Escheated to the Crown,	30			10	10		
2	Isaac Hedden,	Hon. Thomas Carleton,	156			27	10	7	
3									
4									
5									
6									
11									
4	Benjamin Atherton,	Ditto.	26					Above the Town.	
7	James Forman,	Ditto.	17			1	15		4
	Winslow, Everitt, and Jenkins,	Ditto.	1	2			5		
	Isaac Hedden,	Ditto.	28	2		7	1		
	Samuel Ferris,	Samuel Ferris,	34				17		
	John Saunders,	John Saunders,	7		11		3	7	
	Ephraim Betts,	Ditto	40				10		
	Lewis Dunham,	J. Saunders & R. Smith,	40				10		
	William Bailey,	William Bailey,	66			1	13		
	Isaac Hedden,	Hon. Thomas Carleton,	22						

SCHEDULE B.

LIST of Allotments made by order of the Lieutenant-Governor in Council previous to the passing of the Grant to the Governor and Trustees of the College of New-Brunswick on the 18th July 1800, of part of the Lands included in that Grant.

No. of Lot.	Names of Persons to whom Allotments were made.	Quantity allotted			Annual Rent,			Names of those in possession on the 18th July, 1800.	Situation.
		Ac.	R	P	£	s	D		
1	Stephen Jarvis,	18	a					Stephen Jarvis.	Rear of the Town, and including the fourth range of Town Blocks.
2	George Lambert,	13			1	8			
12	Jonathan Odell,	81	a		4	8	5	Jonathan Odell,	
3	William Garden.	40			2	10		John Saunders,	
4	George Sproule,	7a			3	6		George Sproule,	
5	Harris Wm Hailes.	29			1	6	6	H. W. Hailes,	
6	James Sise,	6			1	5		James Taylor,	
9	Richard Williams,	34			2	7		John Saunders,	
10	Charles Earle,	32	a		1	16	3	Charles Earle,	
11	Isaac Hedden,	32	a		1	16	3	Isaac Hedden,	
24	Abraham Vanderbeck,	29			1	14	6	Vanderbeck and Ackerman,	
25	Cornelius Ackerman,								
26	Ephraim Betts,	23	a		1	11	9	John Saunders,	
27	Calvin Turner,	23	a		1	11	9		
28	Christopher Hanson,	24			1	11		John Cox,	
29	John Cox,	5			1	3			
30	Robert Ogden,	9			4	6		James Fraser,	
31	Thomas Farrington,	9			4	6		John M Wilmot,	
32	Charles Earle,	24			1	12		Ezekiel Sloat,	
33	Philip Weade,	14			7			Charles Earle, Peter Fraser and R Smith,	
34	Eleazer Melvin,	16			8			John Saunders,	
35	Garret Clopper,	50			1	5		Daniel Bass,	
36	Thomas Baker,	30			1	5		Garret Clopper,	
37	Lawrence Willsey,	26			1	13		Thomas Barker,	
38	Benjamin Ingraham,	77			1	18		John S. Ellegood,	
39	John Segree,	64			1	12		Benjamin Ingraham,	
40	Philip Shea,	11			5			Dennis Coombes,	
41	Daniel Lounsbury,	76			1	12		Philip Shea,	
42	Lemuel Wilmot,	50			1	5		Daniel Lounsbury,	
43	John Segree,	8			4			L. Wilmot,	
44	William Fowler,	35			1	17	6	John Segree,	
					6			Caleb Fowler.	Below the Town.
		979			£33	3	6		