

Majesty, intituled *An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of the rates of Pilotage, beyond the limits now prescribed by Charter*, be and the same is hereby further continued and declared to be in full force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

## CAP. XXXII.

An Act relating to the Public Burial Ground in the City of Saint John.

*Passed 30th March 1848.*

Preamble.

‘ **W**HEREAS from the great increase in the extent and population of the City of Saint John, it is apprehended that the interment of the dead in the Public Burial Ground adjacent to King’s Square in the said City, if continued, may be detrimental to the health of the inhabitants of the said City ;’

Interments within the Public Burial Ground in the City, prohibited.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That upon and after the first day of May next, it shall not be lawful to inter, bury or place the corpse of any deceased person within the Public Burial Ground in the City of Saint John, as now enclosed, and bounded on the North by the rear of the Lots fronting on Union Street, on the South by Great George Street, on the East by Carmarthen Street, and on the West by Sidney Street; provided that nothing herein contained shall prevent the placing or exposing the corpse of any person unknown in the dead house now erected in the said Burial Ground, for the purpose of recognition before interment, for the space of one year.

Penalty for interring or assisting therein.

II. And be it enacted, That if any person or persons shall after the first day of May next, inter, bury or place, or shall aid or assist in interring, burying or placing, any corpse within the said Burial Ground, he, she or they so offending, shall forfeit and pay the sum of one hundred pounds, to be recovered by an action of debt in any of Her Majesty’s Courts of Record in this Province, by and in the name of the County Treasurer of the City and County of Saint John; to be paid and applied to the Commissioners of the Alms House for the City and County of Saint John, for the use of the poor thereof; and it shall and may be lawful for any of the Justices of the Peace of the said City and County, and they are hereby required to order and direct the disinterring and removal of any corpse interred, buried or placed in the said Burial Ground contrary to the provisions of this Act, and to cause the same to be decently interred in any other Burial Ground, at the discretion of such Magistrate.

Justices to order the removal of the corpse so buried.

City Corporation not to disturb any grave, or remove any corpse, &c. except at the request of the representatives of the deceased.

III. ‘ And whereas under and by virtue of the Charter of the City of Saint John, the legal estate in the said Burial Ground became vested in the Mayor, Aldermen and Commonalty of the City of Saint John, and the same has been since held by them as and for a Public Burial Ground, and for no other use or purpose: And whereas certain rights have been acquired by the representatives and relatives of deceased persons there interred, and are now existing to certain portions of the said Burial Ground, and to certain enclosures, erections, monuments and tombstones now there standing and being;’ Be it therefore enacted, That it shall not be lawful for the said Mayor, Aldermen and Commonalty of the said City, or any person by their direction or authority, to disturb any grave or remove any corpse in the said ground, lawfully interred, unless at the request and desire of the legal representative of the deceased person so to be removed, or to pull down, displace, or remove, or to prevent the repair or removal of any enclosure, paling, erection, monument or tombstone heretofore placed or standing in the said Burial Ground.

IV. And be it enacted, That all and every grant and conveyance whatsoever heretofore made or hereafter to be made by the said Mayor, Aldermen and Commonalty of the City of Saint John, of the said Burial Ground, or any part or portion thereof, is and shall be ipso facto void; and that the same and every part and portion thereof shall not be liable to be levied upon or taken in execution for the debts of the said Mayor, Aldermen and Commonalty of the City of Saint John, or any person whatever, but shall be altogether free from seizure at the suit of any person or persons whatsoever, and that the area of the same shall be and forever remain open and unoccupied, and unappropriated to any use or uses, public or private; and that all buildings, houses and erections of any nature or kind soever that shall be erected, placed or found in the said Burial Ground contrary hereto, shall be held, taken, decreed and adjudged to be public and common nuisances, and be treated as such accordingly; provided that nothing herein contained shall prevent the maintaining and keeping by the said Mayor, Aldermen and Commonalty, of a good and sufficient enclosure round the said ground, with proper gates and conveniences to admit the passage into the said ground of all persons under such regulations as to the said Mayor, Aldermen and Commonalty may seem meet, or to prevent the ornamenting, planting or otherwise improving the said Burial Ground.

Conveyances heretofore made of the Burial Ground declared void, and the premises freed from liability to seizure.

Area to remain open.

Buildings thereon declared nuisances.

Not to prevent fencing and ornamenting.

V. And be it enacted, That on application to be made to the Commissioners of the Alms House for the City and County of Saint John, for the interment of the corpse of any pauper, it shall be the duty of the said Commissioners, and they are hereby required to provide a proper conveyance and other things needful for the decent interment of such corpse in the ground attached to the Alms House of the said City and County, or elsewhere, in some proper and convenient place, at their discretion, the expense of any such interment to be borne and defrayed in like manner as any charge for the maintenance of the poor of the said City and County.

Commissioners of the Alms House to provide for the interment of paupers, on application.

### CAP. XXXIII.

An Act to authorize the Justices of the Peace for the City and County of Saint John to raise a sum of money for making certain alterations in and additions to the Common Gaol of the said City and County.

*Passed 30th March 1848.*

**W**HEREAS in order to the preservation of the health and comfort of the inmates of the Common Gaol of the City and County of Saint John, it is found necessary to make certain additions to and alterations in the said building;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Justices of the Peace for the said City and County of Saint John, at any General Sessions of the Peace hereafter to be holden, or the major part of them so assembled, be and are hereby authorized and empowered by themselves, or one or more Committees of Management for that purpose to be appointed, to contract and agree with able and sufficient workmen for erecting, placing and finishing in or connected with the said Common Gaol, suitable and necessary privies or water closets for the comfort and accommodation of the inmates of the said Common Gaol.

Contracts for water closets, &c. in connexion with the Gaol, may be made.

II. And be it enacted, That the said Justices, at any General Sessions of the Peace for the said City and County, be and are hereby authorized to borrow such sums as may be necessary for the purpose aforesaid, not exceeding the sum of five hundred pounds, the same to be taken in loans of not less than fifty

Money not exceeding £500, may be borrowed.