

of said accounts; and further, the said Auditors respectively shall annually report to the said Common Council and General Sessions respectively, and their reports in detail shall be printed and published; and the said Auditors shall severally be entitled to the remuneration mentioned in the twenty eighth section of the said recited Act.

4. That from and after the second Tuesday in April next, no person shall be eligible to be a candidate or capable of being elected or returned as an Alderman or Councillor of the Common Council of the City of Saint John, or capable to sit and vote therein, who holds any situation under the Commissioners appointed or that may hereafter be appointed to manage the Water Supply and Sewerage of the City of Saint John and Parish of Portland.

5. The Commissioners shall annually file a copy of the book containing the assessment for the year in the office of the Common Clerk of the City, within one month after the same is made up, to be open at all times within office hours to the inspection of any rate-payer of the City or Parish of Portland without the payment of any fee.

6. No proceedings shall be taken under the twenty second and twenty third sections of the said Act for the recovery of any rate after the expiration of one year from the time of the assessment, provided that nothing in this section contained shall relieve any party from personal liability for any rate or assessment.

CAP. XLIV.

An Act to enable the Justices of the Peace for the County of Charlotte to sell certain Lands and invest the proceeds in other securities.

Section.

1. Justices authorized to sell, and how.
2. Net proceeds of sale, how invested.

Section.

3. Deeds, &c. of Justices, sufficient title.

Passed 23rd April 1862.

WHEREAS there are several lots of Land in the Parish of Saint Stephen, in the said County, the title whereof is in the said Justices in trust, as hereinafter mentioned, to-wit:—All that certain piece of land formerly given and granted to the Justices of the Peace in and for the County of Charlotte, and their successors, under Letters Patent bearing date the fifth

day of August in the year of our Lord one thousand eight hundred and thirty six, in trust for the inhabitants of the Parish of Saint Stephen, for public uses within the said Parish, two tracts of land situate in the Parish of Saint Stephen, in the County of Charlotte, in our Province of New Brunswick, and bounded as follows, to-wit : The first tract commencing at a stake standing on the northern bank of the River Saint Croix, and distant along the bank one chain of four poles from the southwesterly angle of the grant to Colin Campbell ; thence running by the magnet north twenty five degrees west two chains of four poles each, and fifty links ; thence south seventy five degrees west seventy five links, to the eastern side of the upper Toll Bridge Road ; thence along the east side of the said Bridge Road to the northern bank of the River Saint Croix above mentioned ; and thence along the bank or shore down stream in an easterly direction to the place of beginning ; containing three roods and thirty eight poles, more or less : The second tract commencing on the northern bank of the River Saint Croix above mentioned, and at a distance along the bank of one chain of four poles, and twenty links, from the southwesterly angle of the first tract ; thence running north twenty seven degrees and thirty minutes east three chains and eight links ; thence south seventy five degrees west five chains and sixty five links ; thence south twenty five degrees east two chains and twenty links to the northern bank of the Saint Croix River aforesaid ; and thence along the bank down stream in an easterly direction to the place of beginning ; containing one acre and eighteen poles, more or less : the said two tracts containing together one acre three roods and sixteen poles, more or less : Also all that certain piece or tract of land known and described as farm lot number thirty six, and first division of the Saint Stephen, late Marks' grant, containing forty seven acres, more or less, and conveyed to the said Justices by deed poll, dated the second day of June in the year of our Lord one thousand eight hundred and thirty eight, by the Reverend Skeffington Thomson, in trust for the sole use and benefit of the Parish of Saint Stephen, and for the support of the Poor thereof, for ever : Also all that certain piece of land in the said Parish known as lot number seventy four in the first division of the grant to Peter M'Diarmid and others, containing fifty

acres, more or less, reserved in the said grant for the use of Schools, and by Title viii, Chapter 54, Section seven, of the Revised Statutes, vested in the said Justices for the support of Parish Schools in the Parish in which the said lands lie: And whereas the said lands are comparatively unproductive, and from their situation and condition cannot be rendered beneficial for the several and respective trust purposes above mentioned, and it is believed that the same would sell for a sum which, if invested in other real estate or Government securities, would annually yield and produce much larger returns and interest;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the Justices of the Peace for the County of Charlotte are hereby authorized to sell and dispose absolutely of the pieces and parcels of land above described, in such lots or divisions as they shall think most advisable, by public auction, first giving sixty day's public notice of the time and place of any such sale, by advertising the same in a newspaper published in the County, and by handbills posted up within the Parish, and on such terms as to payment of the purchase money as the said Justices shall direct; and on payment of the purchase money for such lands, to make and execute to the purchasers of the said lands respectively, titles in fee simple, such deeds to be executed under the Seal of the General Sessions of the said County; the purchasers shall not be bound to see to the application of the purchase money; provided that nothing herein contained shall in anywise interfere with or affect the legal or equitable rights of any lessees of the within described lands.

2. The net proceeds of such sales shall be by the said Justices invested in their names, in Provincial securities or on landed security; such landed security being of at least double the value of the sum lent; the annual interest, dividends and profits arising from such stocks and investments to be by the said Justices paid and applied by the said Justices to and for the same uses and trusts respectively, as are declared in the original trusts by which the said several pieces of land were granted or conveyed to them, and in the proportions of the said net moneys realized from the sale of the said lots or pieces of land above mentioned.

3. All deeds and conveyances of the said several pieces of land duly executed under the provisions of this Act, and registered according to the Laws of this Province, shall be sufficient to pass to the purchaser or purchasers of the lands in such deeds or conveyances described, all the estate and title which the said Justices had and held in the said lands; and such deeds and conveyances so executed, proved and registered, shall be *prima facie* evidence that the said lands were regularly advertised and sold, as required by the provisions of this Act.

CAP. XLV.

An Act to authorize the Trustees of Saint Andrews Church, Chatham, in connexion with the Church of Scotland, to sell and dispose of certain real estate in the County of Northumberland, devised in Trust by the last Will of William Kirkpatrick, deceased, and to reinvest the proceeds for the purposes in such Will mentioned.

Section.

1. Trustees authorized to sell.
2. Net proceeds of sale to be invested.
3. Sales to be by public auction.

Section.

4. Deeds, &c. from Trustees to convey all the title of Testator.
5. Reservation.

Passed 23rd April 1862.

WHEREAS by the last Will and Testament of William Kirkpatrick, of Newcastle, in the County of Northumberland, Farmer, deceased, bearing date the eighth day of October in the year of our Lord one thousand eight hundred and twenty five, (subject to the payment of all his lawful debts and funeral expenses, and to his well beloved son James, should he survive the said Testator,) he bequeathed all his property, both real and personal, to the support of the Minister of Saint Andrews Church, and to the benefit of the School at Douglas Town, the one half to each: And whereas the said James Kirkpatrick died before the Testator, and the personal estate was sufficient to pay off all the debts and funeral expenses of the said deceased: And whereas the real estate of the said deceased has for a number of years past been unproductive, and the benevolent intentions of the Testator have not been realized; and in order that the said Trustees may be enabled to carry out the Trusts in the said Will to advantage, it is deemed advisable that the said real estate of the said Testator should be disposed of, and the proceeds arising therefrom be invested