

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1825. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1825.

6 George IV – Chapter 25 (1820)

An Act to confirm and perfect, and to carry in to 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 22nd 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 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 Norton, Samuel Buchanan, Peter Redner, James Ackerman, Moses M'Cormisky, Lodwick Fisher, John Emmell, Moses Simpson, Daniel Bass, Daniel Kenney, Conrad Redner, Jonas Allen, Micajah Isaacs, Jacob Wood, Thomas M'Nally, Phoebe 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 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 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 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 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 tone 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 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.

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, 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.

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.

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.

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.

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 Charges) passed before the Grant was made to the Governor and Trustees in 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 Grantess	Names of Grantees or others claiming under them in possession on 2d August, 1799	Quantity Granted			Annual Rent			Situation
			Ac.	IR	P	£	S	D	
1	Isaac Hedden	Isaac Hedden	8	2			4	3	Below the town
2	Thomas Henderson	William Bailey	15				7	4	
3	William Bailey	Caleb Fowler	15				7	6	
4	William Bailey	C. Fowler & L. Wilmot		3	2		1	76	
5	William Fowler	Lemuel Wilmot	21	2			10	9	
6	Thomas Martin	John Segee	4	2			2	3	
7	Lemuel Wilmot	Daniel Lounsbury	8	2			4	3	
8	John Lawrence	Jesse Hicks	8	2			4	3	
9	Jacob Segee	John M'Kay	8	2			4	3	
10	Daniel Lounsbury		12				7		
11	Joseph Cunliffe	Benjamin Ingraham	2				1		
12	John M'Kay	Jacob Ellegood	21				10	6	
13	George Cox	Thomas Barker sen	8	2			4	3	
14	Benjamin Ingraham	Thomas Barker, senr.							
15	Benjamin Ingraham		14				7	3	
16	Peter Clements	Garret Clopper							
17	Thomas Barker sen & Thomas Barker, junr.	Garret Clopper	10				5		
18	Monson Hoyt								
19	Garret Clopper								
20	Garret Clopper								

21	Peter Doron & 6 others	and Daniel Bass	15				7	6	
22	Daniel Lyman	Daniel Bass							
23	Andrew Maxwell	John Saunders	14				7		
24	Philip Weade	Henry Smith	9						
26	Richard Cooper	Henry Smith	3						
27	Charles Earl Solomon	Charles Earl James Ackerman,	1	3				7½	
28	Whitlock, Joseph	Saumel Buchanna,	3				1	6	
29	Haines & 29 others	& sundry others							
	George Lambert	Charles Earle Dn.	56			1	8		
30	Philip Weade	Daniel Rivers and others.	6				3		
1	George Lambert	Jacob Ellegood.	3	3			18	1	
2	Benedict Arnold	The quantity included in the new Grant in Jacob Ellegood, dated 6 th Dec 1793 of 26 acres herein after mentioned	4	3		1	15	8	
3									
7									
AB									
	Nehemiah Rogers								
8	Cornelius Ackerman & Abraham	James Bell	1			3			
9	Vauderbeck	Ackerman & Vauderbeck	1						
	Gabriel Van Home								

Below and next adjoining the town

10	John M'Leod and Duncan	Gabriel Van Horne		2	16				
11	M'Leod, Adam Allan	Duncan M'Leod & Robert Smith		1	8				
	James Sutter, Jacob Ellegood	Darins Dickenson	1	2		1	17	6	
	Adam Allan	William Anderson							
1		Jacob Ellegood, Escheated to the Crown	16			9	2		
	Isaac Hedden		30			10	10		
2		Hon. Thomas Carleton	156			27	10	7	Above the Town
3	Benjamin Atherton								
5		Ditto	16						
6	James Foreman, Winslow, Everitt, and Jenkins								
11		Ditto	17			1	15	4	
4	Isaac Hedden		1	2			5		
7	Samuel Ferris	Ditto	282			7	1		
	John Saunders	Samuel Ferris	34				17		Rear of the Town
	Ephram Berr	John Saunders	7		11		3	7	
	Lewis Dunham	Ditto	40			2	10		
	William Bailey	J. Saunders & R. Smith	40			2	10		
		William Bailey	66			1	13		Below the town
	Isaac Hedden								
		Hon. Thomas Carleton	22						Above the town

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 the Grant.

No. of Lots	Names of Persons to whom allotments were made	Quantity allotted			Annual Rent			Names of these persons on the 18 July 1800	Situation
		Ac.	R.	P.	£	S.	D.		
1	Stephen Jarvis	18	2					Stephen Jarvis	Rear of the Town, and including the fourth range of Town Blocks.
2	George Lambert	13			1	8		Stephen Jarvis	
11	Jonathan Odell	81	2		4	8	5	Jonathan Odell	
3	William Garden	40			2	10		John Saunders	
12	George Sproule	72			3	6		George Sproule	
21	Harris Wm Hailes	19			1	6	6	H.W. Hailes	
3	James Sise	6				15		James Taylor	
13	Richard Williams	34			2	7		John Saunders	
4	Charles Earle	32	2			16	3	Charles Earle	
14	Isaac Hedden	32	2			16	3	Isaac Hedden	
13	Abraham Vanderbeck, Cornelius Ackerman	29				14	6	Vanderbeck & Ackerman	
5	Ephraim Betts	23	2			11	9	John Saunders	
15	Calvin Turner	23	2			11	9	John Saunders	
6	Christopher Henson	24				12		John Saunders	
9	John Cox	14				12		John Cox	
18	Robert Ogden,	6				3		James Fraser	
20	Thomas Barrington,	9				4	6	John M Wilmot	
22	Charles Earle,	24				12		Ezekiel Sloom, Charles Earle, Peter	

								Fraser and R Smith John Saunders Daniel Bass	
	Philip Weade	14				7			
	Eleazer Melvin, Garret Clopper, Thomas Barker, Lawrence Willsey	16 50 30 26			1	8 5 15 13		Garret Clopper Thomas Barker John S. Ellergood	
	Benjamin Ingraham John Segee, Philip Shea, Daniel Lounsbury	77 64 11 76			1 1	18 12 5 18	6 6 6	Benjamin Ingraham Dennis Coombes Philip Shea Daniel Lounsbury L. Wilmot John Segee Caleb Fowler	Below the town
	Lemuel Wilmot, John Segee William Fowler	50 8 35			1	5 4 17	6		

979	£33	3	3
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