

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1828.* Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1828.

9 George IV – Chapter 26

**An Act to empower the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, to dispose of Lots in the new Burial Ground in the Vicinity of the said Parish. Passed 5th April, 1828.**

Whereas the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, have by their Petition to the General Assembly, set forth that they have lately purchased from George G. Gilbert, a Lot of ground situate in the Parish of Portland, in the Vicinity of the City of Saint John for a Burying Ground, and divided the same into small Lots, which they are desirous of selling to such Individuals as may be willing to purchase the same; which said Land is bounded as follows: Beginning at the South West corner of the Public Road leading to the Sand Plats; thence South eighty Degrees West, along the Easterly line of the Great Westmoreland Road, towards the Aboideau [Aboiteau] six hundred and thirty feet; thence South ten Degrees East five hundred and fifty feet: thence North eighty Degrees East, seven hundred and thirty-five feet, or until it meets the Western Line of the aforesaid Road leading to the Flats; thence North twenty-one degrees thirty minutes West, live hundred and sixty feet to the place of beginning.

I. Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, shall be, and they are hereby authorized and empowered to make sale of the said Burying Ground, or any part or parts thereof, for such price or prices, and under and subject to such Conditions, Covenants, Agreements, and Regulations, as by them may be deemed necessary or proper; and thereupon to make and execute good, legal, and sufficient Conveyances of the same; any former law to the contrary notwithstanding.

II. And whereas the making separate conveyances of each of the said small Lots into which the said Burial Ground is divided, would be attended with great trouble and expense; Be it further enacted, that the said Rector, Church Wardens, and Vestry, shall make or cause to be made, a Plan or Plot of the said Burying Ground, as divided into Lots, distinguishing the Lots by certain numbers marked on the said Plan; which said Plan shall remain in the care and keeping of the Clerk of the Vestry for the time being, and one true and exact counterpart thereof shall be deposited in the Office of Register of Deeds of the City and County of St John, and one other counterpart shall be deposited in the Common Clerk's Office of the said City and County; all or any of which said Plans may at all proper times be seen and inspected by any person desirous of viewing the same; and that the names of several Purchasers in severalty may be included in one Deed or Conveyance, mentioning the numbers of the Lots so conveyed to the said Purchasers respectively, and referring to the Plan or Plot of the said Ground; which said Deed so made to several Purchasers, shall be good, valid, and effectual, without the mention or insertion therein of the particular consideration paid for the same; such Deeds being duly registered in the Register's Office for the said City and County.

III. Provided always, and be it further enacted, That such Lots shall not be assigned or transferred by the Purchasers thereof, without the assent of the said Sector, Church Wardens, and Vestry; and that they shall not be liable to be levied upon, or taken in execution, but shall be altogether free from seizure at the suit of any Person or Persons whomsoever: and that the property in any one of such Burial Lots, or part thereof, shall not prevent any confined Debtor from receiving support, under the Law in force for the relief and support of confined Debtors.

IV. And be it further enacted, That nothing in this Act contained shall extend or be construed to affect the Rights of any Person or Persons, Body Politic, or Corporate whatsoever, other than the said Rector, Church-Wardens, and Vestry.