

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1848.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1848.

11 Victoria – Chapter 32

**An Act relating to the Public Burial Ground in the City of Saint John. Passed 30th March 1848.**

Whereas 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;

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.

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.

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.

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.