

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1849.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1849.

12 Victoria – Chapter 11

**An Act to empower the Rector, Church Wardens and Vestry of Saint John Church, in the Parish of Burton, in the County of Sunbury, to dispose of Lots in the new Burial Ground in the said Parish. Passed 8th March 1849.**

Whereas the Rector, Church Wardens and Vestry of Saint John Church, in the Parish of Burton, in the County of Sunbury, have by their Petition to the General Assembly set forth that they have lately purchased from Charles H. Clowes, a lot of ground situate in the said Parish of Burton, 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: Commencing northerly on the line between land granted originally to one Israel Kinney and others, and land formerly owned by Priscilla Hazen, and running south, twenty degrees east, eighty rods, to a stake and Willow tree; then east, twenty degrees north, twenty rods, to a small Yellow Birch tree and stake; and thence north, twenty degrees west, eighty rods, to a Willow tree and stake; thence west, twenty degrees south, twenty rods, to the first mentioned bounds;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Rector, Church Wardens and Vestry of Saint John Church, in the Parish of Burton, 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 the Register of Deeds of the County of Sunbury, and one other counterpart shall be deposited in the Office of the Clerk of the Peace, of the said 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 County of Sunbury.

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 Rector, 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.