

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1861. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1861.

24 Victoria – Chapter 43

An Act to authorize and empower the Trustees of Saint James' Church, Newcastle, in connexion with the Church of Scotland, to sell and dispose of certain Real and Leasehold Lands and premises in the County of Northumberland, devised to them in trust by the last Will of John Harkins, deceased, and to reinvest the proceeds for the purposes in such Will mentioned. Passed 12th April 1861.

Section.

1. Authority to sell and convey certain real and leasehold property, with concurrence of a Judge in Equity.
2. Investment and application of proceeds.

Section.

3. Sales to be by auction after public notice.
4. Sufficiency of conveyances.
5. Rights reserved.

Whereas by the last Will and Testament of John Harkins, late of Newcastle, in the County of Northumberland, Merchant, deceased, bearing date the seventh day of April in the year of our Lord one thousand eight hundred and thirty seven, (subject to the life estate of Sarah Harkins, his Wife, since deceased, and the payment of certain legacies, and a bequest of a piece of land to the said Trustees of Saint James' Church, Newcastle, for the use of the Minister of the said Church for the time being,) he bequeathed all the residue of his property, real, leasehold, and personal, to the Trustees of Saint James' Church, in the Parish of Newcastle, and their successors, in trust to and for the express purpose of building a School House in the Parish of Newcastle, and for supporting a Master for teaching the children of the poor of the said Parish: And whereas 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 whole of the said real and leasehold property of the said Testator should be disposed of, and the proceeds, after defraying the expenses of erecting a suitable School House, be invested in real or Government securities, the annual dividends and profits thereof to be applied towards the support and maintainance of such School;—

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

1. That the Trustees of Saint James' Church, Newcastle, in connexion with the Church of Scotland, and their successors, are hereby authorized and empowered to sell and dispose of the said real and leasehold property, devised and bequeathed to them in and by the said last Will and Testament of the said John Harkins, in trust for the purpose of building a School House in the said Parish of Newcastle, and for supporting a Master as aforesaid, with their appurtenances, in such lots or parcels, and under and subject to such conditions, covenants, and agreements, as by the said Trustees may be deemed necessary and proper; and on payment of the purchase money, to make good, legal and sufficient conveyances of the same by and under the Seal of the said

Corporation, to the purchaser or purchasers thereof; and the respective purchasers shall not be bound to see to the application of the purchase money thereof; provided always, that before any such lands, real or leasehold estate, shall be sold, the said Corporation shall apply to a Judge of the Supreme Court in Equity, who, on it being made to appear by affidavit that such sale would be for the interest of the trust fund, is hereby authorized and required by an order under his hand, to direct the sale of the whole or any part of the said real and leasehold estate, under the provisions of this Act; such order to be recorded in the office of the Registrar of Deeds of the County of Northumberland, and the original order shall be filed in the office of the said Registrar, and a copy of such order, certified by said Registrar, shall be evidence in all Courts.

2. That the net proceeds of such sales, after defraying the expense of purchasing a site, and erecting thereon a suitable School House in the said Parish, shall be invested and kept out at legal interest, payable semi-annually, upon good and sufficient landed securities, or upon Government securities; and the annual income, dividends and profits arising therefrom, shall be received and applied to and for the same uses and trusts for which the said real and leasehold property so sold were devised and bequeathed and held by the said Trustees under the said Will.

3. All sales under this Act shall be at public auction, and not less than sixty days notice thereof shall be given, by publishing the same in a newspaper printed in the said County, and by handbills in at least three public places in the Parish where the lands to be sold are situate.

4. All deeds and conveyances of the said lands and premises, or any part or parts thereof, duly executed under the Seal of the said Corporation, proved 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 John Harkins at the time of his death, and which the said Corporation at the date of such deeds or conveyances had in and to such lands and premises; and such deeds and conveyances so executed, proved, and registered, shall be prima facie evidence that the same lands were regularly advertised and sold as required by the provisions of this Act.

5. The legal and equitable rights of all persons claiming under the provisions in the Will of the said John Harkins, are hereby reserved.