

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1862.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1862.

25 Victoria – Chapter 44

**An Act to enable the Justices of the Peace for the County of Charlotte to sell certain Lands and invest the proceeds in other securities. Passed 23rd April 1862.**

Section.

1. Justices authorized to sell, and how.
2. Net proceeds of sale, how invested.

Section.

3. Deeds, &c. of Justices, sufficient title.

Whereas there are several lots of Land in the Parish of Saint Stephen, in the said County, the title whereof is in the said Justices in trust, as hereinafter mentioned, to-wit:—All that certain piece of land formerly given and granted to the Justices of the Peace in and for the County of Charlotte, and their successors, under Letters Patent bearing date the fifth day of August in the year of our Lord one thousand eight hundred and thirty six, in trust for the inhabitants of the Parish of Saint Stephen, for public uses within the said Parish, two tracts of land situate in the Parish of Saint Stephen, in the County of Charlotte, in our Province of New Brunswick, and bounded as follows, to-wit: The first tract commencing at a stake standing on the northern bank of the River Saint Croix, and distant along the bank one chain of four poles from the southwesterly angle of the grant to Colin Campbell; thence running by the magnet north twenty five degrees west two chains of four poles each, and fifty links; thence south seventy five degrees west seventy five links, to the eastern side of the upper Toll Bridge Road; thence along the east side of the said Bridge Road to the northern bank of the River Saint Croix above mentioned; and thence along the bank or shore down stream in an easterly direction to the place of beginning; containing three roods and thirty eight poles, more or less: The second tract commencing on the northern bank of the River Saint Croix above mentioned, and at a distance along the bank of one chain of four poles, and twenty links, from the southwesterly angle of the first tract; thence running north twenty seven degrees and thirty minutes east three chains and eight links; thence south seventy five degrees west five chains and sixty five links; thence south twenty five degrees east two chains and twenty links to the northern bank of the Saint Croix River aforesaid; and thence along the bank down stream in an easterly direction to the place of beginning; containing one acre and eighteen poles, more or less: the said two tracts containing together one acre three roods and sixteen poles, more or less: Also all that certain piece or tract of land known and described as farm lot number thirty six, and first division of the Saint Stephen, late Marks' grant, containing forty seven acres, more or less, and conveyed to the said Justices by deed poll, dated the second day of June in the year of our Lord one thousand eight hundred and thirty eight, by the Reverend Skeffington Thomson, in trust for the sole use and benefit of the Parish of Saint Stephen, and for the support of the Poor thereof, for ever: Also all that certain piece of land in the said Parish known as lot number seventy four in the first division of the grant to Peter M'Diarmid and others, containing fifty acres, more or less, reserved in the said grant for the use of Schools, and by Title viii, Chapter 54, Section seven, of the Revised Statutes, vested in the said Justices for the support of Parish Schools in the Parish in which the said lands lie: And whereas the said lands are comparatively unproductive, and from their

situation and condition cannot be rendered beneficial for the several and respective trust purposes above mentioned, and it is believed that the same would sell for a sum which, if invested in other real estate or Government securities, would annually yield and produce much larger returns and interest;—

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

1. That the Justices of the Peace for the County of Charlotte are hereby authorized to sell and dispose absolutely of the pieces and parcels of land above described, in such lots or divisions as they shall think most advisable, by public auction, first giving sixty day's public notice of the time and place of any such sale, by advertising the same in a newspaper published in the County, and by handbills posted up within the Parish, and on such terms as to payment of the purchase money as the said Justices shall direct; and on payment of the purchase money for such lands, to make and execute to the purchasers of the said lands respectively, titles in fee simple, such deeds to be executed under the Seal of the General Sessions of the said County; the purchasers shall not be bound to see to the application of the purchase money; provided that nothing herein contained shall in anywise interfere with or affect the legal or equitable rights of any lessees of the within described lands.

2. The net proceeds of such sales shall be by the said Justices invested in their names, in Provincial securities or on landed security; such landed security being of at least double the value of the sum lent; the annual interest, dividends and profits arising from such stocks and investments to be by the said Justices paid and applied by the said Justices to and for the same uses and trusts respectively, as are declared in the original trusts by which the said several pieces of land were granted or conveyed to them, and in the proportions of the said net moneys realized from the sale of the said lots or pieces of land above mentioned.

3. All deeds and conveyances, of the said several pieces of land duly executed under the provisions of this Act, 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 Justices had and held in the said lands; and such deeds and conveyances so executed, proved and registered, shall be *prima facie* evidence that the said lands were regularly advertised and sold, as required by the provisions of this Act.