

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 45

An Act to authorize the Trustees of Saint Andrews Church, Chatham, in connexion with the Church of Scotland, to sell and dispose of certain real estate in the County of Northumberland, devised in Trust by the last Will of William Kirkpatrick, deceased, and to reinvest the proceeds for the purposes in such Will mentioned. Passed 23rd April 1862.

Section.

1. Trustees authorized to sell.
2. Net proceeds of sale to be invested.
3. Sales to be by public auction.

Section.

4. Deeds, &c. from Trustees to convey all the title of Testator.
5. Reservation.

Whereas by the last Will and Testament of William Kirkpatrick, of Newcastle, in the County of Northumberland, Farmer, deceased, bearing date the eighth day of October in the year of our Lord one thousand eight hundred and twenty five, (subject to the payment of all his lawful debts and funeral expenses, and to his well beloved son James, should he survive the said Testator,) he bequeathed all his property, both real and personal, to the support of the Minister of Saint Andrews Church, and to the benefit of the School at Douglas Town, the one half to each: And whereas the said James Kirkpatrick died before the Testator, and the personal estate was sufficient to pay off all the debts and funeral expenses, of the said deceased: And whereas the real estate of the said deceased has for a number of years past been unproductive, and the benevolent intentions of the Testator have not been realized; and 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 said real estate of the said Testator should be disposed of, and the proceeds arising therefrom be invested in real estate or Government securities, the annual dividends or profits thereof to be applied towards carrying out the Will and intention of the said Testator;—

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

1. That the Trustees of Saint Andrews Church, Chatham, in connexion with the Church of Scotland, and their successors, are hereby authorized and empowered to sell and dispose of the real estate devised and bequeathed as aforesaid, in and by the said last Will and Testament of the said William Kirkpatrick, consisting of all that lot of land in the Settlement back of Moorefield, known as lot number —, bounded on the east by land owned by Robert Scott, and on the west by land owned by William Murray, in trust for the support of the Minister of Saint Andrews Church, Chatham, and for the benefit of the School at Douglas Town, one half to the Minister of the said Church, and the other half to the School at Douglas Town, as provided in and by the said part recited Will, with the appurtenances, to the best advantage, 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.

2. The net proceeds of such sale 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 estate so sold were devised and bequeathed, and under the said Will.

3. All sales under this Act shall be at public auction, and not less than sixty day's 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 are situate.

4. All deeds and conveyances of the said lands made under this Act, 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 William Kirkpatrick at the time of his death had, 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 said 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 William Kirkpatrick, are hereby reserved.