

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1864. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1864.

27 Victoria – Chapter 38

An Act to incorporate the Sackville Rural Cemetery Company. Passed 11th April, 1864.

Section.

1. Company incorporated.
2. When first meeting called.
3. Land held by company exempted from all rates, &c.
4. Power to sell land; proviso.

Section.

5. Wilful destruction or injury to property, &c.; penalty.
6. Lots in Cemetery free from seizure on execution.

Whereas the want of a suitable place for the burial of the dead is much required in the Parish of Sackville; and to remedy the same, several persons have associated themselves together to purchase land for a Burial Ground, to be divided into lots and sold to such individuals as may be willing to purchase the same;—

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

1. That James Dixon, Harmon Humphrey, Hobson Dixon, Andrew Ford, Edmund Kinnear, Joseph B. Bowser, the Reverend H. Pickard, D. D., Marcus Trueman, David Purrinton, John Ford, Mariner Wood, Christopher Milner, T. W. Knapp, the Reverend John Allison, William Cole, Robert Fawcett, Amos Ogden, Richard Wilson, W. Morice, J. Morice, W. C. E. Hamilton, Edward Bowes, Edward Cogswell, Samuel F. Black, Joseph L. Black, their associates, successors, and assigns, be and they are hereby declared a body politic and corporate, by the name of "The Sackville Rural Cemetery Company;" and by that name shall have all the general powers and privileges made incident to a Corporation by any Act or Acts of the General Assembly now or hereafter to be in force in this Province, for the purpose of procuring and maintaining a Burial Ground or Cemetery in the Parish of Sackville.
2. The first meeting of the said Corporation shall be called by Christopher Milner, Esquire, Or in case of his death, neglect, or refusal, by any two of the said Company, by giving fourteen days notice in the Sackville Borderer, newspaper, of the time and place of such meeting.
3. The land held and purchased by the said Corporation for the purpose herein expressed, be and the same is hereby declared to be exempted from all rates, assessments, and taxes, so long as the same shall remain dedicated to a Cemetery.
4. That the said Corporation shall be and is hereby empowered from time to time to make sale of the said burial ground so to be procured, or any part or parts thereof, for such price or prices, and under such conditions, covenants, agreements, and regulations, as by them may be deemed

necessary or proper; provided always, that no agreement, rules or regulations shall be made, giving or conferring any exclusive or preferential right or privilege to any sect or denomination.

5. If any person or persons shall wilfully destroy, mutilate, or injure or remove any tomb, monument, grave stone, or other structure placed in the Cemetery aforesaid, or any fence, railing or other work for the protection or ornament of any tomb, monument, or grave stone, or other structure aforesaid, or shall wilfully destroy, cut, remove, break or injure any tree, shrub or plant within the limits of the said Cemetery, or shall play at any game or sport, or shall discharge any gun or fire arm, save at a military funeral, within the said Cemetery, or who shall wilfully and unlawfully disturb any persons assembled in the said Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the said Cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any Justice of the Peace, be punished by a fine of not less than four dollars, or more than twenty dollars, or be committed to the common gaol for the space of not more than thirty days, according to the nature and aggravation of the offence; and such offender shall be liable to an action of trespass, to be brought against him in any Court of competent jurisdiction, in the name of the Corporation, to pay all such damages as shall have been occasioned by his or their unlawful act or acts; which money, when recovered, shall be applied by the Corporation to the reparation of the property destroyed or injured as above; and members of the Corporation shall be competent witnesses in such suits.

6. The lots in the said Cemetery shall not be levied upon or taken in execution, but shall be altogether free from seizure; and the property in the same; or any part thereof, shall not prevent any confined debtor from receiving support under the law for the relief and support of confined debtors.