

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 51

An Act to enable the Justices of the Peace for the County of Northumberland to sell certain Lands and invest the proceeds in other Lands. Passed 13th April, 1864.

Section.

1. Justices authorized to sell lands; proviso.
2. Net proceeds, how invested.

Section.

3. Production of deed duly registered to be evidence of legal sale.

Whereas there are several pieces or parcels of Land situate in the Parish of Chatham, in the County of Northumberland, the title whereof is in the Justices of the Peace for the said County in trust, as hereinafter mentioned, to-wit:—All that certain piece or parcel of Land conveyed to the said Justices by the late William Abrams, deceased, by Indenture bearing date the third day of June, in the year of our Lord one thousand eight hundred and thirty five, in trust only, and to and for the sole use and purpose of a public Hospital, which piece of Land is described in the said deed as follows, to-wit: Commencing at the northwest corner of Howard Street; thence easterly along the northern side of the said Street, one hundred and thirty five feet, or until it strikes King Street; thence northerly along the westward side of King Street, four hundred feet; thence westerly parallel with Howard Street, one hundred and thirty five feet, or until it strikes the upper or westerly line of the land conveyed to me in trust as aforesaid; thence southerly along the said line to the place of beginning: Also all that other piece or parcel of land lying between King's, Queen's, Duke, and Francis Streets, conveyed to the said Justices by Henry Cunard, by Indenture bearing date the seventeenth day of March, in the year of our Lord one thousand eight hundred and forty one, in trust for the use and benefit of the public, and to be appropriated to public purposes only as a public Square: And whereas the first mentioned piece of land at the time when it was so conveyed to the said Justices was in a sufficiently isolated situation for the purpose of a public Hospital; but whereas it has not been used for many years past for such purposes, and is now nearly surrounded by dwelling houses, which are in close proximity thereto, rendering it unsuitable for the purposes intended: And whereas the buildings thereon are in a ruinous and dilapidated condition, and if ever to be used again for the purposes of an Hospital, would require a large outlay for the necessary alterations and repairs, for which there is no fund to provide: And whereas the piece of land conveyed by the said Henry Cunard to the said Justices is inconveniently situated, and from its condition and situation cannot be advantageously used as a public Square: And whereas it is believed that the said lands could be sold to advantage, and that the proceeds would be sufficient to purchase other lands more conveniently situated for public and sanatory purposes, and more beneficial to the public as it was intended by the said trusts;—

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 Northumberland are hereby authorized and empowered to sell and dispose absolutely of the pieces or parcels of land above described, in such lots or divisions as they shall think most advisable, by public auction, first giving sixty days public notice of the time and place of any such sale, by advertising the same in a newspaper published in the said 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 any wise interfere with or affect the legal or equitable rights of any lessees of the above described lands.

2. The net proceeds of such sales shall be by the said Justices invested in the purchase of other lands in the said Parish more conveniently situated, to be used for public purposes.

3. All deeds and conveyances of the said several pieces of land, duly executed under the provisions of this Act, and proved as provided in the case of deeds executed by Corporations, 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.