

THE NEW-BRUNSWICK ROYAL GAZETTE

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The Gazette.

BY His Excellency Major-General Sir Howard Douglas, Baronet, (L. S.) Lieutenant-Governor and Commander-in-Chief of the Province of New-Brunswick, &c. &c. &c. HOWARD DOUGLAS. A PROCLAMATION.

WHEREAS His Majesty hath been pleased, with the advice of His Privy Council, to disallow two Acts passed in this Province, the one intituled 'An Act to encourage the Commerce of the Province by granting Bounties on the exportation of certain articles;' the other 'An Act to amend an Act intituled an Act to provide for and maintain an Academy or Free School for the protection of the Revenue of the Province;' and by an order of His Majesty in Council to declare the said Acts to be void and of none effect; which Royal disallowance has been duly notified to me by one of His Majesty's principal Secretaries of State: I have thought fit to publish this Proclamation, that all persons whom it may concern, may be duly notified of the premises, and govern themselves accordingly.

GIVEN under my Hand and Seal at Fredericton, the twenty fifth day of February in the year of our Lord one thousand eight hundred and twenty five, and in the Sixth year of His Majesty's Reign.

By His Excellency's command. Wm. F. ODELL.

By Authority.

His Excellency the LIEUTENANT-GOVERNOR will receive persons on business, every day from 10 to 1 o'clock.

NOTICE IS HEREBY GIVEN, That We, the Subscribers having been duly appointed Trustees of all the Creditors of James Develin, late of the Parish of Chatham, in the County of Northumberland, Carpenter, an absconding Debtor, and have been duly sworn to the faithful execution of the said trust, pursuant to the directions of the Act of Assembly in such case made and provided: And we do hereby require all persons indebted to the said James Develin on or before the Twenty-eighth day of October next ensuing the date hereof, to pay to us, or some, or one of us, all such sum or sums of money, or other debt, duty or thing which they owe to the said James Develin, and to deliver all other effects of the said James Develin, which they, or either, or any of them may have in his, her, or their hands, power or custody, to us, or some, or one of us aforesaid: And we do desire all the Creditors of the said James Develin, on or before the same day, to deliver to us, or to some, or one of us, as aforesaid, their respective accounts and demands against the said James Develin, in order that right and justice may be done pursuant to the form of the Act of Assembly in such case made and provided.

Given under our hands at Chatham, the 28th day of July, in the year of our Lord one thousand eight hundred and twenty-four. ALEXANDER FRASER, junr. JOHN M. JOHNSON, THOMAS VONDY.

By Authority.

A BILL to confirm and perfect, and to carry into force and effect, an agreement made between the Governor and Trustees of the College of New-Brunswick, and certain Tenants of the said Governor and Trustees.

Passed the 22d of March 1820. WHEREAS divers Parts and Parcels of the Lands contained in a certain Grant or Letters Patent under the Great Seal of the Province of New-Brunswick to the Governor and Trustees of the College of New-Brunswick, bearing date the eighteenth day of July, in the Year of our Lord one thousand eight hundred, were, previous to the incorporation of the said College and the passing of the said Grant, granted in fee by divers Grants or Letters Patent under the Great Seal of the said Province to divers persons under and subject to certain annual rents in the same Grants reserved, payable to certain Trustees therein named for the benefit of an Academy or Free-School at Fredericton as will appear in the

Schedule hereunto annexed marked A: And whereas divers other parts and parcels of the said Lands contained in the said Grant to the said Governor and Trustees of the College of New-Brunswick were, previous to the incorporation of the said College and the passing of the said Grant allotted by the Lieutenant Governor of the said Province in Council, in the usual manner, for Grants in fee to divers Persons, under and subject to certain annual rents payable to the said Trustees for the benefit of an Academy or Free-School at Fredericton; as will appear in the Schedule hereunto annexed, marked B: And whereas the Grantees of most of the said Lands contained in the said divers Grants or Letters Patent, to wit:—Isaac Hedden; Thomas Henderson, William Bailey, William Fowler, Thomas Matten, Lemuel Wilnot, John Lawrence, Jacob Segee, Daniel Lounsbury, Joseph Caniffe, Benjamin Ingraham, Peter Clements, Thomas Barker, sen. and Thomas Barker, junr. Monson Hayt, Garret Clopper, Peter Doran, William Kane, John Wilkins, James Clarke, Charles Larman, Enoch Beard, and Thomas Power, Daniel Lyman, Andrew Maxwell, Philip Weade, Richard Cooper, Charles Earle, Solomon Whitlock, Joseph Haines, Peter Steenburgh, Lewis Bennett, Isaac Lawrence, William Bearhight, Alexander Hutchinson, Peter Wanamsker, Michael Norton, Samuel Burhanan, Peter Redner, James Ackerman, Moses McCormisky, Lodwick Fisher, John Emmell, Moses Simpson, Daniel Bass, Daniel Kenney, Conrad Redner, Jonas Allen, Micajah Innes, Jacob Wood, Thomas McNally, Phoebe Swim, Benjamin Bailey, Thomas Ne gus, George Lambert, Benedict Arnold, Nehemiah Rogers, Abraham Vanderbeck, and Cornelius Ackerman, Gabriel Van Horne, John M'Leod and Duncan M'Leod, John Saunders, Ephraim Betts, Lewis Dunham, Samuel Ferris, Adam Allan, and James Sutter, (the said Adam Allan, and James Sutter, as the Grantees of the one Acre and two Rods) and Jacob Ellegood, or their Heirs and Assigns, previous to the incorporation of the said College and the passing of the said Grant to the said Governor and Trustees, surrendered their said Grants in the Chancery of the said Province upon condition, among other things, of receiving new Grants, providing that the rents payable for the use of the said Academy or Free School might be paid to some persons having perpetual succession in the Province either as a body corporate or otherwise; and the said College was thereupon afterwards incorporated by Royal Charter under the Great Seal of the said Province, bearing date on the twelfth day of February, in the Year of our Lord one thousand eight hundred: And whereas it was manifestly one of the purposes and objects of the said Grant to the said Governor and Trustees of the College of New-Brunswick, bearing date as aforesaid on the eighteenth day of July in the Year of our Lord one thousand eight hundred, that they should make new Grants and conveyances, to those Persons who had surrendered their Grants in manner aforesaid, of the Lands so by them respectively surrendered, reserving the rents payable thereupon to the said Governor and Trustees of the said College instead of the said Trustees for the benefit of an Academy or Free School at Fredericton: And whereas the Persons to whom allotments of Lands had been made by the said Governor in Council in manner aforesaid, and of which no Grants were made, or their Heirs or Assigns at the time of the incorporation of the said College and the passing of the said Grant to the said Governor and Trustees, were in the possession and enjoyment of the said Lands so allotted as aforesaid, subject to the respective rents thereon, stipulated to be paid to the said Trustees for the benefit of an Academy or Free School at Fredericton, and upon the incorporation of the said College and the

passing of the said Grant to the said Governor and Trustees, became Tenants of the said Lands to the said Governor and Trustees under and subject to the same rents upon which the Lands had been originally allotted as aforesaid. And the said Governor and Trustees after the incorporation of the said College and the passing of the said Grant or Letters Patent to them, proceeded to make many Leases or Conveyances in fee to their Tenants as well those to whom grants had been passed as those to whom allotments only had been made in manner aforesaid, without distinction between them, subject to the respective annual rents reserved in the said Grants, and upon which the said allotments were made as aforesaid; it appearing that neither the said Governor and Trustees nor their said Tenants were at that time aware that the said Governor and Trustees were restrained by any Law in force in the said Province from making such conveyances and dispositions of their Lands, and regard not being had to the provisions of an Act of Parliament made and passed in the thirteenth Year of the reign of Her Majesty Queen Elizabeth intituled, 'Fraudulent deeds made by spiritual persons to defeat their successors of remedy for dilapidation, shall be void &c.' whereby Colleges are restrained from making any conveyances of their possessions other than for the Term of Twenty-one Years or three lives: And whereas all the said Tenants of the said Lands as well those to whom Grants had been made as those to whom allotments had been made as aforesaid, and of which no Grants were passed, in manner before mentioned, or their Heirs or Assigns have continued from the making of such Grants or allotments hitherto in the possession and enjoyment of the Lands so respectively granted and allotted and have paid the rents reserved and payable thereon, to the said Governor and Trustees of the said College, and have in many instances made valuable improvements on the same Lands in the full persuasion and confidence that they had good estates in fee in the same Lands, subject only to the rents and conditions under which they were held under the said Governor and Trustees of the College of New-Brunswick: And whereas, under all these circumstances, to prevent litigation, contention and difficulty between the said Governor and Trustees of the College of New-Brunswick and their Tenants, it has been agreed upon and concluded by and between them in manner and form following, that is to say, that with regard to those parts and parcels of the Lands contained in the said Grant to the Governor and Trustees of the College of New-Brunswick, which were actually granted as aforesaid, by Letters Patent under the great Seal of the said Province previous to the passing of the said Grant to the said Governor and Trustees that Estates in fee of and in the same shall be confirmed to the several and respective Grantees named in the said Letters patent, their Heirs and Assigns upon the same rents and to be bounded as mentioned in the said several Grants or Letters Patent: And that the said Grantees their Heirs or Assigns shall be at liberty to redeem the same rents upon paying to the said Governor and Trustees a sum or sums of money that will produce an annual Interest equivalent to the same: And with regard to the other Lands herein before mentioned which were allotted only and not granted in manner aforesaid, that estates in fee shall be conveyed and confirmed to the several and respective Tenants thereof upon the rents now payable thereon, being increased four fold, such increased rents to commence and become payable from and after the first day of July, which will be in the Year of our Lord one thousand eight hundred and Twenty-one, and in the mean time the present rents to be and remain due and payable thereon, and that the said several and respective Tenants last above mentioned, shall and may if they see fit, redeem the Lands they hold from payment of rent, upon and by paying to the said Governor and Trustees a sum or sums of money that will produce an annual interest equivalent to the amount of the said fourfold rents; and that upon payment of any such sum or sums of money, by all, any or either of the same Tenants, it shall and may be lawful to and for the said Governor, and Trustees, and they are hereby authorized and empowered to grant, bargain, sell, convey and confirm, by deed of bargain and sale, or other sufficient conveyance in law, all the estate, right, title and interest which

redem their Lands from payment of rent upon paying to the said Governor and Trustees a sum or sums of money that will produce an annual Interest equivalent to the amount of the said fourfold rents excepting always out of the Lands so to be confirmed and conveyed, the Streets and Highways laid down in the Plan of the Town of Fredericton annexed to the Grant thereof, for the perfecting of which said agreement and for carrying the same into full force and effect: I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful to and for the said Governor and Trustees of the College of New-Brunswick, and they are hereby authorized and empowered to grant, convey, and confirm to the several and respective Grantees, of those parts and parcels of the said Lands contained in the said Grant to the said Governor and Trustees bearing date as aforesaid, on the eighteenth day of July, in the Year of our Lord one thousand eight hundred, which were actually granted as aforesaid, by Letters Patent under the Great Seal of the said Province previous to the passing of the said Grant to the said Governor and Trustees, their Heirs or Assigns in fee simple, all such parts and parcels of the said Lands upon the same rents, and bounded as mentioned in the said Grants or Letters Patent severally and respectively, and that the said several and respective Grantees, their Heirs and Assigns, shall and may if they see fit, redeem the same rents upon and by paying to the said Governor and Trustees a sum or sums of money that will produce an annual interest equivalent to the same. And upon the payment of any such sum or sums of money, by all, any, or either of the said Tenants, it shall and may be lawful to and for the said Governor and Trustees, and they are hereby authorized and empowered to grant, bargain, sell, convey and confirm by deed of bargain and sale, or other sufficient conveyance in Law, all the estate, right, title and interest which they have of, in, and to the premises, upon which the rent may be so redeemed to the person or persons so redeeming the said rents, his or their Heirs and Assigns freed and discharged from any rent whatever, provided that the said rents are so redeemed by the payment of a sum or sums in gross, before the making of any such grants or conveyances reserving rents. II. And be it further enacted, That it shall and may be lawful to and for the said Governor and Trustees of the College of New-Brunswick, and they are hereby authorized and empowered to grant, convey and confirm to the several and respective Tenants of the Lands herein before mentioned, which were allotted only, and not granted in manner aforesaid, their Heirs and Assigns in perpetuity, the several and respective parts and parcels of the same Lands now held by them severally and respectively, upon and subject to rents amounting to fourfold the rents now payable thereon, such fourfold rents to commence and become payable from and after the said first day of July, which will be in the Year of our Lord one thousand eight hundred and twenty-one, and in the mean time the present rents to be and remain due and payable thereon, and that the said several and respective Tenants last above mentioned, shall and may if they see fit, redeem the Lands they hold from payment of rent, upon and by paying to the said Governor and Trustees a sum or sums of money that will produce an annual interest equivalent to the amount of the said fourfold rents; and that upon payment of any such sum or sums of money, by all, any or either of the same Tenants, it shall and may be lawful to and for the said Governor, and Trustees, and they are hereby authorized and empowered to grant, bargain, sell, convey and confirm, by deed of bargain and sale, or other sufficient conveyance in law, all the estate, right, title and interest which