

being on the south side of the Scotch Kirk and adjoining the yard of the said Kirk on the south side, containing thirty feet front on Germain Street and extending back to the eastward of said Germain Street forty feet; and also a certain other lot, piece and parcel of ground situate in Duke's Ward in the said City of Saint John, then under lease to one James Cord, now deceased, being forty feet front on the north side of Queen Street, and extending back one hundred feet in rear, and known as Lot number nine hundred and eighty (980); and also a certain other piece and parcel of ground situate in Duke's Ward in the City aforesaid, and situate on the north side of Duke Street in the said City, being the eastern half part of Lot number eight hundred and six, and containing twenty feet in front on Duke Street aforesaid, and running back, preserving the same breadth, one hundred feet.

"And whereas the office and general duties of the Overseers of the Poor for the City of Saint John were virtually suspended on or about the month of March in the year of our Lord one thousand eight hundred and forty three, and in the same month and year, in the room of the said Overseers, Commissioners of the Alms House and Work House for the City and County of Saint John were appointed, under the Act of Assembly passed for the purpose of vesting the charge of all the Poor within the City and County Saint John in Commissioners to be appointed by His Excellency the Lieutenant Governor of the said Province;

"And whereas the said Act not having provided for the transfer of the property so devised by the said late Isabella Grundy to the said late Overseers of the Poor, to the said Commissioners, by reason whereof the said late Overseers of the Poor had no power to convey the said land and tenements to the said Commissioners, or other person or persons whomsoever, but the said late Overseers being perfectly willing to make such transfer on an order of the Court of Chancery of this Province; for that purpose proceedings were commenced in the said Court on the information of Her Majesty's Attorney General, at the relation of the said Commissioners, and after the appearance and answer of the said late Overseers, an order or decree of the said Court, bearing date the second day of July in the year of our Lord one thousand eight hundred and forty five, was made by his Honor the Master of the Rolls, whereby it was ordered and decreed that it be referred to Mr. Hazen, one of the Masters of this Court, to take an account of the several sums of money received by the defendants, or either of them, as Overseers of the Poor of the City of Saint John, or in any other way, under and by virtue of the bequest in the Will of the said Isabella Grundy in the pleadings mentioned, or by any other person, for the use of them or either of them, and also to take an account of any sums of money paid and expended by the said defendants, or any or either of them, under and by virtue of the trusts in the said Will, and in the execution thereof; and for the better taking the said accounts and discovering of the several matters aforesaid, all parties were to produce before the Master upon oath all deeds, accounts, papers and writings in any manner relating thereto, and were to be examined upon interrogatories as the said Master should direct, who, in taking the said account, was to make unto the parties all just allowances, and any of the parties were to be at liberty to lay a scheme before the said Master for applying the charitable fund given by the said Will of the said Testatrix, and the said Master was to tax all parties

their costs and expenses of suit, and to approve of a conveyance from the said defendants to the said relators, in trust for the purposes in the said Will contained, of all the right and interest of the said defendants in the said property to them bequeathed and devised, and the said costs were to be paid out of the property so devised or bequeathed in trust, and also any balance which might be found due to the said defendants, or any or either of them, on taking of the account, and upon payment of the same and their costs the said defendants were to execute a conveyance and to transfer to the said relators all deeds and other instruments and writings which might have come to their hands as Trustees under the said Will, and either party was to be at liberty to apply to the Court as occasion should require, and his Honor did reserve the consideration of all further directions until after the said Master should have made his report;

"And whereas Robert F. Hazen, Esquire, the Master to whom the matter was referred, by his report made in the said cause, bearing date the twenty sixth day of May in the year of our Lord one thousand eight hundred and forty six, among other things found the sum of one hundred and twenty two pounds, eight shillings and two pence due to the said parties of the first part, as and for their expenses and costs incurred in the execution of the Trusts under the said Will, and the same has been paid to them by the said Commissioners;

"Now this Indenture witnesseth, that in pursuance and in obedience to the hereinbefore recited order or decree of the said Court of Chancery, for and in consideration of the said sum of one hundred and twenty pounds eight shillings and two pence so paid to the said parties of the first part as aforesaid, and also for the consideration of ten shillings, lawful money of the Province aforesaid, to the said parties of the first part, in hand paid at or before the sealing and delivery hereof by the said parties of the second part, as such Commissioners as aforesaid, the receipt whereof is hereby acknowledged, they, the said parties of the first part, with the consent and approbation of the said Master, testified by his signature appearing in the margin hereof, have granted, bargained, sold, aliened, released, and confirmed, assigned, transferred, and set over, and by these presents do grant, bargain, sell, alien, release, and confirm, assign, transfer and set over unto the said parties of the second part, their heirs, executors, administrators, and assigns, as Commissioners of the Alms House and Work House as aforesaid, all those several lots, pieces and parcels of land and premises hereinbefore particularly mentioned and described, together with all buildings, improvements and appurtenances thereon standing and being, and together with all other lands, tenements and hereditaments, goods and chattels, debts and rents, and real and personal estate whatsoever, and wheresoever devised and bequeathed, under and by virtue of the said Will, to the Overseers of the Poor for the City of Saint John, in so far as the said parties of the first part can or may, or ought to grant, bargain, sell, assign and transfer the same under and by virtue of the said order or decree of the Court of Chancery, and under and by virtue of the authority in them vested by the said Will, and the reversion and reversions, remainder and remainders, rents, issues and profits due or to grow due, or arising out of the same since the death of the said Isabella Grundy, and all the estate, right, title, interest, claim, property and demand of the said parties of the first part, or either of them, both at Law or in