

Directors of such united Bank until the next annual election of Officers shall take place agreeably to the said Act incorporating the said Bank of New Brunswick; Provided that the provisions of this Act shall not take effect, except by the order of a majority of the Stockholders of the said Bank of New Brunswick, present at a meeting to be held at any time hereafter, agreeably to the terms of the said Act incorporating the said Bank of New Brunswick, at which meeting shall be represented at least three fourths of the shares of the said Stockholders.

Act not to take effect without the order of the Stockholders.

III. And be it further enacted, That all the Bonds, Bills, Notes or other securities, held by the said City Bank at the time of such union of the said two Banks, shall and may be transferred to and recovered by and in the name of the President, Directors and Company of the said Bank of New Brunswick; and the said President, Directors and Company of the said Bank of New Brunswick, shall be liable to and shall pay and discharge all Bonds, Bills, Notes or other securities given by the said City Bank, and outstanding at the time of such union: And the Stockholders of the said Bank of New Brunswick after the said union, shall be liable for the said last mentioned Bonds, Bills, Notes and other securities, in like manner as for any other debts due from the said Bank of New Brunswick.

The City Bank Securities to be transferred to the Bank of New Brunswick, which is to be liable to pay all Bonds, &c. given by the former.

*Continued to 15th 1839
1st May 1855
Cap? #*

CAP XXVII.

*Amended & ended by 4th 1839
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An Act for the relief of old Soldiers of the Revolutionary War and their Widows.

Passed 23^d March 1839.

WHEREAS it is deemed expedient that some provision should be made by law for such and so many of the Soldiers of the Revolutionary War in America as may be residing in this Province, and are in indigent or distressed circumstances, and also for indigent or distressed Widows of Soldiers who may have served in the same war;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the sum of ten pounds per year shall be paid to every old Soldier of such Revolutionary War, and to every Widow of any Soldier of such Revolutionary War, who, at the time of the passing of this Act, may be resident within this Province, and who is in distressed or indigent circumstances: Provided always, That such Widow shall have been married to such Soldier before the time of the passing of this Act, and shall also be a widow at the time of making her application as hereinafter mentioned.

£10 per annum granted to indigent Soldiers of Revolutionary War and their Widows.

II. Provided always, and be it further enacted, That whenever any application shall be made by any old Soldier under the provisions of this Act, in order to entitle himself to the aforesaid sum of ten pounds, he shall take an oath to be set down in writing, and shall subscribe his name or affix his mark thereto, which oath shall be in the form following, that is to say: " I A. B. of _____ in the County of _____, aged _____ years, do swear that I served in the Revolutionary War in America in the _____ Regiment (or as the fact may be), that I was attached to a Company commanded by _____, that I was lawfully discharged from the service, at _____ in the year _____, that I now reside at _____, in the County of _____, and that I did actually reside in this Province at the time of the passing of an Act made in the second year of the reign of Her Majesty Queen Victoria, intituled ' An Act for the relief of old Soldiers of the Revolutionary War and their Widows,' and that I am not directly or indirectly in the receipt of any pension from Her Majesty's Government, and that I am in indigent circumstances, having no sufficient property by or from which I can support or maintain myself, _____ and _____"

Form of oath to be taken by Soldiers applying under this Act.

“ and that I have not put out of my hands, power or disposal any property in order to secure or provide for my support or maintenance.”

Form of oath to be taken by Widows.

III. Provided also and be it further enacted, That whenever any application shall be made by any Widow of a Soldier of the Revolutionary War for relief under the provisions of this Act, in order to entitle herself to the aforesaid sum of ten pounds, she shall take an oath to be set down in writing, and shall subscribe her name or affix her mark thereto, which oath shall be in the form following, that is to say: “ I A. B. of in the County of , aged years, do swear “ that in the year at I was lawfully married to , who served as a “ in the Revolutionary War in America, that he was attached to the “ Regiment (*or as the fact may be*), that he died (*or was killed*) at in the “ year , that I now reside at , in the County of , that I did actually “ reside in this Province at the time of the passing of an Act made in the second “ year of the Reign of Her Majesty Queen Victoria, intituled ‘ An Act for the “ relief of old Soldiers of the Revolutionary War and their Widows,’ and that I “ was married to the said before the passing of the said Act, and that I am “ now and have been for the last twelve months a Widow, and in indigent circum- “ stances, having no sufficient property by or from which I can support or main- “ tain myself, and that I have not put out of my hands, power or disposal any “ property, in order to secure or provide for my support or maintenance.”

Justices required to administer the oath, examine the party, and if satisfied endorse certificate on the affidavit.

IV. And be it further enacted, That any one of Her Majesty’s Justices of the Peace near to the place where the party applicant shall or may reside, is hereby authorized and required to administer the oath hereinbefore mentioned, and shall personally examine the party appearing before him to depose to the same; and if on such examination the said Justice shall be satisfied that the claim is just and fair, according to the true intent and meaning of this Act, he shall and may grant a certificate under his hand to be annexed unto or endorsed upon the said affidavit, setting forth that he has examined the deponent, and that he verily believes the several matters and things set forth in his or her affidavit are true.

Affidavit to be filed with the Clerk of the Peace to be submitted to the Sessions which is to settle all claims and certify to the Secretary’s Office.

V. And be it further enacted, That the said affidavit and certificate shall be filed in the office of the Clerk of the Sessions of the County in which the same shall be made, on or before the first day of the General Sessions of the Peace next ensuing the date thereof, at which term the said Clerk shall exhibit the same to the Justices then and there assembled, and the several Courts of General Sessions of the Peace in the respective Counties are hereby authorized and empowered to settle all claims for relief made under the provisions of this Act, on the affidavit and certificate hereinbefore required, and shall certify in a general schedule all such claims as they shall allow, and shall transmit the same to the office of the Secretary of the Province.

Authority given to draw on the Treasury.

VI. And be it further enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of Her Majesty’s Executive Council, to draw by warrant on the Treasury of the Province the amount of such Schedule in favor of the Clerk of the Peace of the County, to be by him paid and distributed to the respective claimants.

First payment to be for the year ending on the date of the affidavit.

VII. And be it enacted, That the first yearly sum applied for by any Soldier or Widow under the provisions of this Act, shall be for the year ending on the day of the making of the affidavit hereinbefore mentioned.

Proviso as to persons to whom special grants have been made.

VIII. Provided always and be it enacted, That no Soldier or Widow for whom any special grant may be made during the present Session of the General Assembly, shall be entitled to the benefit of the provisions of this Act until after the first day of November next, and then yearly from that period. IX.

IX. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty two, and no longer. Limitation.

Cont^d to 1845 by 4th vic. c. 23

CAP. XXVIII.

An Act to authorize the Sale of Mortgaged Premises by the Court of Chancery, and directing the application of the proceeds thereof.

Passed 23d March 1839.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever a Bill shall be filed in the Court of Chancery for the foreclosure or satisfaction of a Mortgage, the Court shall have power to decree a sale of the Mortgaged premises, or such part thereof as may be sufficient to discharge the amount due on the Mortgage and the costs of suit.

Court may decree a sale of mortgaged premises on the filing of a Bill for foreclosure.

II. And be it enacted, That all sales of Mortgaged Premises, under the decree of the Court of Chancery, shall be made by a Master under the direction of the said Court, and the conveyances shall be executed by such Master, which shall vest in the purchaser the same estate, and no other or greater, than would have vested in the Mortgagee if the equity of redemption had been foreclosed, and such deed shall be as valid as if the same were executed by the Mortgagor and the Mortgagee, and shall be an entire bar against each of them, and against all parties to the suit in which such decree for sale was made, and against their heirs respectively, and all claiming under their heirs: and every such conveyance having been first duly acknowledged or proved, according to the provisions of the Laws relating to the Registry of Deeds, may be registered in the Registry Office of the County where the lands lie, and such conveyance so registered, or a copy thereof, may be given in evidence in any Court of Law or Equity in this Province, in like manner with and under the same rules and restrictions as any other registered Deed, and when so given in evidence shall be deemed and taken to be evidence that all the proceedings on which such conveyance is founded were rightly had and done.

Sales and conveyances to be made by a Master under direction of the Court.

Conveyances may be registered in the County Register, and when given in evidence to be evidence that all the proceedings were rightly had and done.

III. And be it enacted, That the proceeds of every sale made under the decree of the Court of Chancery as aforesaid, shall be applied to the discharge of the debts adjudged by such Court to be due and of the costs awarded; and in case there shall be any surplus, it shall be brought into Court for the use of the Mortgagor or of the person who may be entitled thereto, subject to the order of the Court.

Application of proceeds of Sales.

IV. And be it enacted, That when any Bill shall be filed for the foreclosure or satisfaction of any Mortgage upon which there shall be due any interest or portion only of the principal, the Bill may be ordered to be dismissed, upon the defendants bringing into Court, at any time before the decree, the principal and interest due, with costs; and in case the same shall be brought into Court after a decree, and before a sale, further proceedings thereupon shall be stayed; but the decree shall stand as a security for such further sums as may thereafter fall due on the Mortgage, and upon any subsequent default of payment thereof, may be enforced by the further order of the Court for the sale of the Mortgaged premises, or of such part thereof as shall be necessary from time to time, until the amount secured by the Mortgage and the costs of the proceedings thereon, shall have been fully paid and satisfied.

Proceedings on Bills for foreclosure of Mortgages on which there shall be due any interest or portion only of the principal.

V. And be it enacted, That if in any of the foregoing cases it shall appear to