

as they in their discretion may think necessary, for the paying off the debts due from the said County ; the same to be assessed, levied, collected and paid agreeably to and under and by virtue of any Act or Acts which are now or may hereafter be in force in this Province for assessing, levying and collecting of rates for public charges.

## CAP. XVI.

An Act to make provision for winding up the affairs of the Savings' Bank at Fredericton.

*Passed 11th April 1846.*

**W**HEREAS, in consequence of the difficulties in which the Bank for Savings established at Fredericton is now involved, it is expedient to make provision by Act of Assembly for winding up the affairs of the said Institution ;

Preamble.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the powers and authorities of any Trustee or Trustees, Treasurer, or other Officer of the said Bank of Savings, established at Fredericton, shall cease and determine: provided always, that nothing in this Act contained shall extend or be construed to extend in any way to discharge or affect any claim which the Depositors in the said Institution may have, either at law or in equity, against any Trustee, Treasurer, or other Officer of the Institution.

Powers of present Trustees and Treasurer annulled, saving the claims of the Depositors.

II. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, specially to appoint a fit and proper person to be the sole Trustee of the said Institution, who shall give bonds to Her Majesty, Her Heirs or Successors, in such amount as His Excellency the Lieutenant Governor may direct, for the faithful performance of the duties of his office, and for the payment and application of all monies received by him as such Trustee.

A Trustee to be appointed by the Governor in Council.

III. And be it enacted, That all monies, goods, chattels and effects whatever, and all securities for money, or other obligatory instruments and evidences or muniments, and all other effects whatever, and all rights or claims belonging to or had by such Institution, shall be vested in the said Trustee for the use and benefit of the said Institution, and the Depositors therein, according to their respective claims and interests.

Property of the Institution vested in such Trustee.

IV. And be it enacted, That the said Trustee shall have all the powers and authorities, in all respects, so far as regards the said Institution, which are conferred upon any Trustee or Treasurer of any similar Institution, in and by the Act made and passed in the sixth year of the Reign of King George the Fourth, intituled *An Act to encourage the establishment of Banks for Savings in this Province* ; save and except that the said Trustee shall not have any authority to receive any further Deposits into the said Bank of Savings.

Powers of any Trustee or Treasurer, under Act 6 G. 4, c. 4, conferred on the Trustee under this Act, except as to receiving deposits.

V. And be it enacted, That it shall be lawful for the said Trustee, if he in his discretion shall consider it for the benefit of the said Institution, and the Depositors therein, to renew any securities for any debt which may be due or belonging to the said Institution by renewal of the same, or by other or further security, or to compound with any person or debtor for such sum as he may consider expedient for the benefit of the said Institution.

Power given to renew or change securities and to compound for debts.

VI. ' And to obviate some difficulties that may occur in setting forth or declaring on the real contract, note or agreement made and given by or to any person for any debt due or belonging to the said Institution, or as security for the same, and whether given to any person as a Trustee, or in his individual name ;' Be it

Mode of declaring and proving in actions to recover the debts.

enacted, That it shall be lawful for such Trustee, in his capacity as Trustee as aforesaid, to recover such debt in any action of debt or assumpsit, and to declare in general terms for money had and received to the use of the said Institution; and on the trial of such action, any promise, agreement, promissory note or indorsement thereof, given by or to any person or persons, for or relating to any such debt, may be made use of as evidence of the quantum of the debt or damages to be recovered by such Trustee, on proof, by parole or otherwise, that such agreement, promise or note was really and truly given for and on account of or relating to such Institution.

Former Trustees,  
Treasurer, &c. to  
be competent wit-  
nesses.

VII. And be it enacted, That in any action which may be brought by the said Trustee in discharge of his duty as such Trustee, any person who may have been a former Trustee, Treasurer, or other Officer, shall be admitted as a competent witness on the trial thereof.

Trustee to make  
reports and pay  
dividends under  
orders of the Govern-  
or in Council.

VIII. And be it enacted, That the said Trustee shall, from time to time when called upon by the Lieutenant Governor or Administrator of the Government for the time being, report to him the state of the affairs of said Institution, and what sums of money have been secured or collected by him, and shall from time to time pay the depositors such a proportion or dividend from any funds on hand as may, by the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, be from time to time ordered and directed.

## CAP XVII.

An Act to provide for the management of the temporalities of the Church of England in this Province in certain cases.

*Passed 11th April 1846.*

Preamble.

‘**W**HEREAS several Churches have been erected in this Province, and ‘duly consecrated according to the rites and ceremonies of the Church of England, in which the pews or sittings for the congregation have been declared free and open, and it is believed that others will be erected upon the same principles: And whereas it is necessary to provide for the election of Church Wardens and Vestry in such Parishes, in order that the temporalities of the Church in such Parishes may be subject to competent management and control, and for other purposes herein mentioned;’

Rectors, Church  
Wardens and Vestr-  
ies of Churches in  
which the Sittings  
are or shall be de-  
clared free, incor-  
porated.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Church Wardens and Vestry of every Church now or hereafter erected in the several and respective Parishes in this Province, in which the sittings for the congregation shall be free and open to all persons without any price or rent being paid therefor, and also of any Church already erected or hereafter to be erected in which the sittings shall not be free and open as aforesaid, in which the Rector, Church Wardens and Vestry thereof may, with the consent and approbation of all the Pew owners and occupants, to be signified in writing, declare the seats to be thenceforth free and open, so soon as they shall be duly elected and chosen pursuant to the provisions of this Act, together with the Rector of every such Church for the time being, and their respective successors for ever, shall be a body politic and corporate in deed and in name, and shall have succession for ever by the name of the Rector, Church Wardens and Vestry of the several and respective Churches to which they belong, and as such shall have a Common Seal, and be entitled to break or renew the same, and shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province.