

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the said County, at any General Sessions of the Peace hereafter to be holden, shall levy and assess the sum of one hundred and ten pounds upon the Parish of Saint Andrews, for the purpose of paying such advances so made by the said Thomas Turner, the same to be assessed, levied, collected and paid agreeably to any Acts now or hereafter to be in force for assessing, levying and collecting County Rates: Provided always, that no greater sum than twenty seven pounds ten shillings shall be assessed in any one year.

4110 by instalments to be assessed on the Parish of Saint Andrews, to repay T. Turner advances made for support of Emigrant Poor.

CAP. LXX.

An Act to authorize the Trustees of Saint Stephen's Church, in the City of Saint John, to sell and dispose of certain Lands in the said City, and to re-invest the proceeds thereof.

Passed 14th April 1847.

WHEREAS the Trustees of Saint Stephen's Church, in the City of Saint John, are now seized and possessed of certain Lands situate and being in the City aforesaid, bounded and described as follows: situate, lying and being in King's Ward, in the City of Saint John, known as lots numbers three hundred and eighteen and three hundred and nineteen, each of the said lots being forty feet wide, and having a front of that width on the northern side of King's Square, and running back northerly one hundred feet, together with a Church and other Buildings erected thereon: And whereas it would tend much to the advantage of the said Trustees and of the Pewholders of the said Church, if the said several lots of Land were sold and disposed of, and the proceeds thereof applied towards the payment of the debts due by the said Trustees of Saint Stephen's Church, in the City of Saint John, and the surplus invested in the purchase of some suitable place for Public Worship, in connexion with the Established Church of Scotland;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Trustees of Saint Stephen's Church, in the City of Saint John, be and they are hereby authorized and empowered to make sale and dispose of the said lots of Land and premises, with the appurtenances, in such lots as the said Trustees may determine, at public auction, giving one calendar month's notice in two or more Newspapers published in the City of Saint John, of the day, hour and place of such sale, for such price or prices as they may be able to get therefor, and thereupon to make and execute good, legal and sufficient conveyances of the same in fee simple, by and under their Corporate Seal; and that the purchaser or purchasers thereof shall hold the same for such Estate, and in such manner as shall be expressed in such conveyances, free and discharged from the trusts under which the same are now held by the said Trustees of Saint Stephen's Church, in the City of Saint John, as incident to their said office, and to the use of the said building as a place of Public Worship, and that the purchaser or purchasers under such conveyances shall not be bound to see to the application of the purchase money therefor.

Trustees of Saint Stephen's Church empowered to sell, &c. described premises.

II. And be it enacted, That the money arising from the sale and disposal of the said lots of Land and premises, with the appurtenances, shall be paid and applied by the said Trustees of Saint Stephen's Church, in the City of Saint John, in the first place towards the payment and satisfaction of the principal and interest of a certain Mortgage of the said premises made by the Honorable John Robertson, for securing the payment to the Honorable Hugh Johnston of the sum of six hundred pounds, with interest, and in the next place towards the payment

Proceeds to be applied to pay off a certain Mortgage and other debts and balance to be lodged in a Bank on Interest.

payment and satisfaction of the other debts of the said Trustees of Saint Stephen's Church, in the City of Saint John, and the residue shall be deposited by the said Trustees in some one of the Banks in the City of Saint John, on interest, to be applied in manner hereinafter mentioned.

Commissioners to be appointed by the Governor in Council to purchase a site for and build a new Church, and set apart Pews therein for Pew-holders in Saint Stephen's Church.

III. And be it enacted, That so soon as the said lots of Land, with the Church and other buildings thereon situate, are disposed of, 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, on the application of the said Trustees, to appoint five Commissioners from among the proprietors of Pews in the said Church at the time of such sale, and from time to time in case of death, removal from the City of Saint John, or refusal to act, to appoint another or others in the room and place of the Commissioner or Commissioners so dying, removing or refusing to act, for the purpose of selecting and purchasing a site for a new Church, to be built by them from the surplus funds arising from the sale of the said lots of Land and buildings hereinbefore described, which funds shall be deposited in a Bank as aforesaid, and be drawn by them as required for the purpose; and the said Church, when completed, shall be in connexion with the Church of Scotland as by Law established; and the said Commissioners shall be and are hereby authorized to set apart Pews in the said Church to the several persons who shall be proprietors of Pews in the said Saint Stephen's Church at the time of its sale, and who shall have paid up all arrears of rents and purchase money of such Pews before the time of sale, to correspond as near as may be with the position and extent of such Pews respectively, as in the judgment of the said Commissioners may be just and equitable, such Pews to be held on the same terms and conditions as the Pews formerly held by them respectively in the said Saint Stephen's Church; and it shall be the duty of the said Commissioners, or the major part of them, and they are hereby required to proceed with all reasonable diligence in the execution of the duties devolved upon them by their appointment under this Act.

Pew-holders in Saint Stephen's Church who object to the sale to be paid off.

IV. And be it enacted, That in case any pewholder or pewholders in the said Saint Stephen's Church shall object to the sale of the said lots of Land and buildings, such objection being made in writing at the time of sale, it shall and may be lawful for the Trustees for the time being to pay to such pewholder or pewholders such sum of money as he or they shall make it satisfactorily appear that he or they paid for the Pew or Pews of which he or they may be proprietors, after deducting any arrears of rent or purchase money due on such Pew or Pews, to the said Trustees, and upon such payment the said pewholder or pewholders so objecting as aforesaid, shall cease to have any interest therein.

Church when completed to be in connexion with the Church of Scotland, with powers, &c. under Act 2 W. 4, c. 18.

V. And be it further enacted, That so soon as the said building is erected and completed, and Pews set apart in manner aforesaid, the said Church shall be and is hereby construed to be a Church erected in connexion with the Established Church of Scotland, with all the powers, rights, and privileges, and subject to all the provisions of the ninth section of an Act made and passed in the second year of the reign of His Majesty King William the Fourth, intituled *An Act to repeal all the Laws now in force relating to Saint Andrew's Church in the City of Saint John, and for incorporating certain persons pewholders of the said Church, and of the several Churches erected or to be erected in this Province, in connexion with the Church of Scotland*, and all the other provisions of the said Act.

Interior fittings of Saint Stephen's Church may be reserved.

VI. And be it further enacted, That the said Trustees of Saint Stephen's Church, in the City of Saint John, shall be at liberty in making sale of the said Church and lots of Land, to reserve so much of the interior fittings of the said Church

Church as they may deem serviceable for the purpose of finishing the said Church so to be erected; and the interior fittings so reserved shall be applied for such purpose, or sold at the discretion of the said Commissioners.

CAP. LXXI.

An Act to provide for the incorporation of certain Presbyterian Churches in this Province not in connexion with the Established Church of Scotland.

Passed 14th April 1847.

WHEREAS it appears to be the desire of the members of the Presbyterian Church in the City of Saint John, and of other Churches established in the said Province, having relation with Presbyterian bodies in Great Britain and Ireland, but not being in connexion with the Established Church of Scotland, to be incorporated, to enable them to manage the temporal affairs of the said Churches, and to provide for certain matters in reference to the call and qualification of the Ministers and otherwise;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the following persons, namely, Andrew Reed, James Dunn, Thomas Parks, John Hawks, and William E. Moore, together with the Elders of the said Church, namely, William Parks, Robert Ritchey, Robert Keady, and George Hutchinson, be and they are hereby declared to be Trustees for the said Church until the election and appointment of not more than nine other Trustees as hereinafter directed, and that the above named Trustees and their successors, (the said nine Trustees and their successors to be chosen and appointed in manner hereinafter mentioned,) for ever shall be a body politic and corporate in deed and name, and shall have succession for ever by the name of *The Trustees of the Saint John Presbyterian Church in the City of Saint John, in connexion with the Presbyterian Church in New Brunswick, and not in connexion with the Established Church of Scotland*; and by that name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever, within this Province, and shall have full power and capacity to purchase, receive, take, hold and enjoy for the use and benefit of the said Church, as well goods and chattels, as lands, tenements and hereditaments, and improve and use the same for the benefit of the said Church, according to their best discretion, and the true intent and meaning of the donors when the same shall be given, devised or bequeathed to the use and benefit of the said Church: Provided always, that the amount of annual rents, profits and receipts of such lands, tenements, goods, chattels and hereditaments, shall not exceed the sum of five hundred pounds, any law, custom or usage to the contrary notwithstanding.

Persons herein named and their successors, Trustees of the Saint John Presbyterian Church in the City of Saint John, in connexion with the Presbyterian Church in New Brunswick, and not in connexion with the Established Church of Scotland, incorporated with specified powers.

II. And be it enacted, That the lot of Land on which the said Church is built, situate at the corner of Great George and Carmarthen Streets, in King's Ward, in the said City of Saint John, together with the lot adjoining, fronting on Great George Street, which lots of Land are at present vested in Trustees for the said Church, shall according to their full metes and boundaries, together with the said Church thereon erected, be and remain fully and absolutely vested in the said Trustees of the Saint John Presbyterian Church, in the City of Saint John, and their successors for ever, as a good and absolute estate in fee simple, for the use, trust and benefit aforesaid, and shall be so deemed and taken in all Courts of Law and Equity in this Province, any law, usage or custom to the contrary in any wise notwithstanding, saving to all purchasers of Pews in the said Church their present legal right therein and thereto, and saving the legal or equitable right of all other persons.

Lot of Land on which the Church is built vested in the Corporation.

III.