

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1847. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1847.

10 Victoria – Chapter 70

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 and being in the City aforesaid, bounded and described as follows: situate, lying and being in the King's Ward, in the City of Saint John, known as lots number 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 on 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 Preholders 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;

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 the application of the purchase money therefor.

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 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.

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.

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.

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.

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 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.