

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1853. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1853.

16 Victoria – Chapter 48

An Act to amend an Act intituled *An Act to authorise 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 reinvest the proceeds thereof.* Passed 3rd May 1853.

Whereas by an Act of the General Assembly of the Province of New Brunswick made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to authorise 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 reinvest the proceeds thereof*, it was amongst other things 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: And whereas the land, buildings and premises mentioned in the said Act, with the appurtenances, have been sold, and the proceeds thereof, after payment of the debts due by the said Church, have been placed in the hands of Commissioners appointed by His Excellency the Lieutenant Governor, pursuant to the terms of the said Act, but such proceeds have not as yet been applied towards the purchase or erection of any other land or buildings, and it has been deemed advisable to allow parties having an interest in the said proceeds, to realize the value of their interest upon fair and equitable terms;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

1. That it shall and may be lawful for the Commissioners for the time being, appointed or to be appointed by His Excellency the Lieutenant Governor under the authority of the said Act, upon application being made to them, in writing, by any person or persons having been a proprietor or proprietors of a pew or pews in the said Church at the time of the sale of the said Church, or his or their personal representative, setting forth the price paid by such proprietor or proprietors for their pews respectively, and the time of payment thereof, also whether there was at the time of such sale, any, and if any, what amount of rent due upon such pews to the Trustees of the said Church, and requiring payment for the value of the said pew or pews, to pay to such person or persons, or his or their personal representative, the price so paid for such pew or pews, deducting all arrears of rent due thereon up to the time of such sale, or such other sum or sums the said Commissioners, or the major part of them, shall consider to have been the true value of such pew or pews at the time of such sale; and upon payment thereof, such proprietor or proprietors, and his or their legal representatives and assigns, shall cease to have any estate or interest in the said fund so realized from the sale of the said Church as aforesaid.

2. That all end singular the real and personal estate belonging to the Trustees of Saint Stephen's Church, in the City of Saint John, at the time of the sale of the said Church, and not sold and disposed of under the said Act, shall be and is hereby vested in the Commissioners appointed by His Excellency the Lieutenant Governor under the authority of the said Act, and such other person and persons as may from time to time hereafter be appointed in their or either of their stead, to hold the same during the term of their respective tenure of the said office, and to receive and take the rents, issues and profits thereof, in trust for the purchase, erection and support of "some suitable place for public worship in connection with the Established Church of Scotland," as provided in the said Act.

3. The said Commissioners for the time being are hereby empowered to grant leases of the said lands, or any parts thereof, not to exceed the term of twenty one years, with covenants for renewal, or payment for improvements, or such other covenants as are usual and customary; and that upon the erection or purchase of some suitable place for public worship in connection with the Established Church of Scotland, under and by virtue of the said recited Act, and the appointment and election of Trustees therefor, the said real and personal estate shall thereupon *ipso facto*, be and become vested in such Trustees, their successors and assigns, for ever.

4. It shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, from time to time, in case of death, refusal to act, or removal from the County of Saint John of any of the Commissioners so appointed, to appoint any other person or persons to be Commissioners in the place and stead of the parties so dying, removing or refusing to act, and so from time to time as occasion shall require; and such Commissioners shall thereupon be vested with such estate, power and authority as were vested in the Commissioners so dying, removing or refusing to act; provided always, that such Commissioners so appointed shall be resident in the County of Saint John, and shall be members of the Presbyterian Church in connection with the Established Church of Scotland.

5. The said Commissioners from time to time are hereby authorised and empowered to lend the moneys now in their hands, or hereafter coming into their hands, upon mortgage, or upon Government or other good securities, upon interest.