

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1867. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1867.

30 Victoria – Chapter 9

**An Act to incorporate "The Governors of the Wiggins, Male Orphan Institution."
Preamble recites bequest for founding Institution. Passed 10th June 1867.**

Section.

1. Incorporates "The Governors of the Wiggins Male Orphan Institution."
2. Vests property in Corporation.
3. Provides for supplying vacancies.

Section.

4. Gives power to purchase lands.
5. Appointment of Officers, &c.
6. Power to make rules and regulations.

Whereas Stephen Wiggins, late of the City of Saint John, in the Province of New Brunswick, Merchant, did, on the fourteenth day of April A. D. 1863, make and publish his last Will and Testament in writing, whereby inter alia he did devise and bequeath in the words, or to the effect following, that is to say:— "And whereas I am desirous of founding and endowing an Institution in the City of Saint John for the benefit of destitute male orphan and destitute male fatherless children, born and to be born in the City and County of Saint John: Now I give and devise to the Reverend William Scovil, Charles Merritt, and Frederick A. Wiggins, and the survivors and survivor of them, and his heirs, their and his assigns, all those lots of land owned by me, situate near the Marine Hospital in the City of Saint John, known on the Plan of the said City on file in the Office of the Common Clerk of the said City, as lots eleven hundred and seventy two, (1172,) eleven hundred and seventy three, (1173,) eleven hundred and seventy four, (1174) eleven hundred and seventy seven, (1177), eleven hundred and seventy eight, (1178,) eleven hundred and seventy nine, (1179,) and eleven hundred and eighty, (1180,) also the lands fronting on Stormont street, conveyed to me by the executors of W. H. Smith by two Deeds, each dated the seventh day of December, in the year of our Lord one thousand eight hundred and thirty six; and I will and direct that the said Reverend William Scovil, Charles Merritt, and Frederick A. Wiggins, and the survivors and survivor of them, his heirs, executors and administrators respectively, their and his assigns, shall stand seized of the said several lots of land and possessed of all such property and moneys devised and bequeathed by this my Will for the purposes of the said Institution, upon the trust hereinafter declared, of and concerning the same, that is to say: In trust to invest and keep invested all such moneys as may come to their hands from any bequest made by me for the purposes of the said Institution, adding interest to principal until there shall be a capital or fund of twenty five thousand pounds; and when the funds held by them for the purposes of the said Institution shall amount to that sum, exclusive of the said lots of land devised for the said Institution, they, my said Trustees, shall nominate so many persons willing to act, as, with my said Trustees, or such of them as may be willing to act, will make nine persons as Governors of the said Institution, and thereupon all the property held by my said Trustees for the purposes of the said

Institution, shall be conveyed, assigned, and transferred, so as to vest the same in the Governors so to be appointed, and in the Governors for the time being of the said Institution, upon trust for the purposes, objects and benefits of the said Institution; and after the said number of nine Governors shall be so filled up, any vacancies occurring by death, resignation, or removal of residence from the said Province, shall be filled up by a majority of the votes of the remaining Governors for the time being; and I direct that no person shall be elected or appointed, or be eligible to election or appointment as Governor of the said Institution, unless he professes a belief in the Christian Religion; and no Roman Catholic, Unitarian, or Universalist, shall be elected or eligible to be elected or appointed as Governor of the said Institution: And I declare that a sum not exceeding five thousand pounds, of the capital funds of the said Institution, shall be applied in erection of a suitable building for the said Institution as hereinafter mentioned, and the residue of the said capital fund, namely, not less than twenty thousand pounds, shall be kept, and continued invested on good security, and the dividends and income thereof applied annually for the objects and purposes of the said Institution, which I declare to be as follows:— To feed, clothe and educate as many destitute male orphan children and destitute male fatherless children born or to be born in the City and County of Saint John, as the annual income of the said capital funds will admit, preference being in all cases given to the destitute male orphans and destitute male fatherless children of Mariners; the children to be admitted into the said Institution not to be under the age of four years nor over the age of ten years at the time of such admission, and not to be continued in the said Institution after attaining the age of fifteen, years; a majority of the Governors of the said Institution for the time being to determine who are eligible and who may be received into the said Institution and receive the benefits thereof; and I declare that the Governors for the time being of the said Institution may, by a majority of votes, make, alter, revoke and reverse such rules and regulations for governance and management of the said Institution, as they may see fit; and that all such teachers and other persons as may be necessary to carry out the objects of the said Institution, shall be appointed by and subject to removal by a majority of the said Governors for the time being, and who shall determine the compensation to be paid to the same; provided that no person shall be eligible to or be appointed to fill the office of teacher in the said Institution if he be a Roman Catholic, Unitarian, or Universalist, nor unless he profess the doctrines of the Christian Religion, excluding the above parties; and I further declare, that all such children as shall be admitted into the said Institution shall be subject to expulsion by vote of a majority of the Governors for the time being; and I further will and direct, that the children admitted into the said Institution be taught Christian Protestant principles, and that when they leave the said Institution, it is my will that they be placed in such trades or callings as may be best adapted to their capacities and inclinations: And it is my will that the Governors of the said Institution shall, by and out of the sum directed by me to be expended for that purpose, cause to be erected on the said lots of land so devised by me for the said Institution, or on some convenient part thereof, a building adapted and suitable to and to be used for the purposes of the said Institution; and so much of the said lots as may not be covered by the said building shall be connected therewith and

enclosed and used as play grounds for the children admitted into the said Institution, except any parts of lots eleven hundred and seventy seven, (1177,) eleven hundred and seventy eight, (1178,) eleven hundred and seventy nine, (1179,) eleven hundred and eighty, (1180,) which may be set apart and used for the purposes of a Female Orphan Asylum or Institution, under the directions hereinafter contained, that is to say:—If any persons shall provide funds to an extent not less than the sum of ten thousand pounds for founding and endowing a Female Orphan Institution, the Governors for the time being of the Institution so founded by me, may set apart the said lots numbers 1177, 1178, 1179, and 1180, or a convenient portion of them, for the use of any such Female Orphan Institution, so that the buildings and grounds of the two Institutions be unconnected, and the lands so set apart be appropriated to the special purposes and objects of the said Female Orphan Institution, and none other; and on condition, that if the lands which shall be so set apart shall cease to be used for such purpose, then the said lands shall revert to the Governors for the time being of the Institution founded by me as aforesaid: And I direct, that in case the annual income of the funds of the said Institution founded by me, held for the time being, shall be more than required for the objects of the said Institution for the current year, then the surplus not required shall be converted into capital and be invested in good securities, and held in trust to apply the dividends and income thereof for the benefit of the said Institution; and I further direct and declare that the Governors for the time being of the said Institution so founded by me, shall at all times keep the building or buildings belonging to the said Institution well and sufficiently insured against loss or damage by fire, in some reputable Office or Offices of Insurance against fire, and shall, on any and every occasion of such loss or damage by fire, with all convenient speed, cause such loss or damage by fire to be rebuilt, repaired and re-instated: And it is my will and intention, and I hereby declare and direct that no part of the lands or lots numbers 1177, 1178, 1179, 1180, hereinbefore mentioned, shall be set apart or appropriated to the use of any such Female Orphan Institution as aforesaid, unless such Female Orphan Institution shall at all times be governed, managed and conducted on the same Christian Protestant principles (excluding from all office and influential employment in the said Institution all Roman Catholics, Unitarians, and Universalists,) as are hereinbefore in this my Will prescribed and established for the governance and management of the Institution so founded by me as aforesaid: And I give and bequeath to my said Executors, the said Reverend William Scovil, Charles Merritt, and Frederick A. Wiggins, and the survivors and survivor of them, his executors and administrators, their and his assigns, the sum of seven thousand pounds, the same to be paid to them by my said son, Frederick A. Wiggins, out of my residuary personal estate and effects, (in the optional manner hereinafter mentioned), by equal instalments, in six, twelve and eighteen months next after my decease, and also six thousand dollars of the capital stock of the Merchants' Bank of Boston, two thousand dollars of the capital stock of the Webster Bank of the City of Boston, ten thousand dollars of the capital stock of the Bank of Commerce in New York, six thousand dollars of the capital stock of the Metropolitan Bank of New York, ten thousand three hundred and twenty five dollars (or four hundred and thirteen shares) of the capital stock of the Mechanics' Bank of New York, fourteen thousand

dollars (or two hundred and eighty shares) of the capital stock of the Merchants' Bank of New York, six thousand dollars (or one hundred and twenty shares) in the capital stock of the Union Bank of the City of New York, two thousand dollars (or twenty shares) of the capital stock of the City Bank of New York, and four thousand dollars (or eighty shares) of the capital stock of the Manhattan Company in New York, in trust for the benefit of the said Institution for destitute male orphans and destitute male fatherless children hereinbefore in this my Will referred to and specified, and subject to the directions and provisions in this my Will contained, as to and concerning the same; provided always, and it is my will and intention, that it shall be lawful, and it shall be at the option and in the election of my said son, Frederick A. Wiggins, to pay the said sum of seven thousand pounds to my said executors for the purposes aforesaid, or any part thereof, either in money or in any or either of the stocks or securities in which the same may at the time of such payment be invested, and bearing six per centum per annum interest, that is to say, in shares of the capital stock of the Bank of New Brunswick, or in any bonds or securities of the Corporation of the City of Saint John, or of the Corporation of Trinity Church in said City, or in Debentures of the Commissioners of Sewerage and Water Supply of the City of Saint John and Parish of Portland, or in good and valuable mortgages, whether the said stocks, securities, or mortgages, or any of them, shall be held by or standing in the name of the said Frederick A. Wiggins alone, or Of the firm of Stephen Wiggins & Son jointly; and all such stocks and securities shall be paid and transferred by the said Frederick A. Wiggins (on account of the said payments of seven thousand pounds) to my said Executors, and shall be received and taken by my said Executors, at par."

And whereas the said Stephen Wiggins has departed this life: And whereas the said Will was duly executed according to the Laws of this Province for passing real and personal estate, and the same has been duly proved and is now on file in the Office of the Registrar of Probates for the City and County, of Saint John; and the said Reverend William Scovil, Charles Merritt, and Frederick A. Wiggins, the Trustees aforesaid, being desirous of carrying into effect the benevolent intentions of the said testator Stephen Wiggins, have duly invested the said sum of money so devised and bequeathed by the said Stephen Wiggins, for the purposes aforesaid, and have added the interest thereto, so that the sum now realized and held by them amounts to the sum of twenty five thousand pounds of current money of New Brunswick, exclusive of any lots of land, devised to and held by them in trust for such Institution; and they the said William Scovil Charles Merritt, and Frederick A. Wiggins, have nominated and appointed six persons, viz: Honorable John W. Weldon, Beverley Robinson, J. D. Lewin, George C. Wiggins, Henry W. Frith, and the Rector of Saint James' Church in the City of Saint John for the time being, making with them the said William Scovil, Charles Merritt, and Frederick A. Wiggins, the number nine, to be the Governors of the said Institution: And whereas it is desirable that effect by Legislative enactment should be given to carry into operation the charitable and benevolent designs of the said Testator;—

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

1. That the said Reverend William Scovil, Charles Merritt, Frederick A. Wiggins, Honorable John W. Weldon, Beverley Robinson, J.D. Lewin, George C. Wiggins, Henry W. Frith, and the Rector of Saint James' Church in the City of Saint John for the time being, and their successors in office, shall be and they are hereby incorporated in deed and name a body corporate, by the name of "The Governors of the Wiggins Male Orphan Institution," with all the powers and privileges incident to a Corporation, to carry into effect the provisions of the said Will of the said, Stephen Wiggins.

2. That the said Corporation of "The Governors of the Wiggins Male Orphan Institution," and their successors, shall be and are hereby declared to be vested with the said property, real and personal, so hereinbefore recited and devised, upon the trusts and subject to the provisions, stipulations and conditions in the said Will contained, and the same shall be held by them as such Corporation of "The Governors of the Wiggins Male Orphan Institution," for ever; saving, nevertheless, the rights of Her Majesty and of all persons of and in the said property hereinbefore mentioned to be devised and bequeathed.

3. That when and so often as any vacancy shall arise by the death or resignation, or removal of residence from the Province, of any of the said Governors, so that the number shall be reduced below nine, the surviving Governors, being resident in the Province of New Brunswick, shall at a meeting to be held for that purpose, elect a suitable person to supply such vacancy; and such person so elected, (as often as may be to fill a vacancy) upon signing the Declaration in the Records of the said Institution, that he professes to believe the Christian Religion, but is not a Roman Catholic, Unitarian, or Universalist, shall be one of the Governors.

4. That the said Corporation shall have power to purchase other lands adjoining to the said lots from any surplus of the interest arising from the said capital stock of twenty thousand pounds, to be held upon the like trust and conditions.

5. That the said Corporation shall have power to appoint such and so many officers and servants to the said Institution, and to pay such reasonable salaries and allowances, as they may deem proper.

6. That the said Corporation shall have power from time to time to make rules and regulations for the government of the said Institution, and to alter the same as they may find necessary.