

CAP. LVII.

An Act to authorize the Trustees of Saint Andrew's Church, in the City of Saint John, to sell a Lot of Land in the Parish of Simonds.

Section.

1. Authority to sell and convey.

Section.

2. Application of proceeds.

Passed 13th April 1859.

WHEREAS the Trustees of Saint Andrew's Church, in the City of Saint John, are possessed of a certain Lot of Land in the Parish of Simonds, in the County of Saint John, granted to the said Saint Andrew's Church by Letters Patent under the Great Seal of the Province, dated the twenty third day of August in the year of our Lord one thousand eight hundred and twenty : And whereas the said Trustees are desirous of making the said land more available for the benefit and advantage of the said Church, by selling the same and investing the proceeds in such manner as may be deemed most beneficial to the said Saint Andrew's Church ;—

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

1. That the Trustees of Saint Andrew's Church for the time being, be and they are hereby authorized to sell and dispose of the said Lot of Land, either in one or in separate parcels, by public or private sale, for the best price or prices that they can obtain for the same, and to grant to the purchaser or purchasers thereof, or any part thereof, a good and sufficient title in fee simple, under the corporate Seal and the hands of the Chairman and Secretary of the said Trustees for the time being.

2. That the proceeds of said land, after deducting the necessary expenses of sale and conveyance thereof, or any part thereof, from time to time as the same may be received, shall be applied by the said Trustees and their successors for the use and benefit of said Saint Andrew's Church, as by them and their successors may be deemed most beneficial and advisable.

CAP. LVIII.

An Act to authorize the Trustees of the Victoria College, in the City of Saint John, to wind up and close the affairs of the said College.

Section.

1. Trustees to sell real and personal property of the College.

2. Collect outstanding debts and effects.

3. Call meeting of Stockholders for adjusting debts.

4. President of the meeting ; claims to be submitted.

Section.

5. Claimants may appeal to a Judge of the Supreme Court.

6. Trustees to pay adjusted claims ; final meeting and adjustment.

7. Meeting for purposes of this Act to be within six months.

8. Committee may be appointed.

9. When College to be deemed dissolved.

Passed 13th April 1859.

WHEREAS the President, Trustees, and Proprietors of the Victoria College have already sustained much loss in consequence of many of the members who constituted themselves a joint stock Association previous to the passing of the Act of Incorporation of said College having declined to pay their subscriptions, although suits have been instituted against them for recovery of such without effect : And whereas the said Trustees are, in consequence of such nonpayment and of the failure to obtain a sufficient number of stockholders, without funds to enable them to pay the purchase money now due for the real estate belonging to said Corporation, purchased from Benjamin Appleby and Wife, by Deed bearing date the fifth day of October in the year of our Lord one thousand eight hundred

and fifty five, and it is found that the purposes for which the said College was incorporated cannot be accomplished for the reasons aforesaid : And whereas at a meeting of the stockholders who have paid in their subscriptions, holden at the City of Saint John on Wednesday the twelfth day of January in the year of our Lord one thousand eight hundred and fifty nine, a draft of the Petition to the Legislature, praying that an Act be passed to enable the Society to wind up its affairs and dissolve the Corporation, as also the draft of a Bill to effect this object, having been read, it was unanimously approved of, and it was resolved, that the said President and Directors be a Committee to get such Petition and Bill engrossed and laid before the Legislature at the present Session : And whereas in pursuance of such Resolution, application has been made on behalf of the said Corporation to enable the said Trustees to sell and dispose of their real and personal estate and effects thereof, and after payment of all just debts and liabilities of such Corporation, to distribute the residue of the proceeds, if any, as hereinafter mentioned ;—

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

1. That it shall and may be lawful for the said Trustees, and they are hereby required to sell and dispose of all and singular the real and personal property, goods, chattels, estate and effects of the said College, either at public auction or by private sale, in one lot or in separate parcels, for cash or upon credit, and on such terms of payment as to them may seem advisable, and for the best price or prices that can reasonably be obtained therefor.

2. That the said Trustees shall and may, with all convenient dispatch, collect, get in, and receive all the outstanding debts and effects of the said College.

3. That it shall and may be lawful for the Trustees, and they are hereby required to appoint such meeting or meetings of the stockholders, and all other parties interested, to be held at such times and places as they may think fit, whereof due notice shall be given by the President by advertisement thereof in any one or more of the public Newspapers published in the City of Saint John, at least eight days before the time appointed for such meeting, for the purpose of ascertaining, proving, and adjusting all such legal and equitable claims and demands of every nature and kind as shall be outstanding against the said College.

4. That the President, or in case of his absence, one of the Trustees shall preside at such meeting, and that all such legal and equitable claims and demands shall respectively be reduced into writing, and submitted to the stockholders of the said College present at such meeting, or at any further meeting to be called as aforesaid, and shall be allowed, reduced, or rejected, according to the decision of the stockholders then present.

5. That in case any such claim shall be reduced or rejected, it shall and may be lawful for the claimant, within one month after such meeting, to make application to a Judge of the Supreme Court by affidavit, setting forth the nature and full particulars of such claim ; and such Judge is hereby authorized and empowered to make an order calling upon the President and Trustees of the said College, to appear by their Attorney at such time and place as the said order shall appoint, and to answer such claim ; and the said Judge is hereby authorized and empowered to require either party to produce further affidavits, and to hear and determine the said claim upon affidavits, as fully and effectually to all intents and purposes as any Court