

fees therein; and on the allowance and taxation the Judge shall not allow for any but necessary services actually performed by such Clerk.

3. That it shall be the duty of the Clerk of the County Court for the County of York, and the Clerk of the County Court for the County of Saint John, immediately on receipt of depositions, or any other documents of a criminal nature as mentioned in the first Section of this Act, to transmit the same to the Clerk of the Crown in the Supreme Court, whose duty it shall be to prepare all necessary indictments, and to prosecute the same to a conclusion, provided that nothing in this Section shall interfere with the Clerk of the County Court for York and Saint John from discharging all other duties provided for by this Act, with the exception of preparing indictments and prosecuting the same.

4. That the Clerk of the Crown in the Supreme Court shall not be entitled to receive any further compensation for services performed under this Act than is provided by Legislative appropriation.

5. That all recognizances estreated in any County Court shall, by the Clerk of such Court, be immediately forwarded to the Attorney General, with a certificate that the same has been forfeited and estreated, signed by the Clerk of such Court, which certificate shall be evidence in all Courts of Law and Equity in this Province of the forfeiture and estreat of such recognizance.

6. That the amount to be paid to the Clerk of any County Court shall be duly certified to the Provincial Secretary by the presiding Judge at such County Court, under the hand of such Judge, and on such certificate shall be paid by warrant in the usual and ordinary manner.

7. That nothing in this Act shall interfere with the right of the Attorney General, at any time and in any stage of the proceedings, to take charge of and control such proceedings as fully to all intents and purposes as if this Act had not been enacted.

CAP. VI.

An Act relating to Presentations to Rectories of the Church of England in the Province of New Brunswick.

Sec.

- 1 Who may be admitted to any benefice, &c.
- 2 When a vacancy occurs, Church Wardens to signify the same to the Bishop.
- 3 When a vacancy occurs, Wardens to call meeting of Parishioners.
- 4 Notice of time and place of meeting to be given.
- 5 Who shall be entitled to vote; proviso.

Sec.

- 6 If nomination not made within six months, Bishop to collate.
- 7 When choice made, Wardens to notify Bishop; duty of Bishop.
- 8 If Wardens refuse or neglect to obey Bishop's mandate, a new one may issue to other persons.
- 9 If institution refused, Bishop to state cause.
- 10 Cap. 107, Title xxvii, Rev. Stat. in part repealed.

Passed 21st April, 1869.

WHEREAS it is desirable to provide for the Presentation to Ecclesiastical Rectories of the Church of England in the Diocese of Fredericton, in the Province of New Brunswick; Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. No person shall be capable to be admitted to any Parsonage, or Ecclesiastical benefice or promotion in the Church of England, within the Province of New Brunswick, but such as shall be duly licensed by the Bishop of the said Diocese, and shall also conform to and consent in writing to be bound by the Liturgy and Articles of the said Church.

2. On the death, resignation, deprivation or removal from the Diocese of any Rector, or other vacancy in the Rectory

of any Church within the said Province, it shall be the duty of the Church Wardens of the said Church, within ten days thereafter, to signify such vacancy to the Bishop of the Diocese.

3. It shall be the duty of the Church Wardens and Vestry of the said Church, within one month after such vacancy shall have occurred, to appoint a day when the nomination to fill such vacancy shall be made by the Parishioners by a two thirds majority of votes of those present at the meeting so convened therefor, or some adjournment thereof; provided that the time for such nomination shall not exceed six months from the day when such vacancy shall have occurred.

4. Notice of the time and place of such meeting shall be given by the Church Wardens, by affixing a written or printed notice on the door of the Church, Churches and Chapels of Ease within the Parish at least twenty days before the time appointed therefor.

5. The Parishioners entitled to vote shall consist of male persons over the age of twenty one years, and being pew-owners, or lessees from the Church of pews; and of male persons over such age, who shall have been for a period of six months next preceding such choice for presentation stated attendants at the public worship of the said Church, or some Chapel of Ease connected therewith, and who shall not belong to any other religious denomination, and who shall, at the time of the meeting, produce a receipt from one of the Church Wardens or the Vestry Clerk of the said Church, for the payment of the sum of one dollar or upwards, in aid of the said Church or Chapel of Ease, for the year preceding such choice; provided that not more than one person shall be entitled to vote on any one pew ownership or leasing in respect thereof.

6. Should no nomination be made by the Parishioners and notified to the Bishop of the Diocese within six months after the vacancy shall have occurred, it shall be lawful for the Bishop of the Diocese to collate to such vacant Church.

7. It shall be the duty of the Church Wardens within ten days after such meeting and choice, to notify the same in writing, and to present the person so chosen to the Bishop of the Diocese, whereupon the Bishop shall institute the person so presented to the vacant benefice, unless some lawful impediment exist to his so doing, and shall issue his mandate to the Church Wardens to induct the person so presented and instituted.

8. In case the Church Wardens should neglect or refuse for the space of thirty days after the receipt of the Bishop's mandate to make the induction, or in case of the death or removal from the Parish of the Church Wardens or either of them, or if from any other cause (except the inability of the person presented to attend) the induction cannot be made within the space of thirty days after the issuing of the said mandate, it shall be lawful for the Bishop, on being notified thereof in writing by the person so presented, or by either of the Church Wardens, to issue his mandate to some other person or persons to make such induction, and the person or persons so appointed shall have the like power and authority, and the induction made by them or him shall be as valid and effectual as if done and made by the Church Wardens of the Parish under the mandate issued according to the last preceding Section of this Act.

9. Should institution be refused, the cause or causes of such refusal shall be signified in writing by the Bishop to the person presented.