

tue of the Act of the General Assembly of this Province made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to authorize the Trustees of Saint Stephens Church, in the City of Saint John, to sell and dispose of certain lands in the said City, and to reinvest the proceeds thereof*, and of certain other Acts of the said General Assembly subsequently passed in amendment thereof, have purchased a lot of land or site, and have built thereon a new Church as contemplated by the said Acts, which said Church is now completed and ready to be transferred by the said Commissioners, or the major part of them, to the Trustees and congregation thereof, or either of them; And whereas doubts are entertained as to who may be eligible for the first Trustees of the said Church, and how and by whom the same are to be elected and chosen;—

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

1. That the said Church shall be called and known as 'The New Saint Stephens Church in the City of Saint John.'

2. That the following persons are hereby declared to be eligible for and entitled to vote at the first election of the Trustees of the said New Church, that is to say:—

1st. Persons holding Pews in the said Church set apart for them by the said Commissioners:

2nd. Persons who have already purchased or who may purchase Pews in the said Church from the said Commissioners, or the major part of them, previous to the time hereinafter named for the election of Trustees:

3rd. Persons who now are or who may before the time of the said election become lessees from the said Commissioners, or the major part of them, of Pews in the said Church for a period of not less than one year from the time of such leasing.

3. That the first election of such Trustees shall take place on the first Wednesday in June next, or within ten days next thereafter, within the said New Church, of which said election the said Commissioners, or the major part of them, shall first give public notice of not less than seven days, by publishing the same in two or more of the Newspapers published in the said City of Saint John, and that then and there by a plurality of voices the parties entitled to vote as aforesaid, shall, between the hours of twelve o'clock, noon, and three o'clock in the afternoon, elect and choose not less than five nor more than twelve persons, being eligible as aforesaid, to be Trustees of the said New Church, who shall thereupon enter into the execution of their office as such, with all the powers, rights and privileges now by law conferred upon the Trustees of Churches erected or to be erected in this Province, in connexion with the Established Church of Scotland, and shall continue in the same one year, and until other fit persons shall be chosen in their stead, in accordance with the provisions in that respect of the Act fourteenth Victoria, Chapter nine; provided always, that no ownership, proprietorship, or holding of a Pew as aforesaid, shall entitle more than one person to vote at such election on such Pew.

4. The Trustees so elected as aforesaid, or the major part of them, shall at their first meeting after such election, elect from among themselves a Chairman, who shall preside over the deliberations of all meetings of Trustees; and in case of the absence of such Chairman, it shall be lawful for the Trustees there present to elect a Chairman for the time being to preside over the meeting; and in all meetings of Trustees a majority of the members elected as hereinbefore provided for, shall constitute a quorum for the transaction of business.

5. That upon the election of Trustees as herein provided for, the said New Church lands and premises, with the appurtenances, and all other the real and personal estate now vested in the said Commissioners shall thereupon *ipso facto* be and become vested in such Trustees, their successors and assigns, for ever.

CAP. XXXIX.

An Act to authorize the Rector, Church Wardens and Vestry of Trinity Church, Saint John, to receive and hold gifts and bequests for charitable and pious uses.

Passed 21st April, 1869.

WHEREAS George Swinney, late of the City of Saint John, gentleman, deceased, by his last will and testament, bearing date the thirteenth day of January, A. D. 1852, did, amongst other things, devise and direct as follows, that is to say:—
 "I devise that my Executors shall assign, transfer, and set over, and pay, convey, assure and confirm all and singular my real and personal estate, as aforesaid, and every part thereof, and the funds, stocks and securities in which the same, or any part thereof, shall be invested, unto the Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, to hold to them and their successors for ever, upon the trusts and purposes nevertheless hereinafter declared, and for no other use or purpose whatsoever, namely, to invest and keep invested the same and every part thereof for ever, in such safe and undoubted funds, stocks, or other securities, as the Vestry for the time being of the said Church may deem most advantageous, and to apply and appropriate the interest thereof, and only the interest, from time to time, towards the charitable assistance and relief of necessitous and poor widows and orphans, residents in the City of Saint John, and in such sum or sums as may relieve their pressing and urgent wants, exercising a prudent and watchful care that the objects of this bounty and charity are really and truly in want and necessity, and are worthy and deserving of the same, it being my earnest wish and desire that this interest money shall be a perpetual fund, as a poor's box, not laid out in pensions and annuities, but always available to the necessitous calls of such poor widows and orphans as are above mentioned and described:" And whereas the said George Swinney has departed this life, and the said will having been duly proved, and the Executors being now in a position so to do, are now desirous of carrying into effect the benevolent intentions of the Testator, by conveying, assigning and transferring to the said Rector, Church Wardens and Vestry, the property so devised to them, upon the trusts in the said will mentioned and contained; And whereas other charitable gifts and bequests have been made to the said Rector, Church Wardens and Vestry, upon similar Trusts, and doubts have arisen, whether in their corporate capacity they are capable of taking, holding or administering any property or trust not expressed to be for the use of the said Church, or the use and benefit of the Rector thereof; And whereas it is desirable that the said Rector, Church Wardens and Vestry, should be fully authorized and empowered to carry out the charitable intentions of the said Testator above mentioned, and also to receive, hold and administer the said trust by the said will created or intended so to be, and also other gifts and bequests now held for like purposes by the said Rector, Church Wardens and Vestry;—