

enacted, That it shall be lawful for such Trustee, in his capacity as Trustee as aforesaid, to recover such debt in any action of debt or assumpsit, and to declare in general terms for money had and received to the use of the said Institution; and on the trial of such action, any promise, agreement, promissory note or indorsement thereof, given by or to any person or persons, for or relating to any such debt, may be made use of as evidence of the quantum of the debt or damages to be recovered by such Trustee, on proof, by parole or otherwise, that such agreement, promise or note was really and truly given for and on account of or relating to such Institution.

Former Trustees,
Treasurer, &c. to
be competent wit-
nesses.

VII. And be it enacted, That in any action which may be brought by the said Trustee in discharge of his duty as such Trustee, any person who may have been a former Trustee, Treasurer, or other Officer, shall be admitted as a competent witness on the trial thereof.

Trustee to make
reports and pay
dividends under
orders of the Gover-
nor in Council.

VIII. And be it enacted, That the said Trustee shall, from time to time when called upon by the Lieutenant Governor or Administrator of the Government for the time being, report to him the state of the affairs of said Institution, and what sums of money have been secured or collected by him, and shall from time to time pay the depositors such a proportion or dividend from any funds on hand as may, by the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, be from time to time ordered and directed.

CAP XVII.

An Act to provide for the management of the temporalities of the Church of England in this Province in certain cases.

Passed 11th April 1846.

Preamble.

‘ WHEREAS several Churches have been erected in this Province, and ‘ duly consecrated according to the rites and ceremonies of the Church ‘ of England, in which the pews or sittings for the congregation have been declared ‘ free and open, and it is believed that others will be erected upon the same ‘ principles: And whereas it is necessary to provide for the election of Church ‘ Wardens and Vestry in such Parishes, in order that the temporalities of the ‘ Church in such Parishes may be subject to competent management and control, ‘ and for other purposes herein mentioned;’

Rectors, Church
Wardens and Ves-
tries of Churches in
which the Sittings
are or shall be de-
clared free, incor-
porated.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Church Wardens and Vestry of every Church now or hereafter erected in the several and respective Parishes in this Province, in which the sittings for the congregation shall be free and open to all persons without any price or rent being paid therefor, and also of any Church already erected or hereafter to be erected in which the sittings shall not be free and open as aforesaid, in which the Rector, Church Wardens and Vestry thereof may, with the consent and approbation of all the Pew owners and occupants, to be signified in writing, declare the seats to be thenceforth free and open, so soon as they shall be duly elected and chosen pursuant to the provisions of this Act, together with the Rector of every such Church for the time being, and their respective successors for ever, shall be a body politic and corporate in deed and in name, and shall have succession forever by the name of the Rector, Church Wardens and Vestry of the several and respective Churches to which they belong, and as such shall have a Common Seal, and be entitled to break or renew the same, and shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province.