

XXXV. Notwithstanding the arrival of the time for the final closing of the Bank, the Directors in office at such time shall remain in office as trustees, to complete and close the business of the Bank, and they or their survivors, or survivor, shall have as such trustees, for that purpose only, all the powers hereby vested in the Directors, and such powers may be exercised by any majority of them, or of the survivors of them.

Directors to continue as trustees.

XXXVI. When the Receiver General is satisfied that all the liabilities of the Bank have been discharged, or that such as are undischarged amount only to a certain sum, he may deliver up to the Directors or trustees the debentures in his hand belonging to the Bank, or such amount thereof as will leave in his hands no more than the amount of such undischarged debts.

Debentures to be delivered to Bank when the Receiver is satisfied.

XXXVII. In case the Bank fails to meet its engagements to or with regard to any depositor upon a demand being made in accordance with the By-laws, and in case the Receiver General shall, after hearing the party complaining and the reply of the Bank thereto, think it a proper case for closing the Bank, and shall certify accordingly, then the Bank shall be finally closed, and all the proceedings in the next preceding clauses shall apply to the said closing as much as to any closing under them.

When the Bank may be closed.

XXXVIII. Upon a final closing of the Bank the Receiver General shall have full power and authority to cause the securities in his hands belonging to the Bank, and the interest thereon, to be applied solely to the payment of the sums due depositors in the Bank in equal proportions, and for this purpose he may sell, dispose of, and convert into money any of the said securities.

Receiver General to sell or dispose of securities in certain cases.

XXXIX. In case he shall see fit to deliver any of such securities to the Directors of the Bank for the purpose of being applied aforesaid, he shall require good and sufficient security to be given by bond to Her Majesty that such securities shall be faithfully applied, and upon any breach of the condition of said bond the same shall be enforced on behalf of the Crown, and the sum recovered shall be applied first in aid of the funds of the Bank to pay the claims of depositors thereon, and the remainder to the public uses of the Province.

Bond to be taken from Directors in certain cases.

XL. Any officer or servant of the Bank, or any stockholder thereof, shall be a competent witness in any suit, action or proceeding by or against the Bank, provided he be not otherwise incompetent.

Any officer or shareholder to be a witness.

XLI. Service of process of any notice or other document may be validly made by leaving a duly certified copy thereof with any Director or officer of the Bank, or any grown person in the employ of the Bank at the place at which its business is carried on, except only in cases where, from the nature of the process, notice or document service thereof ought to be made on some particular member or officer of the corporation in person, but any process, notice or document which in the case of a private party might be validly transmitted to such party by mail, may, with like effect be transmitted by mail to such Bank, under its corporate name, addressed to its place of business aforesaid.

Service of process, &c.